



760754

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/14/2019	.	
	.	
	.	
	.	

The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment

Delete lines 118 - 398

and insert:

1. Valued at \$1,500 ~~\$300~~ or more, but less than \$5,000.
2. Valued at \$5,000 or more, but less than \$10,000.
3. Valued at \$10,000 or more, but less than \$20,000.
4. A will, codicil, or other testamentary instrument.
5. A firearm.
6. A motor vehicle, except as provided in paragraph (a).



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11 7. Any commercially farmed animal, including any animal of
12 the equine, avian, bovine, or swine class or other grazing
13 animal; a bee colony of a registered beekeeper; and aquaculture
14 species raised at a certified aquaculture facility. If the
15 property stolen is a commercially farmed animal, including an
16 animal of the equine, avian, bovine, or swine class or other
17 grazing animal; a bee colony of a registered beekeeper; or an
18 aquaculture species raised at a certified aquaculture facility,
19 a \$10,000 fine shall be imposed.

20 8. Any fire extinguisher.

21 9. Any amount of citrus fruit consisting of 2,000 or more
22 individual pieces of fruit.

23 10. Taken from a designated construction site identified by
24 the posting of a sign as provided for in s. 810.09(2)(d).

25 11. Any stop sign.

26 12. Anhydrous ammonia.

27 13. Any amount of a controlled substance as defined in s.
28 893.02. Notwithstanding any other law, separate judgments and
29 sentences for theft of a controlled substance under this
30 subparagraph and for any applicable possession of controlled
31 substance offense under s. 893.13 or trafficking in controlled
32 substance offense under s. 893.135 may be imposed when all such
33 offenses involve the same amount or amounts of a controlled
34 substance.

35

36 However, if the property is stolen within a county that is
37 subject to a state of emergency declared by the Governor under
38 chapter 252, the property is stolen after the declaration of
39 emergency is made, and the perpetration of the theft is



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40 facilitated by conditions arising from the emergency, the
41 offender commits a felony of the second degree, punishable as
42 provided in s. 775.082, s. 775.083, or s. 775.084, if the
43 property is valued at \$5,000 or more, but less than \$10,000, as
44 provided under subparagraph 2., or if the property is valued at
45 \$10,000 or more, but less than \$20,000, as provided under
46 subparagraph 3. As used in this paragraph, the term "conditions
47 arising from the emergency" means civil unrest, power outages,
48 curfews, voluntary or mandatory evacuations, or a reduction in
49 the presence of or the response time for first responders or
50 homeland security personnel. For purposes of sentencing under
51 chapter 921, a felony offense that is reclassified under this
52 paragraph is ranked one level above the ranking under s.
53 921.0022 or s. 921.0023 of the offense committed.

54 (d) It is grand theft of the third degree and a felony of
55 the third degree, punishable as provided in s. 775.082, s.
56 775.083, or s. 775.084, if the property stolen is valued at \$100
57 or more, but less than \$1,500 ~~\$300~~, and is taken from a dwelling
58 as defined in s. 810.011(2) or from the unenclosed curtilage of
59 a dwelling pursuant to s. 810.09(1).

60 (e)1. Except as provided in paragraph (d), if the property
61 stolen is valued at \$100 or more, but less than \$1,500 ~~\$300~~, the
62 offender commits petit theft of the first degree, punishable as
63 a misdemeanor of the first degree, as provided in s. 775.082 or
64 s. 775.083.

65 2. The threshold amounts for offenses specified in this
66 paragraph and subparagraph (c)1. must be adjusted every 2 years
67 in an amount equal to the total of the annual increases for that
68 2-year period in the Consumer Price Index for All Urban



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69 Consumers, U.S. City Average, All Items. The Office of Economic
70 and Demographic Research shall calculate the thresholds, rounded
71 to the nearest \$50, and publish the amounts, as adjusted, on its
72 website by July 1 of every second year, with the amounts to take
73 effect on October 1 of that year. The office shall certify the
74 revised amounts to the Division of Law Revision, which is
75 directed to conform the statutes to the revised amounts.

76 Section 4. Subsections (8) and (9) of section 812.015,
77 Florida Statutes, are amended, and subsection (10) is added to
78 that section, to read:

79 812.015 Retail and farm theft; transit fare evasion;
80 mandatory fine; alternative punishment; detention and arrest;
81 exemption from liability for false arrest; resisting arrest;
82 penalties.—

83 (8) Except as provided in subsection (9), a person who
84 commits retail theft commits a felony of the third degree,
85 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
86 if the property stolen is valued at \$1,500 ~~\$300~~ or more, and the
87 person:

88 (a) Individually commits retail theft, or in concert with
89 one or more other persons, coordinates the activities of one or
90 more individuals in committing the offense. Multiple acts of
91 retail theft occurring within a 90-day period by an individual
92 or in concert with one or more persons must be, ~~in which case~~
93 ~~the amount of each individual theft is~~ aggregated to determine
94 the value of the property stolen;

95 (b) Conspires with another person to commit retail theft
96 with the intent to sell the stolen property for monetary or
97 other gain, and subsequently takes or causes such property to be



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98 placed in the control of another person in exchange for
99 consideration;

100 (c) ~~(b)~~ Individually, or in concert with one or more other
101 persons, commits theft from more than one location within a 90-
102 day ~~48-hour~~ period, in which case the amount of each individual
103 theft is aggregated to determine the value of the property
104 stolen;

105 (d) ~~(e)~~ Acts in concert with one or more other individuals
106 within one or more establishments to distract the merchant,
107 merchant's employee, or law enforcement officer in order to
108 carry out the offense, or acts in other ways to coordinate
109 efforts to carry out the offense; or

110 (e) ~~(d)~~ Commits the offense through the purchase of
111 merchandise in a package or box that contains merchandise other
112 than, or in addition to, the merchandise purported to be
113 contained in the package or box.

114
115 The threshold amounts for offenses specified in this subsection
116 must be adjusted every 2 years in an amount equal to the total
117 of the annual increases for that 2-year period in the Consumer
118 Price Index for All Urban Consumers, U.S. City Average, All
119 Items. The Office of Economic and Demographic Research shall
120 calculate the thresholds, rounded to the nearest \$50, and
121 publish the amounts, as adjusted, on its website by July 1 of
122 every second year, with the amounts to take effect on October 1
123 of that year. The office shall certify the revised amounts to
124 the Division of Law Revision, which is directed to conform the
125 statutes to the revised amounts.

126 (9) A person commits a felony of the second degree,



127 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
128 if the person:

129 (a) Violates subsection (8) and has previously been
130 convicted of a violation of subsection (8); ~~or~~

131 (b) Individually, or in concert with one or more other
132 persons, coordinates the activities of one or more persons in
133 committing the offense, in which case the amount of each
134 individual ~~of~~ retail theft is aggregated; and if ~~where~~ the
135 stolen property has a value in excess of \$3,000 and the theft
136 occurs within a 90-day period; or

137 (c) Conspires with another person to commit retail theft
138 with the intent to sell the stolen property for monetary or
139 other gain, and subsequently takes or causes such property to be
140 placed in control of another person in exchange for
141 consideration, if such property has a value in excess of \$3,000,
142 aggregated over a 90-day period.

143 (10) If a person commits retail theft in more than one
144 county, the amount of the theft may be aggregated and each
145 county where any of the retail theft occurred has concurrent
146 jurisdiction.

147 Section 5. Subsection (3) is added to section 812.019,
148 Florida Statutes, to read:

149 812.019 Dealing in stolen property.—

150 (3) Any person who receives, possesses, or purchases any
151 merchandise or stored-value card obtained from a fraudulent
152 return with the knowledge that the merchandise or stored-value
153 card was obtained in violation of s. 812.015 commits a felony of
154 the third degree, punishable as provided in s. 775.082, s.
155 775.083, or s. 775.084.



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156 Section 6. Paragraphs (b), (c), and (e) of subsection (3)
157 of section 921.0022, Florida Statutes, are amended to read:
158 921.0022 Criminal Punishment Code; offense severity ranking
159 chart.—

160 (3) OFFENSE SEVERITY RANKING CHART

161 (b) LEVEL 2

162

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

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167	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
168	590.28(1)	3rd	Intentional burning of lands.
169	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
170	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
171	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
172	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.



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173	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
174	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; <u>\$1,500</u> \$300 or more but less than \$5,000.
175	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than <u>\$1,500</u> \$300 , taken from unenclosed curtilage of dwelling.
176	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
177	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
178	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value



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179			over \$300.
180	817.52 (3)	3rd	Failure to redeliver hired vehicle.
181	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
182	817.60 (5)	3rd	Dealing in credit cards of another.
183	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
184	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
185	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
186	831.01	3rd	Forgery.
	831.02	3rd	Uttering forged instrument; utters or



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187			publishes alteration with intent to defraud.
188	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
189	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
190	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
191	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
192	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
193	843.08	3rd	False personation.
	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3.,



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(2) (c) 6., (2) (c) 7.,
(2) (c) 8., (2) (c) 9.,
(2) (c) 10., (3), or (4)
drugs other than
cannabis.

194

893.147 (2)

3rd

Manufacture or delivery
of drug paraphernalia.

195

196

197

198

(c) LEVEL 3

199

200

Florida
Statute

Felony
Degree

Description

201

119.10 (2) (b)

3rd

Unlawful use of
confidential information
from police reports.

202

316.066
(3) (b) - (d)

3rd

Unlawfully obtaining or
using confidential crash
reports.

203

316.193 (2) (b)

3rd

Felony DUI, 3rd conviction.

204

316.1935 (2)

3rd

Fleeing or attempting to
elude law enforcement



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205			officer in patrol vehicle with siren and lights activated.
	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
206			
	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
207			
	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
208			
	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
209			
	327.35 (2) (b)	3rd	Felony BUI.
210			
	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of



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211

328.07(4) 3rd vessels.
Manufacture, exchange, or
possess vessel with
counterfeit or wrong ID
number.

212

376.302(5) 3rd Fraud related to
reimbursement for cleanup
expenses under the Inland
Protection Trust Fund.

213

379.2431 3rd Taking, disturbing,
(1)(e)5. mutilating, destroying,
causing to be destroyed,
transferring, selling,
offering to sell,
molesting, or harassing
marine turtles, marine
turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

214

379.2431 3rd Possessing any marine
(1)(e)6. turtle species or
hatchling, or parts
thereof, or the nest of any
marine turtle species



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215			described in the Marine Turtle Protection Act.
	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
216			
	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
217			
	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
218			
	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
219			
	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.



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220	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
221	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
222	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
223	697.08	3rd	Equity skimming.
224	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
225	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
226	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
227			



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228	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
229	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
230	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
231	<u>812.015 (8) (b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; coordination with others.</u>
232	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
233	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
234	817.233	3rd	Burning to defraud insurer.
	817.234	3rd	Unlawful solicitation of



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235	(8) (b) & (c)		persons involved in motor vehicle accidents.
236	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
237	817.236	3rd	Filing a false motor vehicle insurance application.
238	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
239	817.413 (2)	3rd	Sale of used goods as new.
240	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
241	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
	838.021 (3) (b)	3rd	Threatens unlawful harm to



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242			public servant.
243	843.19	3rd	Injure, disable, or kill police dog or horse.
244	860.15(3)	3rd	Overcharging for repairs and parts.
245	870.01(2)	3rd	Riot; inciting or encouraging.
246	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
247	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.



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248	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
249	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
250	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
251	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.



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252	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
253	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
254	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
255	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
256	893.13(8)(a)3.	3rd	Knowingly write a prescription for a



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257

893.13(8)(a)4.

3rd

controlled substance for a fictitious person.

Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

258

918.13(1)(a)

3rd

Alter, destroy, or conceal investigation evidence.

259

944.47
(1)(a)1. & 2.

3rd

Introduce contraband to correctional facility.

260

944.47(1)(c)

2nd

Possess contraband while upon the grounds of a correctional institution.

261

985.721

3rd

Escapes from a juvenile facility (secure detention or residential commitment facility).

262

263

264



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265 (e) LEVEL 5

266

267

Florida
Statute

Felony
Degree

Description

268

316.027(2)(a)

3rd

Accidents involving
personal injuries other
than serious bodily
injury, failure to stop;
leaving scene.

269

316.1935(4)(a)

2nd

Aggravated fleeing or
eluding.

270

316.80(2)

2nd

Unlawful conveyance of
fuel; obtaining fuel
fraudulently.

271

322.34(6)

3rd

Careless operation of
motor vehicle with
suspended license,
resulting in death or
serious bodily injury.

272

327.30(5)

3rd

Vessel accidents
involving personal
injury; leaving scene.

273



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379.365(2)(c)1.

3rd

Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

274

379.367(4)

3rd

Willful molestation of a commercial harvester's



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275			spiny lobster trap, line, or buoy.
	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
276			
	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
277			
	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
278			
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
279			
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
280			
	624.401 (4) (b) 2.	2nd	Transacting insurance



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281			without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
281	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
282			
282	790.01 (2)	3rd	Carrying a concealed firearm.
283			
283	790.162	2nd	Threat to throw or discharge destructive device.
284			
284	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
285			
285	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
286			
286	790.23	2nd	Felons in possession of firearms, ammunition, or



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287			electronic weapons or devices.
288	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
289	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
290	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
291	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
292	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
	812.015 (8) <u>(a), (c), (d), & (e)</u>	3rd	Retail theft; property stolen is valued at <u>\$1,500</u> \$300 or more and one or more specified acts.



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