

FOR CONSIDERATION By the Committee on Appropriations

576-02456C-19

20197072pb

1 A bill to be entitled
2 An act relating to criminal justice; creating s.
3 43.51, F.S.; requiring the Office of the State Courts
4 Administrator to provide an annual report containing
5 certain information to the Legislature; defining the
6 term "problem-solving court"; amending s. 394.47891,
7 F.S.; requiring the chief judge of each judicial
8 circuit to establish a military veterans and
9 servicemembers court program; amending s. 812.014,
10 F.S.; increasing the threshold amount for certain
11 theft offenses; requiring the adjustment of certain
12 monetary amounts by the Division of Law Revision based
13 on certain required periodic calculations made by the
14 Office of Economic and Demographic Research; amending
15 s. 812.015, F.S.; revising the circumstances under
16 which an offense of retail theft constitutes a felony
17 of the second or third degree; requiring the
18 adjustment of certain monetary amounts by the Division
19 of Law Revision based on certain required periodic
20 calculations made by the Office of Economic and
21 Demographic Research; authorizing the aggregation of
22 theft of retail property that occurred in multiple
23 counties; providing that each county where such theft
24 took place has concurrent jurisdiction; amending s.
25 812.019, F.S.; prohibiting specified acts involving
26 merchandise or a stored-value card obtained from a
27 fraudulent return; amending s. 921.0022, F.S.;
28 revising the ranking of offenses on the offense
29 severity ranking chart of the Criminal Punishment

576-02456C-19

20197072pb

30 Code; reenacting ss. 95.18(10), 373.6055(3)(c),
31 400.9935(3), 409.910(17)(g), 489.126(4), 550.6305(10),
32 627.743(2), 634.319(2), 634.421(2), 636.238(3),
33 642.038(2), 705.102(4), 718.111(1)(d), 812.14(4), (7),
34 and (8), and 985.11(1)(b), F.S., relating to adverse
35 possession without color of title, criminal history
36 checks for certain water management district employees
37 and others, clinic responsibilities, responsibility
38 for payments on behalf of Medicaid-eligible persons
39 when other parties are liable, moneys received by
40 contractors, intertrack wagering, payment of third-
41 party claims, diversion or appropriation of certain
42 funds received by sales representatives, diversion or
43 appropriation of certain funds received by sales
44 representatives, penalties for certain violations,
45 diversion or appropriation of certain funds received
46 by sales representatives, reporting lost or abandoned
47 property, condominium associations, trespass and
48 larceny with relation to utility fixtures and theft of
49 utility services, fingerprinting and photographing of
50 certain children, and discretionary and mandatory
51 criteria for the direct filing of an information,
52 respectively, to incorporate the amendment made to s.
53 812.014, F.S., in references thereto; reenacting ss.
54 538.09(5)(f) and 538.23(2), F.S., relating to
55 registration with the Department of Revenue and
56 violations and penalties for secondary metals
57 recyclers, respectively, to incorporate the amendment
58 made to s. 812.015, F.S., in references thereto;

576-02456C-19

20197072pb

59 reenacting s. 812.0155(1) and (2), F.S., relating to
60 suspension of driver licenses, to incorporate the
61 amendments made to ss. 812.014 and 812.015, F.S., in
62 references thereto; reenacting s. 893.138(3), F.S.,
63 relating to pain-management clinics, to incorporate
64 the amendments made to ss. 812.014 and 812.019, F.S.,
65 in references thereto; providing an effective date.
66

67 Be It Enacted by the Legislature of the State of Florida:
68

69 Section 1. Section 43.51, Florida Statutes, is created to
70 read:

71 43.51 Problem-solving court reports.-

72 (1) The Office of the State Courts Administrator shall
73 provide an annual report to the President of the Senate and the
74 Speaker of the House of Representatives which details the number
75 of participants in each problem-solving court for each fiscal
76 year the court has been operating and the types of services
77 provided, identifies each source of funding for each court
78 during each fiscal year, and provides information on the
79 performance of each court based upon outcome measures
80 established by the courts.

81 (2) For purposes of this section, the term "problem-solving
82 court" includes, but is not limited to, a drug court pursuant to
83 s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a
84 military veterans' and servicemembers' court pursuant to s.
85 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health
86 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.
87 948.08, or s. 948.16; or a delinquency pretrial intervention

576-02456C-19

20197072pb

88 court program pursuant to s. 985.345.

89 Section 2. Section 394.47891, Florida Statutes, is amended
90 to read:

91 394.47891 Military veterans and servicemembers court
92 programs.—The chief judge of each judicial circuit shall ~~may~~
93 establish a Military Veterans and Servicemembers Court Program
94 under which veterans, as defined in s. 1.01, including veterans
95 who were discharged or released under a general discharge, and
96 servicemembers, as defined in s. 250.01, who are charged or
97 convicted of a criminal offense and who suffer from a military-
98 related mental illness, traumatic brain injury, substance abuse
99 disorder, or psychological problem can be sentenced in
100 accordance with chapter 921 in a manner that appropriately
101 addresses the severity of the mental illness, traumatic brain
102 injury, substance abuse disorder, or psychological problem
103 through services tailored to the individual needs of the
104 participant. Entry into any Military Veterans and Servicemembers
105 Court Program must be based upon the sentencing court's
106 assessment of the defendant's criminal history, military
107 service, substance abuse treatment needs, mental health
108 treatment needs, amenability to the services of the program, the
109 recommendation of the state attorney and the victim, if any, and
110 the defendant's agreement to enter the program.

111 Section 3. Paragraphs (c), (d), and (e) of subsection (2)
112 of section 812.014, Florida Statutes, are amended to read:

113 812.014 Theft.—

114 (2)

115 (c) It is grand theft of the third degree and a felony of
116 the third degree, punishable as provided in s. 775.082, s.

576-02456C-19

20197072pb

- 117 775.083, or s. 775.084, if the property stolen is:
- 118 1. Valued at \$700 ~~\$300~~ or more, but less than \$5,000.
 - 119 2. Valued at \$5,000 or more, but less than \$10,000.
 - 120 3. Valued at \$10,000 or more, but less than \$20,000.
 - 121 4. A will, codicil, or other testamentary instrument.
 - 122 5. A firearm.
 - 123 6. A motor vehicle, except as provided in paragraph (a).
 - 124 7. Any commercially farmed animal, including any animal of
125 the equine, avian, bovine, or swine class or other grazing
126 animal; a bee colony of a registered beekeeper; and aquaculture
127 species raised at a certified aquaculture facility. If the
128 property stolen is a commercially farmed animal, including an
129 animal of the equine, avian, bovine, or swine class or other
130 grazing animal; a bee colony of a registered beekeeper; or an
131 aquaculture species raised at a certified aquaculture facility,
132 a \$10,000 fine shall be imposed.
 - 133 8. Any fire extinguisher.
 - 134 9. Any amount of citrus fruit consisting of 2,000 or more
135 individual pieces of fruit.
 - 136 10. Taken from a designated construction site identified by
137 the posting of a sign as provided for in s. 810.09(2)(d).
 - 138 11. Any stop sign.
 - 139 12. Anhydrous ammonia.
 - 140 13. Any amount of a controlled substance as defined in s.
141 893.02. Notwithstanding any other law, separate judgments and
142 sentences for theft of a controlled substance under this
143 subparagraph and for any applicable possession of controlled
144 substance offense under s. 893.13 or trafficking in controlled
145 substance offense under s. 893.135 may be imposed when all such

576-02456C-19

20197072pb

146 offenses involve the same amount or amounts of a controlled
147 substance.

148
149 However, if the property is stolen within a county that is
150 subject to a state of emergency declared by the Governor under
151 chapter 252, the property is stolen after the declaration of
152 emergency is made, and the perpetration of the theft is
153 facilitated by conditions arising from the emergency, the
154 offender commits a felony of the second degree, punishable as
155 provided in s. 775.082, s. 775.083, or s. 775.084, if the
156 property is valued at \$5,000 or more, but less than \$10,000, as
157 provided under subparagraph 2., or if the property is valued at
158 \$10,000 or more, but less than \$20,000, as provided under
159 subparagraph 3. As used in this paragraph, the term "conditions
160 arising from the emergency" means civil unrest, power outages,
161 curfews, voluntary or mandatory evacuations, or a reduction in
162 the presence of or the response time for first responders or
163 homeland security personnel. For purposes of sentencing under
164 chapter 921, a felony offense that is reclassified under this
165 paragraph is ranked one level above the ranking under s.
166 921.0022 or s. 921.0023 of the offense committed.

167 (d) It is grand theft of the third degree and a felony of
168 the third degree, punishable as provided in s. 775.082, s.
169 775.083, or s. 775.084, if the property stolen is valued at \$100
170 or more, but less than \$700 ~~\$300~~, and is taken from a dwelling
171 as defined in s. 810.011(2) or from the unenclosed curtilage of
172 a dwelling pursuant to s. 810.09(1).

173 (e)1. Except as provided in paragraph (d), if the property
174 stolen is valued at \$100 or more, but less than \$700 ~~\$300~~, the

576-02456C-19

20197072pb

175 offender commits petit theft of the first degree, punishable as
176 a misdemeanor of the first degree, as provided in s. 775.082 or
177 s. 775.083.

178 2. The threshold amounts for offenses specified in this
179 paragraph and subparagraph (c)1. must be adjusted every 2 years
180 in an amount equal to the total of the annual increases for that
181 2-year period in the Consumer Price Index for All Urban
182 Consumers, U.S. City Average, All Items. The Office of Economic
183 and Demographic Research shall calculate the thresholds, rounded
184 to the nearest \$50, and publish the amounts, as adjusted, on its
185 website by July 1 of every second year, with the amounts to take
186 effect on October 1 of that year. The office shall certify the
187 revised amounts to the Division of Law Revision, which is
188 directed to conform the statutes to the revised amounts.

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

192 812.015 Retail and farm theft; transit fare evasion;
193 mandatory fine; alternative punishment; detention and arrest;
194 exemption from liability for false arrest; resisting arrest;
195 penalties.—

196 (8) Except as provided in subsection (9), a person who
197 commits retail theft commits a felony of the third degree,
198 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
199 if the property stolen is valued at \$700 ~~\$300~~ or more, and the
200 person:

201 (a) Individually commits retail theft, or in concert with
202 one or more other persons, coordinates the activities of one or
203 more individuals in committing the offense. Multiple acts of

576-02456C-19

20197072pb

204 retail theft occurring within a 90-day period by an individual
205 or in concert with one or more persons must be, in which case
206 the amount of each individual theft is aggregated to determine
207 the value of the property stolen;

208 (b) Conspires with another person to commit retail theft
209 with the intent to sell the stolen property for monetary or
210 other gain, and subsequently takes or causes such property to be
211 placed in the control of another person in exchange for
212 consideration;

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

218 (d)-~~(e)~~ Acts in concert with one or more other individuals
219 within one or more establishments to distract the merchant,
220 merchant's employee, or law enforcement officer in order to
221 carry out the offense, or acts in other ways to coordinate
222 efforts to carry out the offense; or

223 (e)-~~(d)~~ Commits the offense through the purchase of
224 merchandise in a package or box that contains merchandise other
225 than, or in addition to, the merchandise purported to be
226 contained in the package or box.

227
228 The threshold amounts for offenses specified in this subsection
229 must be adjusted every 2 years in an amount equal to the total
230 of the annual increases for that 2-year period in the Consumer
231 Price Index for All Urban Consumers, U.S. City Average, All
232 Items. The Office of Economic and Demographic Research shall

576-02456C-19

20197072pb

233 calculate the thresholds, rounded to the nearest \$50, and
234 publish the amounts, as adjusted, on its website by July 1 of
235 every second year, with the amounts to take effect on October 1
236 of that year. The office shall certify the revised amounts to
237 the Division of Law Revision, which is directed to conform the
238 statutes to the revised amounts.

239 (9) A person commits a felony of the second degree,
240 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
241 if the person:

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

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

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

256 (10) If a person commits retail theft in more than one
257 county, the amount of the theft may be aggregated and each
258 county where any of the retail theft occurred has concurrent
259 jurisdiction.

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

576-02456C-19

20197072pb

262 812.019 Dealing in stolen property.-

263 (3) Any person who receives, possesses, or purchases any
 264 merchandise or stored-value card obtained from a fraudulent
 265 return with the knowledge that the merchandise or stored-value
 266 card was obtained in violation of s. 812.015 commits a felony of
 267 the third degree, punishable as provided in s. 775.082, s.
 268 775.083, or s. 775.084.

269 Section 6. Paragraphs (b), (c), and (e) of subsection (3)
 270 of section 921.0022, Florida Statutes, are amended to read:

271 921.0022 Criminal Punishment Code; offense severity ranking
 272 chart.-

273 (3) OFFENSE SEVERITY RANKING CHART

274 (b) LEVEL 2

275

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

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576-02456C-19

20197072pb

exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

279

517.07 (2)

3rd

Failure to furnish a prospectus meeting requirements.

280

590.28 (1)

3rd

Intentional burning of lands.

281

784.05 (3)

3rd

Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

282

787.04 (1)

3rd

In violation of court order, take, entice, etc., minor beyond state limits.

283

806.13 (1) (b) 3.

3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public

576-02456C-19

20197072pb

service.

284

810.061 (2)

3rd

Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

285

810.09 (2) (e)

3rd

Trespassing on posted commercial horticulture property.

286

812.014 (2) (c) 1.

3rd

Grand theft, 3rd degree; \$700 ~~\$300~~ or more but less than \$5,000.

287

812.014 (2) (d)

3rd

Grand theft, 3rd degree; \$100 or more but less than \$700 ~~\$300~~, taken from unenclosed curtilage of dwelling.

288

812.015 (7)

3rd

Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

289

817.234 (1) (a) 2.

3rd

False statement in support of insurance

576-02456C-19

20197072pb

claim.

290

817.481 (3) (a)

3rd

Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

291

817.52 (3)

3rd

Failure to redeliver hired vehicle.

292

817.54

3rd

With intent to defraud, obtain mortgage note, etc., by false representation.

293

817.60 (5)

3rd

Dealing in credit cards of another.

294

817.60 (6) (a)

3rd

Forgery; purchase goods, services with false card.

295

817.61

3rd

Fraudulent use of credit cards over \$100 or more within 6 months.

296

826.04

3rd

Knowingly marries or has sexual intercourse with

576-02456C-19

20197072pb

person to whom related.

297

831.01

3rd

Forgery.

298

831.02

3rd

Uttering forged instrument; utters or publishes alteration with intent to defraud.

299

831.07

3rd

Forging bank bills, checks, drafts, or promissory notes.

300

831.08

3rd

Possessing 10 or more forged notes, bills, checks, or drafts.

301

831.09

3rd

Uttering forged notes, bills, checks, drafts, or promissory notes.

302

831.11

3rd

Bringing into the state forged bank bills, checks, drafts, or notes.

303

832.05 (3) (a)

3rd

Cashing or depositing item with intent to defraud.

576-02456C-19

20197072pb

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305
306
307
308
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310
311
312

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

893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
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(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.

576-02456C-19

20197072pb

313

316.1935 (2) 3rd Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

314

319.30 (4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

315

319.33 (1) (a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

316

319.33 (1) (c) 3rd Procure or pass title on stolen vehicle.

317

319.33 (4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

318

327.35 (2) (b) 3rd Felony BUI.

319

328.05 (2) 3rd Possess, sell, or

576-02456C-19

20197072pb

counterfeit fictitious,
 stolen, or fraudulent
 titles or bills of sale of
 vessels.

320

328.07 (4)

3rd

Manufacture, exchange, or
 possess vessel with
 counterfeit or wrong ID
 number.

321

376.302 (5)

3rd

Fraud related to
 reimbursement for cleanup
 expenses under the Inland
 Protection Trust Fund.

322

379.2431
 (1) (e) 5.

3rd

Taking, disturbing,
 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.

323

379.2431
 (1) (e) 6.

3rd

Possessing any marine
 turtle species or

576-02456C-19

20197072pb

hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

324

379.2431
(1) (e) 7.

3rd

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

325

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or offering services requiring licensure, without a license.

326

400.9935 (4) (e)

3rd

Filing a false license application or other required information or failing to report information.

327

440.1051 (3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

328

501.001 (2) (b)

2nd

Tampers with a consumer product or the container

576-02456C-19

20197072pb

using materially
false/misleading
information.

329

624.401 (4) (a)

3rd

Transacting insurance
without a certificate of
authority.

330

624.401 (4) (b) 1.

3rd

Transacting insurance
without a certificate of
authority; premium
collected less than
\$20,000.

331

626.902 (1) (a) &
(b)

3rd

Representing an
unauthorized insurer.

332

697.08

3rd

Equity skimming.

333

790.15 (3)

3rd

Person directs another to
discharge firearm from a
vehicle.

334

806.10 (1)

3rd

Maliciously injure,
destroy, or interfere with
vehicles or equipment used
in firefighting.

335

806.10 (2)

3rd

Interferes with or assaults

576-02456C-19

20197072pb

firefighter in performance
of duty.

336

810.09(2)(c) 3rd Trespass on property other
than structure or
conveyance armed with
firearm or dangerous
weapon.

337

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more
but less than \$10,000.

338

812.0145(2)(c) 3rd Theft from person 65 years
of age or older; \$300 or
more but less than \$10,000.

339

812.015(8)(b) 3rd Retail theft with intent to
sell; coordination with
others.

340

815.04(5)(b) 2nd Computer offense devised to
defraud or obtain property.

341

817.034(4)(a)3. 3rd Engages in scheme to
defraud (Florida
Communications Fraud Act),
property valued at less
than \$20,000.

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576-02456C-19

20197072pb

343

817.233 3rd Burning to defraud insurer.

344

817.234 3rd Unlawful solicitation of
(8) (b) & (c) persons involved in motor
vehicle accidents.

345

817.234 (11) (a) 3rd Insurance fraud; property
value less than \$20,000.

346

817.236 3rd Filing a false motor
vehicle insurance
application.

347

817.2361 3rd Creating, marketing, or
presenting a false or
fraudulent motor vehicle
insurance card.

348

817.413 (2) 3rd Sale of used goods as new.

349

831.28 (2) (a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment
instrument.

831.29 2nd Possession of instruments
for counterfeiting driver
licenses or identification

576-02456C-19

20197072pb

cards.

350

838.021 (3) (b)

3rd

Threatens unlawful harm to public servant.

351

843.19

3rd

Injure, disable, or kill police dog or horse.

352

860.15 (3)

3rd

Overcharging for repairs and parts.

353

870.01 (2)

3rd

Riot; inciting or encouraging.

354

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).

355

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),

576-02456C-19

20197072pb

or (4) drugs within 1,000 feet of university.

356

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.

357

893.13(4)(c)

3rd

Use or hire of minor; deliver to minor other controlled substances.

358

893.13(6)(a)

3rd

Possession of any controlled substance other than felony possession of cannabis.

359

893.13(7)(a)8.

3rd

Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

360

893.13(7)(a)9.

3rd

Obtain or attempt to obtain

576-02456C-19

20197072pb

controlled substance by
 fraud, forgery,
 misrepresentation, etc.

361

893.13(7)(a)10.

3rd

Affix false or forged label
 to package of controlled
 substance.

362

893.13(7)(a)11.

3rd

Furnish false or fraudulent
 material information on any
 document or record required
 by chapter 893.

363

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.

364

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.

576-02456C-19

20197072pb

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(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.

576-02456C-19

20197072pb

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.

380

379.367 (4)

3rd

Willful molestation of a commercial harvester's

576-02456C-19

20197072pb

spiny lobster trap,
line, or buoy.

381

379.407(5)(b)3.

3rd

Possession of 100 or
more undersized spiny
lobsters.

382

381.0041(11)(b)

3rd

Donate blood, plasma, or
organs knowing HIV
positive.

383

440.10(1)(g)

2nd

Failure to obtain
workers' compensation
coverage.

384

440.105(5)

2nd

Unlawful solicitation
for the purpose of
making workers'
compensation claims.

385

440.381(2)

2nd

Submission of false,
misleading, or
incomplete information
with the purpose of
avoiding or reducing
workers' compensation
premiums.

386

624.401(4)(b)2.

2nd

Transacting insurance

576-02456C-19

20197072pb

without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

387

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

388

790.01 (2)

3rd

Carrying a concealed firearm.

389

790.162

2nd

Threat to throw or discharge destructive device.

390

790.163 (1)

2nd

False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

391

790.221 (1)

2nd

Possession of short-barreled shotgun or machine gun.

392

790.23

2nd

Felons in possession of firearms, ammunition, or

576-02456C-19

20197072pb

electronic weapons or
devices.

393
394
395
396
397
398
399

796.05 (1)

2nd

Live on earnings of a
prostitute; 1st offense.

800.04 (6) (c)

3rd

Lewd or lascivious
conduct; offender less
than 18 years of age.

800.04 (7) (b)

2nd

Lewd or lascivious
exhibition; offender 18
years of age or older.

806.111 (1)

3rd

Possess, manufacture, or
dispense fire bomb with
intent to damage any
structure or property.

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) (a), (c),
(d), & (e)

3rd

Retail theft; property
stolen is valued at \$300
or more and one or more
specified acts.

576-02456C-19

20197072pb

400

812.019(1)

2nd

Stolen property; dealing
in or trafficking in.

401

812.019(3)

3rd

Specified acts involving
merchandise or a stored-
value card obtained from
a fraudulent return.

402

812.131(2)(b)

3rd

Robbery by sudden
snatching.

403

812.16(2)

3rd

Owning, operating, or
conducting a chop shop.

404

817.034(4)(a)2.

2nd

Communications fraud,
value \$20,000 to
\$50,000.

405

817.234(11)(b)

2nd

Insurance fraud;
property value \$20,000
or more but less than
\$100,000.

817.2341(1),
(2)(a) & (3)(a)

3rd

Filing false financial
statements, making false
entries of material fact
or false statements
regarding property
values relating to the

576-02456C-19

20197072pb

solvency of an insuring
entity.

406

817.568 (2) (b)

2nd

Fraudulent use of
personal identification
information; value of
benefit, services
received, payment
avoided, or amount of
injury or fraud, \$5,000
or more or use of
personal identification
information of 10 or
more persons.

407

817.611 (2) (a)

2nd

Traffic in or possess 5
to 14 counterfeit credit
cards or related
documents.

408

817.625 (2) (b)

2nd

Second or subsequent
fraudulent use of
scanning device,
skimming device, or
reencoder.

409

825.1025 (4)

3rd

Lewd or lascivious
exhibition in the
presence of an elderly

576-02456C-19

20197072pb

person or disabled
adult.

410

827.071 (4)

2nd

Possess with intent to
promote any photographic
material, motion
picture, etc., which
includes sexual conduct
by a child.

411

827.071 (5)

3rd

Possess, control, or
intentionally view any
photographic material,
motion picture, etc.,
which includes sexual
conduct by a child.

412

828.12 (2)

3rd

Tortures any animal with
intent to inflict
intense pain, serious
physical injury, or
death.

413

839.13 (2) (b)

2nd

Falsifying records of an
individual in the care
and custody of a state
agency involving great
bodily harm or death.

414

576-02456C-19

20197072pb

415	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
416	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
417	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
418	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
419	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join

576-02456C-19

20197072pb

a criminal gang.

420

893.13(1)(a)1.

2nd

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).

421

893.13(1)(c)2.

2nd

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) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

422

893.13(1)(d)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a),

576-02456C-19

20197072pb

(2) (b), or (2) (c) 5.
 drugs) within 1,000 feet
 of university.

423

893.13 (1) (e) 2.

2nd

Sell, manufacture, or
 deliver cannabis or
 other drug prohibited
 under 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) within 1,000
 feet of property used
 for religious services
 or a specified business
 site.

424

893.13 (1) (f) 1.

1st

Sell, manufacture, or
 deliver cocaine (or
 other s. 893.03(1) (a),
 (1) (b), (1) (d), or
 (2) (a), (2) (b), or
 (2) (c) 5. drugs) within
 1,000 feet of public
 housing facility.

425

893.13 (4) (b)

2nd

Use or hire of minor;
 deliver to minor other

576-02456C-19

20197072pb

controlled substance.

426

893.1351(1)

3rd

Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

427

428 Section 7. For the purpose of incorporating the amendment
 429 made by this act to section 812.014, Florida Statutes, in a
 430 reference thereto, subsection (10) of section 95.18, Florida
 431 Statutes, is reenacted to read:

432 95.18 Real property actions; adverse possession without
 433 color of title.—

434 (10) A person who occupies or attempts to occupy a
 435 residential structure solely by claim of adverse possession
 436 under this section and offers the property for lease to another
 437 commits theft under s. 812.014.

438 Section 8. For the purpose of incorporating the amendment
 439 made by this act to section 812.014, Florida Statutes, in a
 440 reference thereto, paragraph (c) of subsection (3) of section
 441 373.6055, Florida Statutes, is reenacted to read:

442 373.6055 Criminal history checks for certain water
 443 management district employees and others.—

444 (3)

445 (c) In addition to other requirements for employment or
 446 access established by any water management district pursuant to
 447 its water management district's security plan for buildings,
 448 facilities, and structures, each water management district's
 449 security plan shall provide that:

576-02456C-19

20197072pb

450 1. Any person who has within the past 7 years been
451 convicted, regardless of whether adjudication was withheld, for
452 a forcible felony as defined in s. 776.08; an act of terrorism
453 as defined in s. 775.30; planting of a hoax bomb as provided in
454 s. 790.165; any violation involving the manufacture, possession,
455 sale, delivery, display, use, or attempted or threatened use of
456 a weapon of mass destruction or hoax weapon of mass destruction
457 as provided in s. 790.166; dealing in stolen property; any
458 violation of s. 893.135; any violation involving the sale,
459 manufacturing, delivery, or possession with intent to sell,
460 manufacture, or deliver a controlled substance; burglary;
461 robbery; any felony violation of s. 812.014; any violation of s.
462 790.07; any crime an element of which includes use or possession
463 of a firearm; any conviction for any similar offenses under the
464 laws of another jurisdiction; or conviction for conspiracy to
465 commit any of the listed offenses may not be qualified for
466 initial employment within or authorized regular access to
467 buildings, facilities, or structures defined in the water
468 management district's security plan as restricted access areas.

469 2. Any person who has at any time been convicted of any of
470 the offenses listed in subparagraph 1. may not be qualified for
471 initial employment within or authorized regular access to
472 buildings, facilities, or structures defined in the water
473 management district's security plan as restricted access areas
474 unless, after release from incarceration and any supervision
475 imposed as a sentence, the person remained free from a
476 subsequent conviction, regardless of whether adjudication was
477 withheld, for any of the listed offenses for a period of at
478 least 7 years prior to the employment or access date under

576-02456C-19

20197072pb

479 consideration.

480 Section 9. For the purpose of incorporating the amendment
481 made by this act to section 812.014, Florida Statutes, in a
482 reference thereto, subsection (3) of section 400.9935, Florida
483 Statutes, is reenacted to read:

484 400.9935 Clinic responsibilities.—

485 (3) A charge or reimbursement claim made by or on behalf of
486 a clinic that is required to be licensed under this part but
487 that is not so licensed, or that is otherwise operating in
488 violation of this part, regardless of whether a service is
489 rendered or whether the charge or reimbursement claim is paid,
490 is an unlawful charge and is noncompensable and unenforceable. A
491 person who knowingly makes or causes to be made an unlawful
492 charge commits theft within the meaning of and punishable as
493 provided in s. 812.014.

494 Section 10. For the purpose of incorporating the amendment
495 made by this act to section 812.014, Florida Statutes, in a
496 reference thereto, paragraph (g) of subsection (17) of section
497 409.910, Florida Statutes, is reenacted to read:

498 409.910 Responsibility for payments on behalf of Medicaid-
499 eligible persons when other parties are liable.—

500 (17)

501 (g) The agency may investigate and request appropriate
502 officers or agencies of the state to investigate suspected
503 criminal violations or fraudulent activity related to third-
504 party benefits, including, without limitation, ss. 414.39 and
505 812.014. Such requests may be directed, without limitation, to
506 the Medicaid Fraud Control Unit of the Office of the Attorney
507 General or to any state attorney. Pursuant to s. 409.913, the

576-02456C-19

20197072pb

508 Attorney General has primary responsibility to investigate and
509 control Medicaid fraud.

510 Section 11. For the purpose of incorporating the amendment
511 made by this act to section 812.014, Florida Statutes, in a
512 reference thereto, subsection (4) of section 489.126, Florida
513 Statutes, is reenacted to read:

514 489.126 Moneys received by contractors.—

515 (4) Any person who violates any provision of this section
516 is guilty of theft and shall be prosecuted and punished under s.
517 812.014.

518 Section 12. For the purpose of incorporating the amendment
519 made by this act to section 812.014, Florida Statutes, in a
520 reference thereto, subsection (10) of section 550.6305, Florida
521 Statutes, is reenacted to read:

522 550.6305 Intertrack wagering; guest track payments;
523 accounting rules.—

524 (10) All races or games conducted at a permitholder's
525 facility, all broadcasts of such races or games, and all
526 broadcast rights relating thereto are owned by the permitholder
527 at whose facility such races or games are conducted and
528 constitute the permitholder's property as defined in s.
529 812.012(4). Transmission, reception of a transmission,
530 exhibition, use, or other appropriation of such races or games,
531 broadcasts of such races or games, or broadcast rights relating
532 thereto without the written consent of the permitholder
533 constitutes a theft of such property under s. 812.014; and in
534 addition to the penal sanctions contained in s. 812.014, the
535 permitholder has the right to avail itself of the civil remedies
536 specified in ss. 772.104, 772.11, and 812.035 in addition to any

576-02456C-19

20197072pb

537 other remedies available under applicable state or federal law.

538 Section 13. For the purpose of incorporating the amendment
539 made by this act to section 812.014, Florida Statutes, in a
540 reference thereto, subsection (2) of section 627.743, Florida
541 Statutes, is reenacted to read:

542 627.743 Payment of third-party claims.—

543 (2) When making any payment on a third party claim for
544 damage to an automobile for a partial loss, the insurer shall
545 have printed on the loss estimate, if prepared by the insurer,
546 the following: "Failure to use the insurance proceeds in
547 accordance with the security agreement, if any, could be a
548 violation of s. 812.014, Florida Statutes. If you have any
549 questions, contact your lending institution." However, this
550 subsection does not apply if the insurer does not prepare the
551 loss estimate.

552 Section 14. For the purpose of incorporating the amendment
553 made by this act to section 812.014, Florida Statutes, in a
554 reference thereto, subsection (2) of section 634.319, Florida
555 Statutes, is reenacted to read:

556 634.319 Reporting and accounting for funds.—

557 (2) Any sales representative who, not being entitled
558 thereto, diverts or appropriates such funds or any portion
559 thereof to her or his own use is, upon conviction, guilty of
560 theft, punishable as provided in s. 812.014.

561 Section 15. For the purpose of incorporating the amendment
562 made by this act to section 812.014, Florida Statutes, in a
563 reference thereto, subsection (2) of section 634.421, Florida
564 Statutes, is reenacted to read:

565 634.421 Reporting and accounting for funds.—

576-02456C-19

20197072pb

566 (2) Any sales representative who, not being entitled
567 thereto, diverts or appropriates funds or any portion thereof to
568 her or his own use commits theft as provided in s. 812.014.

569 Section 16. For the purpose of incorporating the amendment
570 made by this act to section 812.014, Florida Statutes, in a
571 reference thereto, subsection (3) of section 636.238, Florida
572 Statutes, is reenacted to read:

573 636.238 Penalties for violation of this part.—

574 (3) A person who collects fees for purported membership in
575 a discount plan but purposefully fails to provide the promised
576 benefits commits a theft, punishable as provided in s. 812.014.

577 Section 17. For the purpose of incorporating the amendment
578 made by this act to section 812.014, Florida Statutes, in a
579 reference thereto, subsection (2) of section 642.038, Florida
580 Statutes, is reenacted to read:

581 642.038 Reporting and accounting for funds.—

582 (2) Any sales representative who, not being entitled
583 thereto, diverts or appropriates such funds or any portion
584 thereof to his or her own use commits theft as provided in s.
585 812.014.

586 Section 18. For the purpose of incorporating the amendment
587 made by this act to section 812.014, Florida Statutes, in a
588 reference thereto, subsection (4) of section 705.102, Florida
589 Statutes, is reenacted to read:

590 705.102 Reporting lost or abandoned property.—

591 (4) Any person who unlawfully appropriates such lost or
592 abandoned property to his or her own use or refuses to deliver
593 such property when required commits theft as defined in s.
594 812.014, punishable as provided in s. 775.082, s. 775.083, or s.

576-02456C-19

20197072pb

595 775.084.

596 Section 19. For the purpose of incorporating the amendment
597 made by this act to section 812.014, Florida Statutes, in a
598 reference thereto, paragraph (d) of subsection (1) of section
599 718.111, Florida Statutes, is reenacted to read:

600 718.111 The association.—

601 (1) CORPORATE ENTITY.—

602 (d) As required by s. 617.0830, an officer, director, or
603 agent shall discharge his or her duties in good faith, with the
604 care an ordinarily prudent person in a like position would
605 exercise under similar circumstances, and in a manner he or she
606 reasonably believes to be in the interests of the association.
607 An officer, director, or agent shall be liable for monetary
608 damages as provided in s. 617.0834 if such officer, director, or
609 agent breached or failed to perform his or her duties and the
610 breach of, or failure to perform, his or her duties constitutes
611 a violation of criminal law as provided in s. 617.0834;
612 constitutes a transaction from which the officer or director
613 derived an improper personal benefit, either directly or
614 indirectly; or constitutes recklessness or an act or omission
615 that was in bad faith, with malicious purpose, or in a manner
616 exhibiting wanton and willful disregard of human rights, safety,
617 or property. Forgery of a ballot envelope or voting certificate
618 used in a condominium association election is punishable as
619 provided in s. 831.01, the theft or embezzlement of funds of a
620 condominium association is punishable as provided in s. 812.014,
621 and the destruction of or the refusal to allow inspection or
622 copying of an official record of a condominium association that
623 is accessible to unit owners within the time periods required by

576-02456C-19

20197072pb

624 general law in furtherance of any crime is punishable as
625 tampering with physical evidence as provided in s. 918.13 or as
626 obstruction of justice as provided in chapter 843. An officer or
627 director charged by information or indictment with a crime
628 referenced in this paragraph must be removed from office, and
629 the vacancy shall be filled as provided in s. 718.112(2)(d)2.
630 until the end of the officer's or director's period of
631 suspension or the end of his or her term of office, whichever
632 occurs first. If a criminal charge is pending against the
633 officer or director, he or she may not be appointed or elected
634 to a position as an officer or a director of any association and
635 may not have access to the official records of any association,
636 except pursuant to a court order. However, if the charges are
637 resolved without a finding of guilt, the officer or director
638 must be reinstated for the remainder of his or her term of
639 office, if any.

640 Section 20. For the purpose of incorporating the amendment
641 made by this act to section 812.014, Florida Statutes, in
642 references thereto, subsections (4), (7), and (8) of section
643 812.14, Florida Statutes, are reenacted to read:

644 812.14 Trespass and larceny with relation to utility
645 fixtures; theft of utility services.—

646 (4) A person who willfully violates subsection (2) commits
647 theft, punishable as provided in s. 812.014.

648 (7) An owner, lessor, or sublessor who willfully violates
649 subsection (5) commits a misdemeanor of the first degree,
650 punishable as provided in s. 775.082 or s. 775.083. Prosecution
651 for a violation of subsection (5) does not preclude prosecution
652 for theft pursuant to subsection (8) or s. 812.014.

576-02456C-19

20197072pb

653 (8) Theft of utility services for the purpose of
654 facilitating the manufacture of a controlled substance is theft,
655 punishable as provided in s. 812.014.

656 Section 21. For the purpose of incorporating the amendment
657 made by this act to section 812.014, Florida Statutes, in a
658 reference thereto, paragraph (b) of subsection (1) of section
659 985.11, Florida Statutes, is reenacted to read:

660 985.11 Fingerprinting and photographing.—

661 (1)

662 (b) Unless the child is issued a civil citation or is
663 participating in a similar diversion program pursuant to s.
664 985.12, a child who is charged with or found to have committed
665 one of the following offenses shall be fingerprinted, and the
666 fingerprints shall be submitted to the Department of Law
667 Enforcement as provided in s. 943.051(3)(b):

668 1. Assault, as defined in s. 784.011.

669 2. Battery, as defined in s. 784.03.

670 3. Carrying a concealed weapon, as defined in s. 790.01(1).

671 4. Unlawful use of destructive devices or bombs, as defined
672 in s. 790.1615(1).

673 5. Neglect of a child, as defined in s. 827.03(1)(e).

674 6. Assault on a law enforcement officer, a firefighter, or
675 other specified officers, as defined in s. 784.07(2)(a).

676 7. Open carrying of a weapon, as defined in s. 790.053.

677 8. Exposure of sexual organs, as defined in s. 800.03.

678 9. Unlawful possession of a firearm, as defined in s.
679 790.22(5).

680 10. Petit theft, as defined in s. 812.014.

681 11. Cruelty to animals, as defined in s. 828.12(1).

576-02456C-19

20197072pb

682 12. Arson, resulting in bodily harm to a firefighter, as
683 defined in s. 806.031(1).

684 13. Unlawful possession or discharge of a weapon or firearm
685 at a school-sponsored event or on school property as defined in
686 s. 790.115.

687
688 A law enforcement agency may fingerprint and photograph a child
689 taken into custody upon probable cause that such child has
690 committed any other violation of law, as the agency deems
691 appropriate. Such fingerprint records and photographs shall be
692 retained by the law enforcement agency in a separate file, and
693 these records and all copies thereof must be marked "Juvenile
694 Confidential." These records are not available for public
695 disclosure and inspection under s. 119.07(1) except as provided
696 in ss. 943.053 and 985.04(2), but shall be available to other
697 law enforcement agencies, criminal justice agencies, state
698 attorneys, the courts, the child, the parents or legal
699 custodians of the child, their attorneys, and any other person
700 authorized by the court to have access to such records. In
701 addition, such records may be submitted to the Department of Law
702 Enforcement for inclusion in the state criminal history records
703 and used by criminal justice agencies for criminal justice
704 purposes. These records may, in the discretion of the court, be
705 open to inspection by anyone upon a showing of cause. The
706 fingerprint and photograph records shall be produced in the
707 court whenever directed by the court. Any photograph taken
708 pursuant to this section may be shown by a law enforcement
709 officer to any victim or witness of a crime for the purpose of
710 identifying the person who committed such crime.

576-02456C-19

20197072pb

711 Section 22. For the purpose of incorporating the amendment
712 made by this act to section 812.015, Florida Statutes, in a
713 reference thereto, paragraph (f) of subsection (5) of section
714 538.09, Florida Statutes, is reenacted to read:

715 538.09 Registration.—

716 (5) In addition to the fine provided in subsection (4),
717 registration under this section may be denied or any
718 registration granted may be revoked, restricted, or suspended by
719 the department if the department determines that the applicant
720 or registrant:

721 (f) Has, within the preceding 10-year period for new
722 registrants who apply for registration on or after October 1,
723 2006, been convicted of, or has entered a plea of guilty or nolo
724 contendere to, or had adjudication withheld for, a crime against
725 the laws of this state or any other state or of the United
726 States which relates to registration as a secondhand dealer or
727 which involves theft, larceny, dealing in stolen property,
728 receiving stolen property, burglary, embezzlement, obtaining
729 property by false pretenses, possession of altered property, any
730 felony drug offense, any violation of s. 812.015, or any
731 fraudulent dealing;

732

733 In the event the department determines to deny an application or
734 revoke a registration, it shall enter a final order with its
735 findings on the register of secondhand dealers and their
736 business associates, if any; and denial, suspension, or
737 revocation of the registration of a secondhand dealer shall also
738 deny, suspend, or revoke the registration of such secondhand
739 dealer's business associates.

576-02456C-19

20197072pb

740 Section 23. For the purpose of incorporating the amendment
741 made by this act to section 812.015, Florida Statutes, in a
742 reference thereto, subsection (2) of section 538.23, Florida
743 Statutes, is reenacted to read:

744 538.23 Violations and penalties.—

745 (2) A secondary metals recycler is presumed to know upon
746 receipt of stolen regulated metals property in a purchase
747 transaction that the regulated metals property has been stolen
748 from another if the secondary metals recycler knowingly and
749 intentionally fails to maintain the information required in s.
750 538.19 and shall, upon conviction of a violation of s. 812.015,
751 be punished as provided in s. 812.014(2) or (3).

752 Section 24. For the purpose of incorporating the amendment
753 made by this act to section 812.019, Florida Statutes, in a
754 reference thereto, paragraph (bb) of subsection (1) of section
755 1012.315, Florida Statutes, is reenacted to read:

756 1012.315 Disqualification from employment.—A person is
757 ineligible for educator certification or employment in any
758 position that requires direct contact with students in a
759 district school system, charter school, or private school that
760 accepts scholarship students who participate in a state
761 scholarship program under chapter 1002 if the person has been
762 convicted of:

763 (1) Any felony offense prohibited under any of the
764 following statutes:

765 (bb) Section 812.019, relating to dealing in stolen
766 property.

767 Section 25. For the purpose of incorporating the amendments
768 made by this act to sections 812.014 and 812.015, Florida

576-02456C-19

20197072pb

769 Statutes, in references thereto, subsections (1) and (2) of
770 section 812.0155, Florida Statutes, are reenacted to read:

771 812.0155 Suspension of driver license following an
772 adjudication of guilt for theft.—

773 (1) Except as provided in subsections (2) and (3), the
774 court may order the suspension of the driver license of each
775 person adjudicated guilty of any misdemeanor violation of s.
776 812.014 or s. 812.015, regardless of the value of the property
777 stolen. Upon ordering the suspension of the driver license of
778 the person adjudicated guilty, the court shall forward the
779 driver license of the person adjudicated guilty to the
780 Department of Highway Safety and Motor Vehicles in accordance
781 with s. 322.25.

782 (a) The first suspension of a driver license under this
783 subsection shall be for a period of up to 6 months.

784 (b) A second or subsequent suspension of a driver license
785 under this subsection shall be for 1 year.

786 (2) The court may revoke, suspend, or withhold issuance of
787 a driver license of a person less than 18 years of age who
788 violates s. 812.014 or s. 812.015 as an alternative to
789 sentencing the person to:

790 (a) Probation as defined in s. 985.03 or commitment to the
791 Department of Juvenile Justice, if the person is adjudicated
792 delinquent for such violation and has not previously been
793 convicted of or adjudicated delinquent for any criminal offense,
794 regardless of whether adjudication was withheld.

795 (b) Probation as defined in s. 985.03, commitment to the
796 Department of Juvenile Justice, probation as defined in chapter
797 948, community control, or incarceration, if the person is

576-02456C-19

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798 convicted as an adult of such violation and has not previously
799 been convicted of or adjudicated delinquent for any criminal
800 offense, regardless of whether adjudication was withheld.

801 Section 26. For the purpose of incorporating the amendments
802 made by this act to sections 812.014 and 812.019, Florida
803 Statutes, in a reference thereto, subsection (3) of section
804 893.138, Florida Statutes, is reenacted to read:

805 893.138 Local administrative action to abate drug-related,
806 prostitution-related, or stolen-property-related public
807 nuisances and criminal gang activity.—

808 (3) Any pain-management clinic, as described in s. 458.3265
809 or s. 459.0137, which has been used on more than two occasions
810 within a 6-month period as the site of a violation of:

811 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
812 relating to assault and battery;

813 (b) Section 810.02, relating to burglary;

814 (c) Section 812.014, relating to theft;

815 (d) Section 812.131, relating to robbery by sudden
816 snatching; or

817 (e) Section 893.13, relating to the unlawful distribution
818 of controlled substances,

819

820 may be declared to be a public nuisance, and such nuisance may
821 be abated pursuant to the procedures provided in this section.

822 Section 27. This act shall take effect October 1, 2019.