

By the Committee on Criminal Justice; and Senator Powell

591-03151-23

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1 A bill to be entitled
2 An act relating to theft from nonprofit organizations;
3 creating s. 812.0146, F.S.; providing for the
4 reclassification of certain theft offenses of
5 specified amounts from nonprofit organizations;
6 requiring restitution and community service for
7 certain violations; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Section 812.0146, Florida Statutes, is created
12 to read:

13 812.0146 Theft from a nonprofit organization;
14 reclassification of offenses.—

15 (1) Whenever a person is charged with committing theft from
16 an organization that he or she knows or has reason to believe is
17 qualified as charitable under s. 501(c)(3) of the Internal
18 Revenue Code, the offense for which the person is charged shall
19 be reclassified as follows:

20 (a) If the funds, assets, or property involved in the theft
21 from an organization qualified as charitable under s. 501(c)(3)
22 of the Internal Revenue Code is valued at \$50,000 or more, the
23 offender commits a felony of the first degree, punishable as
24 provided in s. 775.082, s. 775.083, or s. 775.084.

25 (b) If the funds, assets, or property involved in the theft
26 from an organization qualified as charitable under s. 501(c)(3)
27 of the Internal Revenue Code is valued at \$10,000 or more, but
28 less than \$50,000, the offender commits a felony of the second
29 degree, punishable as provided in s. 775.082, s. 775.083, or s.

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30 775.084.

31 (c) If the funds, assets, or property involved in the theft
32 from an organization qualified as charitable under s. 501(c)(3)
33 of the Internal Revenue Code is valued at \$300 or more, but less
34 than \$10,000, the offender commits a felony of the third degree,
35 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

36 (2) A person who is convicted of theft of more than \$1,000
37 from an organization that he or she knows or has reason to
38 believe is qualified as charitable under s. 501(c)(3) of the
39 Internal Revenue Code shall be ordered by the sentencing judge
40 to make restitution to the victim of such offense and to perform
41 up to 500 hours of community service work. Such restitution and
42 community service work shall be in addition to any fine or
43 sentence which may be imposed and shall not be in lieu thereof.

44 Section 2. This act shall take effect October 1, 2023.