

Tab 1	SB 64 by Gibson (CO-INTRODUCERS) Bean; (Identical to H 00043) Transportation Facility Designations/Officer Lance Christian Whitaker Highway
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Tab 2	SB 178 by Gruters; (Identical to H 06031) Florida Tourism Marketing
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821108 —A	S	WD	AP, Gruters	btw L.24 - 25:	03/14 03:29 PM
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Tab 3	SPB 7072 by AP; Criminal Justice
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815540	A	S	RS	AP, Bradley, Simpson	Delete L.173 - 238:	03/14 03:26 PM
962522	SA	S	RCS	AP, Bradley, Simpson	Delete L.69 - 398:	03/14 03:26 PM
805438 —	SA	S	WD	AP, Bradley, Simpson	Delete L.173 - 259:	03/13 03:36 PM
546784	SA	S	OO	AP, Brandes	Delete L.118 - 398:	03/14 03:26 PM
760754 —	A	S	WD	AP, Brandes	Delete L.118 - 398:	03/14 03:26 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Bradley, Chair
Senator Simpson, Vice Chair

MEETING DATE: Thursday, March 14, 2019
TIME: 10:00 a.m.—12:00 noon
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Bradley, Chair; Senator Simpson, Vice Chair; Senators Bean, Benacquisto, Book, Brandes, Braynon, Flores, Gainer, Gibson, Hutson, Lee, Mayfield, Montford, Passidomo, Powell, Rouson, Simmons, Stargel, Stewart, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 64 Gibson (Identical H 43)	Transportation Facility Designations/Officer Lance Christian Whitaker Highway; Providing an honorary designation of a certain transportation facility in a specified county, etc. IS 02/19/2019 Favorable ATD 03/06/2019 Favorable AP 03/14/2019 Favorable	Favorable Yeas 21 Nays 0
With subcommittee recommendation – Transportation, Tourism, and Economic Development			
2	SB 178 Gruters (Identical H 6031)	Florida Tourism Marketing; Amending provisions relating to the Florida Tourism Industry Marketing Corporation direct-support organization and the Division of Tourism Marketing of Enterprise Florida, Inc., respectively; abrogating the scheduled repeal of provisions related to the corporation and the division, respectively, etc. CM 02/11/2019 Favorable ATD 02/20/2019 Favorable AP 03/14/2019 Favorable	Favorable Yeas 18 Nays 0
With subcommittee recommendation – Transportation, Tourism, and Economic Development			
Consideration of proposed bill:			
3	SPB 7072	Criminal Justice; Requiring the Office of the State Courts Administrator to provide an annual report containing certain information to the Legislature; increasing the threshold amount for certain theft offenses; revising the circumstances under which an offense of retail theft constitutes a felony of the second or third degree; prohibiting specified acts involving merchandise or a stored-value card obtained from a fraudulent return, etc.	Submitted and Reported Favorably as Committee Bill Yeas 21 Nays 0

Other Related Meeting Documents

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Thursday, March 14, 2019, 10:00 a.m.—12:00 noon

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 64

INTRODUCER: Senators Gibson and Bean

SUBJECT: Transportation Facility Designations/Officer Lance Christian Whitaker Highway

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Miller</u>	<u>IS</u>	Favorable
2.	<u>McAuliffe</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Favorable
3.	<u>McAuliffe</u>	<u>Kynoch</u>	<u>AP</u>	Favorable

I. Summary:

SB 64 designates the portion of I-295/E. Beltway 295 between Alta Drive and Pulaski Road in Duval County as “Officer Lance Christian Whitaker Highway” and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The estimated cost to the FDOT to install the designation markers is insignificant.

The bill takes effect July 1, 2019.

II. Present Situation:

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.¹

When the Legislature establishes road or bridge designations, the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation and to erect any other markers it deems appropriate for the transportation facility.²

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the

¹ Section 334.071(1), F.S.

² Section 334.071(2), F.S.

designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before installation of the markers.³

Officer Lance Christian Whitaker⁴

Officer Lance Christian Whitaker was born on February 4, 1970, in High Point, North Carolina, and moved to Jacksonville, Florida, in 1982. Officer Whitaker attended DuPont Middle School, graduated from Wolfson High School in 1988, and was a member of the wrestling and football teams. He later graduated with a degree in Business from Gardner Webb College, where he was a member of the Division 2 Bulldog Football Team.

Officer Whitaker began his law enforcement career with the Atlantic Beach Police Department, followed by 17 years with the Jacksonville Sheriff's Office. On May 15, 2018, Officer Whitaker was on duty responding to help others when an accident ended his watch.

III. Effect of Proposed Changes:

The bill designates the portion of I-295/E. Beltway 295 between Alta Drive and Pulaski Road in Duval County as "Officer Lance Christian Whitaker Highway" and directs the FDOT to erect suitable markers for the described designation.

The bill is effective on July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

³ Section 334.071(3), F.S.

⁴ Dignity Memorial, Obituary, *Officer Lance Christian Whitaker*, available at <https://www.dignitymemorial.com/obituaries/jacksonville-fl/lance-whitaker-7853918> (last visited February 25, 2019).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Existing resources can be used for the estimated cost to erect the designation markers required under this bill. The estimated cost is \$1,000, based on the assumption that two markers are required at a cost to the FDOT of no less than \$500 each.⁵ The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida Law.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁵ E-mail from Jay Ferrin, Legislative Affairs Director, FDOT, February 26, 2019 (on file with the Senate Transportation, Tourism, and Economic Development Appropriations Subcommittee).

By Senator Gibson

6-00125A-19

201964__

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A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Officer Lance Christian Whitaker Highway designated; Department of Transportation to erect suitable markers.-

(1) That portion of I-295/E. Beltway 295 between Alta Drive and Pulaski Road in Duval County is designated as "Officer Lance Christian Whitaker Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Officer Lance Christian Whitaker Highway as described in subsection (1).

Section 2. This act shall take effect July 1, 2019.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATE APPROPRIATIONS
RECEIVED

19 MAR -8 AM 11:02

SENT TO CHAIRMAN _____
STAFF DIR. _____ STAFF _____

COMMITTEES:
Rules, Vice Chair
Appropriations
Innovation, Industry, and Technology
Judiciary

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR AUDREY GIBSON

Minority Leader
6th District

March 6, 2019

Senator Rob Bradley, Chair
Committee on Appropriations
201 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

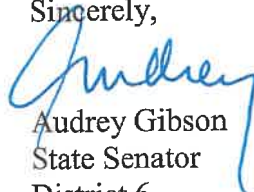
Chair Bradley 

I respectfully request that SB 64, relating to a road designation in honor of Officer Lance Christian Whitaker, be placed on the next committee agenda.

SB 64, will erect a suitable marker in Duval County, in honor of Jacksonville Sheriff's Officer Lance Whitaker who was involved in a fatal accident while on duty responding to a call. This bill passed unanimously in the first and second committees.

Thank you for your time and consideration.

Sincerely,


Audrey Gibson
State Senator
District 6

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03-14-19

Meeting Date

SB 64

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Steve Zora

Job Title President For Lodge 5-30 Jacksonville

Address 5530 Beach Blvd.

Phone 904-398-7010

Street

City

Jax

State

FL

Zip

32207

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14/2019

Meeting Date

64

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S

Phone 727/897-9291

Street

St Petersburg FL 33705

City

State

Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 178

INTRODUCER: Senator Gruters

SUBJECT: Florida Tourism Marketing

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Anderson</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>McAuliffe</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Favorable
3.	<u>McAuliffe</u>	<u>Kynoch</u>	<u>AP</u>	Favorable

I. Summary:

SB 178 saves the Florida Tourism Industry Marketing Corporation, doing business as VISIT FLORIDA, and the division of tourism marketing within Enterprise Florida, Inc., from repeal. Without the bill, the statutory authorizations for these entities would be repealed on October 1, 2019.

Appropriations for VISIT FLORIDA have averaged \$76 million each year for the past five fiscal years. Recurring funding of \$50 million is dedicated to the entity. If VISIT FLORIDA is repealed on October 1, 2019, the dissolved entities' assets, after all legal liabilities and obligations have been paid or adequate provision for them have been made, will revert to the state.

The bill takes effect July 1, 2019.

II. Present Situation:

Enterprise Florida, Inc., (EFI) is a non-profit corporation created to act as the economic development organization for Florida, using expertise from both the private and public sectors.¹

EFI is statutorily required to maintain at least five divisions related to the following areas:

- International trade and business development;
- Business retention and recruitment;
- Tourism marketing;
- Minority business development; and
- Sports industry development.²

¹ Section 288.901(1) and (2), F.S. EFI is not a unit of state government.

² Section 288.92, F.S.

EFI's division of tourism marketing is the mechanism created in statute through which EFI interacts and contracts with its direct support organization, VISIT FLORIDA. In practice, VISIT FLORIDA is EFI's tourism marketing division. The division is staffed by VISIT FLORIDA, but that staff is not employed by EFI.³

VISIT FLORIDA is the fictitious name for the Florida Tourism Industry Marketing Corporation, a non-profit corporation that serves as Florida's statewide destination marketing organization, and represents the state's tourism industry.⁴ VISIT FLORIDA's primary responsibilities include:⁵

- Administering domestic and international advertising campaigns;⁶
- Conducting research on tourism and travel trends;
- Conducting domestic and international marketing activities; and
- Managing the state's five welcome centers.⁷

VISIT FLORIDA is required to develop a 4-year marketing plan for the state that addresses issues such as continuation of tourism growth in Florida, expansion to new or underrepresented tourists, coordination with local and other private sector partners on tourism advertising, and addressing emergency response to disasters.⁸ "In addition, [VISIT FLORIDA] administers marketing activities for Veterans Florida, medical tourism, and marketing to assist the state following critical events, such as hurricanes."⁹

VISIT FLORIDA also administers a number of small grant programs that provide organizations and state agencies funding for certain tourism-related activities. Grant funds total less than \$2 million per year.¹⁰

VISIT FLORIDA is required to report quarterly on aspects of tourism, research, and financials¹¹ and annually on its activities and financial statements.¹² VISIT FLORIDA is also required to post certain information on its website related to contracts entered into by the entity.¹³

³ Section 288.923(5), F.S.

⁴ Section 288.1226, F.S. The fictitious name is registered with the Department of State, registration no. G18000088414.

⁵ Office of Program Policy Analysis and Government Accountability, *Florida Economic Development Program Evaluations – Year 5*, Report 17-13, p. 21, December 1, 2017, available at <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=17-13> (last visited February 14, 2019).

⁶ Section 288.923(4)(b), F.S.

⁷ Sections 288.1226 and 288.12265, F.S. The DEO contracts with VISIT FLORIDA to employ staff and operate the centers.

⁸ Section 288.923(4)(c), F.S.

⁹ Office of Program Policy Analysis and Government Accountability, *Florida Economic Development Program Evaluations – Year 5*, Report 17-13, p. 21.

¹⁰ Office of Program Policy Analysis and Government Accountability, *Florida Economic Development Program Evaluations – Year 5*, Report 17-13, Appendix C.

¹¹ Section 288.1226(8), F.S.

¹² Sections 288.92 and 288.923(4)(d), F.S.

¹³ Section 288.1226(13)(a) and (d), F.S.

EFI, in conjunction with the DEO, appoints VISIT FLORIDA's 31-member board of directors.¹⁴ The board provides “guidance, input, and insight into the evolution and development of [VISIT FLORIDA] programs, processes, and messages; acts as a steering council for various committees; and works directly with [VISIT FLORIDA] executive staff to guide strategy.”¹⁵ VISIT FLORIDA's board of directors is composed of 16 regional members, with at least two representing each of the six statutorily designated geographic areas of the state, and 15 additional tourism industry related members, including:

- One from the statewide rental car industry;
- Seven from tourist-related statewide associations;
- Three from county destination marketing organizations;
- One from the cruise industry;
- One from an automobile and travel services membership organization;
- One from the airline industry; and
- One from the space tourism industry.¹⁶

For the 2018-2019 fiscal year, VISIT FLORIDA received an appropriation of \$76 million.¹⁷ Payments are made to VISIT FLORIDA directly from the DEO – appropriated funds do not pass through EFI. VISIT FLORIDA enters into a funding agreement with the DEO and an operating agreement with EFI.¹⁸

VISIT FLORIDA and the EFI division of tourism marketing will sunset on October 1, 2019, unless reviewed and saved from repeal by the Legislature.¹⁹

Compliance with s. 20.058, F.S. - CSO/DSO Transparency and Reporting Requirements

Chapter 2014-96, L.O.F., created dates of repeal for numerous citizen support organizations (CSO) and direct support organizations (DSO), including VISIT FLORIDA and EFI's division of tourism marketing.²⁰ The law also created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for each CSO and DSO.

Reporting Requirements

Section 20.058(1), F.S., requires each CSO and DSO to annually submit, by August 1, the following information to the agency it supports:

- The CSO or DSO's name, mailing address, telephone number, and website address;
- The statutory authority or executive order that created the CSO or DSO;

¹⁴ Section 288.1662(4), F.S. See VISIT FLORIDA, *Board of Directors*, available at <http://www.visitflorida.org/about-us/who-we-are/board-of-directors/> (last visited February 8, 2019).

¹⁵ Office of Program Policy Analysis and Government Accountability, *Florida Economic Development Program Evaluations – Year 5*, Report 17-13, p. 21.

¹⁶ Section 288.1226(4), F.S.

¹⁷ SA 2239, s. 6, ch. 2018-19, L.O.F.

¹⁸ VISIT FLORIDA, *Funding Agreement SB18-003 – Agreement between the Department of Economic Opportunity and the Florida Tourism Industry Marketing Corporation*, executed August 25, 2017, and renewed by Amendment 2, executed May 11, 2018, available at <https://facts.fldfs.com/Search/ContractDetail.aspx?AgencyId=400000&ContractId=S0089> (last visited February 14, 2019).

¹⁹ Sections 288.1226(14) and 288.923(6), F.S.

²⁰ Sections 3 and 16, ch. 2014-96, L.O.F.

- A brief description of the mission and results obtained by the CSO or DSO;
- A brief description of the CSO or DSO's plans for the next three fiscal years;
- A copy of the CSO or DSO's code of ethics; and
- A copy of the CSO or DSO's most recent Internal Revenue Service (IRS) Form 990.²¹

The DEO, on behalf of EFI, submits this information annually with regard to VISIT FLORIDA.²²

Transparency of Reported CSO or DSO Information

Section 20.058(2), F.S., requires each agency receiving information from a CSO or DSO pursuant to s. 20.058(1), F.S., to make such information available to the public through the agency's website. If the organization maintains a website, the agency's website must provide a link to the organization's website.

The DEO and EFI each have links on their websites to VISIT FLORIDA.²³ VISIT FLORIDA provides online access to relevant public records and information that is required by s. 20.058(1), F.S.²⁴

Section 20.058(3), F.S., requires, by August 15 of each year, each agency to report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) the information provided by each CSO and DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each organization.

The DEO submitted the required report on August 15, 2018, on behalf of EFI, and the report recommends the continued collaboration and association between the DEO, EFI, and VISIT FLORIDA.²⁵

Contract Requirements

Section 20.058(4), F.S., requires any contract between an agency and a CSO or DSO to be contingent upon the CSO or DSO submitting and posting information pursuant to s. 20.058(1) and (2), F.S. The contract must also include a provision for the orderly cessation of operations and reversion to the state of state funds held in trust by the organization within 30 days after its authorizing statute is repealed, the contract is terminated, or the organization is dissolved. If an

²¹ The IRS Form 990 is the an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. s. 501. The most recent Form 990 provided by VISIT FLORIDA is from 2016 and available at <https://www.visitflorida.org/media/52357/annual-tax-return-2017.pdf> (last visited February 12, 2019).

²² Department of Economic Opportunity, *2018 DSO Report for VISIT FLORIDA*, August 15, 2018, available at p. 39 at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=18027&DocType=PDF> (last visited February 12, 2019).

²³ The DEO's home page contains a link at the bottom to VISIT FLORIDA, available at <http://www.floridajobs.org/> (last visited February 12, 2019). EFI's home page has a link for partner sites, including VISIT FLORIDA, available at <https://www.enterpriseflorida.com/> (last visited February 12, 2019).

²⁴ VISIT FLORIDA, Public Records, available at <https://www.visitflorida.org/about-us/media/public-records/> and VISIT FLORIDA, Annual Reports, available at <https://www.visitflorida.org/about-us/what-we-do/> (both sites last visited February 12, 2019).

²⁵ Department of Economic Opportunity, *2018 DSO Report for VISIT FLORIDA*.

organization fails to submit the required information for two consecutive years, the agency head must terminate any contract between the agency and the organization.

Though the Operating Agreement for Direct Support Activities between Enterprise Florida, Inc., and VISIT FLORIDA does not appear to reference the s. 20.058(1) and (2), F.S., posting requirements, the DEO provided the required information in its 2018 DSO report. The contract between the DEO and VISIT FLORIDA does provide that VISIT FLORIDA assets revert to the state in the event of dissolution of VISIT FLORIDA.²⁶

Compliance with s. 215.981, F.S. - CSO/DSO Audit Requirements

Section 215.981(1), F.S., requires each CSO and DSO created or authorized pursuant to law with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records.

VISIT FLORIDA submitted its most recent annual financial audit in compliance with ss. 288.1226(7) and 215.981(1), F.S., to the OPPAGA, the Florida Auditor General, and the DEO on June 30, 2018.²⁷

Compliance with s. 112.3251, F.S. - CSO/DSO Ethics Code Requirement

Section 112.3251, F.S., requires a CSO or DSO created or authorized pursuant to law to adopt its own ethics code. The ethics code must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S.²⁸ A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must conspicuously post its code of ethics on its website.

VISIT FLORIDA has its code of ethics posted online and it is in compliance with ss. 112.313 and 112.3143, F.S.²⁹

Compliance with Specific Administrative Requirements

Sections 288.1226 and 288.923, F.S., specify administrative requirements for VISIT FLORIDA and the EFI division of tourism marketing. As part of the DSO sunset review, legislative staff reviewed compliance with these requirements and, with the resources available, determined that VISIT FLORIDA generally meets the statutory requirements, including:

- Having a board of directors based on region and industry;³⁰

²⁶ VISIT FLORIDA, *Funding Agreement SB18-003 – Agreement between the Department of Economic Opportunity and the Florida Tourism Industry Marketing Corporation*, executed August 25, 2017, and renewed by Amendment 2, executed May 11, 2018.

²⁷ VISIT FLORIDA, *Audits*, available at <https://www.visitflorida.org/about-us/media-and-public-records/audits/> (last visited February 13, 2019).

²⁸ Some of the standards of conduct and disclosures in ss. 112.313 and 112.3143(2), F.S., include misuse of public position, solicitation or acceptance of gifts, unauthorized compensation, and voting conflicts.

²⁹ VISIT FLORIDA, *Miscellaneous*, available at <https://www.visitflorida.org/about-us/media/public-records/miscellaneous/> (last visited February 13, 2019).

³⁰ Section 288.1662(4), F.S. See VISIT FLORIDA, *Board of Directors*, available at <http://www.visitflorida.org/about-us/who-we-are/board-of-directors/> (last visited February 13, 2019).

- Contracting with EFI;³¹
- Annually updating the 4-year marketing plan;³²
- Annually completing financial and compliance audits;³³
- Complying with the public records and open meetings requirements of chs. 119 and 286, F.S.; and³⁴
- Submitting quarterly reports to EFI.³⁵

III. Effect of Proposed Changes:

The bill saves the Florida Tourism Industry Marketing Corporation, doing business as VISIT FLORIDA, and the division of tourism marketing within Enterprise Florida, Inc., from repeal. The bill repeals s. 288.1226(14), F.S., (Section 1) and s. 288.923(6), F.S. (Section 2).

The bill is effective July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

³¹ Section 288.923(3), F.S.

³² Section 288.923(4)(c), F.S.

³³ Sections 288.923(4)(d)4. and 288.1226(7), F.S.

³⁴ Section 288.1226(2)(d), (9), and(13), F.S.

³⁵ Section 288.1226(8), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Appropriations for VISIT FLORIDA have averaged \$76 million each year for the past five fiscal years.³⁶ Recurring funding of \$50 million is dedicated to the entity. If VISIT FLORIDA is repealed on October 1, 2019, the dissolved entities' assets, after all legal liabilities and obligations have been paid or adequate provisions have been made, will revert to the state.³⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals the following sections of the Florida Statutes: 288.1226(14) and 288.923(6).

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³⁶ SA 2239, s. 6, ch. 2019-8, L.O.F.; s. 26, ch. 2017-233, L.O.F.; SA 2240, s. 6, ch. 2016-66, L.O.F.; SA 2254, s. 6, ch. 2015-232, L.O.F.; and SA 2261, s. 6, 2014-51, L.O.F.

³⁷ VISIT FLORIDA, *Funding Agreement SB18-003 – Agreement between the Department of Economic Opportunity and the Florida Tourism Industry Marketing Corporation*, executed August 25, 2017, and renewed by Amendment 2, executed May 11, 2018.



821108

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/14/2019	.	
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The Committee on Appropriations (Gruters) recommended the following:

Senate Amendment (with title amendment)

Between lines 24 and 25
insert:

Section 3. Present subsections (2) and (3) of section 288.92, Florida Statutes, are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section, to read:

288.92 Divisions of Enterprise Florida, Inc.—

(2) Notwithstanding subsection (3), the Florida Sports



821108

11 Foundation must be:

12 (a) Incorporated as a corporation not for profit pursuant
13 to chapter 617; and

14 (b) Governed by a board of directors consisting of 20
15 directors appointed by the Governor.

16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete lines 2 - 8

20 and insert:

21 An act relating to Enterprise Florida, Inc.; amending
22 ss. 288.1226 and 288.923, F.S., relating to the
23 Florida Tourism Industry Marketing Corporation direct-
24 support organization and the Division of Tourism
25 Marketing of Enterprise Florida, Inc., respectively;
26 abrogating the scheduled repeal of provisions related
27 to the corporation and the division, respectively;
28 amending s. 288.92, F.S.; requiring the Florida Sports
29 Foundation to be incorporated as a corporation not for
30 profit; specifying requirements for the board of
31 directors of the foundation;

By Senator Gruters

23-01087-19

2019178__

1 A bill to be entitled
2 An act relating to Florida tourism marketing; amending
3 s. 288.1226 and s. 288.923, F.S., relating to the
4 Florida Tourism Industry Marketing Corporation direct-
5 support organization and the Division of Tourism
6 Marketing of Enterprise Florida, Inc., respectively;
7 abrogating the scheduled repeal of provisions related
8 to the corporation and the division, respectively;
9 providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (14) of section 288.1226, Florida
14 Statutes, is amended to read:

15 288.1226 Florida Tourism Industry Marketing Corporation;
16 use of property; board of directors; duties; audit.-

17 ~~(14) REPEAL. This section is repealed October 1, 2019,~~
18 ~~unless reviewed and saved from repeal by the Legislature.~~

19 Section 2. Subsection (6) of section 288.923, Florida
20 Statutes, is amended to read:

21 288.923 Division of Tourism Marketing; definitions;
22 responsibilities.-

23 ~~(6) This section is repealed October 1, 2019, unless~~
24 ~~reviewed and saved from repeal by the Legislature.~~

25 Section 3. This act shall take effect July 1, 2019.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Commerce and Tourism, *Chair*
Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Criminal
and Civil Justice
Banking and Insurance

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR JOE GRUTERS

23rd District

March 8, 2019

The Honorable Rob Bradley, Chair
Appropriations Committee
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Bradley:

I am writing to request that Senate Bill 178, Florida Tourism Marketing, be placed on the agenda of the next Appropriations meeting.

Should you have any questions regarding this bill, please do not hesitate to reach out to me. Thank you for your time and consideration.

Warm regards,

A handwritten signature in black ink that reads "Joe Gruters".

Joe Gruters

cc: Cynthia Kynoch, Staff Director
Alicia Weiss, Committee Administrative Assistant

REPLY TO:

- 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

3/14/19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

178

Bill Number (if applicable)

Topic Florida Tourism Marketing

Amendment Barcode (if applicable)

Name Samantha Padgett

Job Title General Counsel

Address 230 S. Adams St.

Phone 224-2250

Street

Tallahassee

City

FL

State

32301

Zip

Email spadgett@fla.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Restaurant & Lodging Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14/2019

Meeting Date

178

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S

Phone 727/897-9291

Street

St Petersburg

City

FL

State

33705

Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-14-2019

178

Meeting Date

Bill Number (if applicable)

Topic VISIT FLORIDA

Amendment Barcode (if applicable)

Name Kurt Wenner

Job Title Vice President

Address 106 N. Bronough

Phone 850-222-5052

Street

Tallahassee

FL

32301

Email kwenner@floridataxwatch.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida TaxWatch

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-14-19

Meeting Date

SB 178

Bill Number (if applicable)

Topic Florida Tourism Marketing

Amendment Barcode (if applicable)

Name Stephen Shiver

Job Title Partner

Address 204 S Monroe

Phone 800 222 8900

Street

City

Tall, FL

State

Zip

Email SS@cardenaspartners

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Associated Industries of FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14/19

Meeting Date

178

Bill Number (if applicable)

Topic VISIT FLORIDA

Amendment Barcode (if applicable)

Name CAROLYN JOHNSON

Job Title POLICY DIRECTOR

Address 130 S BRUNAUGH ST

Phone 521-1200

Street

Tallahassee

State

Zip

Email johnson@flchamber.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/14/2019

Meeting Date

178

Bill Number (if applicable)

Topic Florida Tourism Marketing

Amendment Barcode (if applicable)

Name Tim Parson

Job Title Director of Government Relations

Address P.O. Box 360

Phone (800) 910-2678

Tallahassee FL 32302

Email tim@ketypartners.com

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Attractions Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SPB 7072

INTRODUCER: Appropriations Committee and Senator Bradley

SUBJECT: Justice System

DATE: March 18, 2019

REVISED: _____

ANALYST

Jameson

STAFF DIRECTOR

Kynoch

REFERENCE

ACTION

AP Submitted as Comm. Bill/Fav

I. Summary:

The bill creates section 25.025, Florida Statutes, which provides that the Chief Justice of the Florida Supreme Court shall, at the request of a justice:

- Coordinate and designate a courthouse or other appropriate facility in the justice's district as his or her official headquarters and private chambers; and
- Reimburse the justice for travel and subsistence while in Tallahassee to the extent funding is available.

The bill increases the number of circuit judges, adding one circuit court judgeship in the Ninth Judicial Circuit Court, which includes Orange and Osceola Counties, and one circuit court judgeship in the Twelfth Judicial Circuit Court, which includes Manatee and Sarasota Counties.

The bill amends section 394.47891, Florida Statutes, to require the chief judge of each judicial circuit to establish at least one Military Veterans and Servicemembers Court Program (veterans' court). Currently, 16 of the 20 judicial circuits have one or more veterans' courts. These problem-solving courts serve specified veterans who are charged or convicted of a criminal offense and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, in a manner that appropriately addresses the severity of the illness, injury, disorder or psychological problem.

The bill requires the Office of the State Courts Administrator to annually report to the President of the Senate and Speaker of the House of Representatives certain specified information on each problem-solving court.

The bill also amends various provisions of sections 812.014 and 812.015, Florida Statutes, related to retail and grand theft offenses to:

- Increase the threshold amount for third degree felony theft offenses from \$300 to \$750.
- Specify when the dollar value of prior instances of retail theft under section 812.015, Florida Statutes, must be aggregated, during any 90-day period, for purposes of determining the classification of the offense as a second or third degree felony, provide that the aggregation

applies to retail theft in more than one county, and provide that the aggregated offenses shall be prosecuted by the Office of the Statewide Prosecutor.

The bill creates section 812.019(10), Florida Statutes to provide that a person who receives, possesses, or purchases merchandise or stored-value cards from a fraudulent return with knowledge the items were stolen commits a third degree felony.

The bill makes conforming changes to the Criminal Punishment Code severity ranking chart to reflect the changes made by the bill.

Adding two new circuit judges has a fiscal impact on state expenditures. The cost of veterans' courts in the four judicial circuits that do not presently have them would be determined by the Trial Courts Budget Commission (TCBC) from within existing appropriations. The Criminal Justice Impact Conference (CJIC) has not reviewed this bill. In a similar bill increasing the threshold for retail and grand theft the CJIC projected a negative impact on prison beds. *See Section V.*

Section 1. of the bill related to supreme court justices' travel is effective July 1, 2019. The remaining sections of the bill are effective October 1, 2019.

II. Present Situation:

Supreme Court Headquarters

Article II, section 2 of the Florida Constitution designates Tallahassee as the seat of state government “where the *offices* of the governor, lieutenant governor, cabinet members and the supreme court shall be maintained and the sessions of the legislature shall be held[.]”¹ Article V, section 3 of the Florida Constitution provides that the Supreme Court will consist of seven justices, and that each of the five appellate districts “shall have at least one justice elected or appointed from the district at the time of the original appointment or election.” The chambers of all seven justices are in the Florida Supreme Court building,² and all official Supreme Court business is conducted in Tallahassee.³

¹ FLA. CONST. art. II, s. 2.

² Florida Supreme Court, Manual of Internal Operating Procedures, *Section 1. Court Structure*, p. 1 (Rev. Sept. 21, 2016), http://www.floridasupremecourt.org/pub_info/documents/IOPs.pdf (last visited Jan. 31, 2019). *But see In re: Designation of Official Headquarters*, AOSC18-37 (Fla. July 2, 2018) (administrative order issued by Florida Supreme Court designating remote headquarters pursuant to Ch. 18-10, s. 46, Laws of Fla., the 2018 appropriations law), available at <https://www.floridasupremecourt.org/content/download/421872/4557988/AOSC18-37.pdf>.

³ “[T]he Florida Supreme Court, comprised of its Justices, has only one “office” — the Supreme Court Building, located in the Northern District.” *Castro v. Labarga*, 16-22297-CIV, 2016 WL 6565946, at *5 (S.D. Fla. Nov. 3, 2016) (citing FLA. CONST. art. II, s. 2). “In my view, the mere fact that a Florida Supreme Court justice may periodically travel outside of the Northern District of Florida to attend bar functions or educational seminars and obtains travel reimbursements does not translate the trip into an ‘official duty’ trip sufficient to generate venue in the other districts.” *Id.* “If the Florida Supreme Court maintained major offices, courtrooms or staff in other districts, then the result about venue and venue discovery might be different. But those significant facts, which Castro relies on when citing other cases, are absent here.” *Id.* (holding the proper venue of a disgruntled bar candidate suing the Florida Supreme Court is the northern district of Florida). *See also Uberoi v. Labarga*, 8:16-CV-1821-T-33JSS, 2016 WL 5914922, at *2 (M.D. Fla. Oct. 11, 2016) (transferring another disgruntled bar candidate’s case to the Northern District based a motion to dismiss filed by Justice Labarga noting that

Headquarters for Purposes of Travel Reimbursement

Section 112.061, F.S., governs the reimbursement of travel expenses to public employees and officers. To that end, s. 112.061(4), F.S. provides that while “[t]he official headquarters of an officer or employee assigned to an office shall be the city or town in which the office is located,” there are exceptions:

- The official headquarters of a person located in the field is in the city or town nearest to the area where the majority of the person’s work is performed, or such other city, town, or area designated by the agency head provided that the designation is in the best interests of the agency and not for the convenience of the employee.
- When any state employee is stationed in a city or town for a period of over 30 continuous workdays, that city or town is the employee’s official headquarters, and he or she is not allowed per diem or subsistence, after the 30 continuous workdays have elapsed, unless that time period is extended by the agency head or his or her designee.
- An employee may leave his or her assigned post to return home overnight, over a weekend, or during a holiday, but time lost from work must be taken as annual leave and. The employee cannot be reimbursed for travel expenses other than per diem allowable had he or she remained at the temporary post. However, when an employee is temporarily assigned away from his or her official headquarters for more than 30 days, he or she can receive reimbursement for travel expenses for one round trip for each 30-day period actually taken to his or her home.⁴

Additionally, s. 112.061(1)(b)1., F.S., establishes a legislative policy that exceptions to the restrictions on reimbursements of travel and subsistence expenses should be standardized and exceptions or exemptions must explicitly reference s. 112.061, F.S.

Section 112.061, F.S. applies to the court system. Each district court of appeal—the headquarters for which is defined by the Legislature, not the Constitution⁵—now is authorized to “designate other locations within its district as branch headquarters for the conduct of the business of the court and as the official headquarters of its officers or employees pursuant to s. 112.061.”⁶

Prior to district courts of appeal being authorized to establish branch headquarters, the Attorney General opined for travel and reimbursement purposes that a district court of appeal judge could *not* designate the city of his or her residence as his or her official headquarters for purposes of travel expenses.⁷ Notably, the opinion relied on the fact that, at that time, s. 35.05, F.S., designated the official headquarters of each district court of appeal in specific cities.⁸

official acts by the Florida Supreme Court concerning the candidate’s admission to the bar are done in Tallahassee; citing FLA. CONST. art. II, s. 2, noting that Tallahassee “is where the offices of the Florida Supreme Court shall be maintained.”).

⁴ Section 112.061(4)(a)-(c), F.S.

⁵ Section 35.05(1), F.S. (designating the city in which the headquarters for each appellate district must be located).

⁶ Section 35.05(2), F.S.

⁷ Op. Att’y Gen. Fla. 74-132 (1974).

⁸ *Id.* (“Section 112.061, F.S., has been uniformly interpreted by this office as authorizing reimbursement for travel expense only from the official headquarters of the public officer or employee; and, as defined in subsection 112.061(4), the official headquarters “of an officer or employee assigned to an office shall be the city or town in which the office is located” (The provisions of paragraphs (4)(a), (b), and (c), relating to public officers or employees “located in the field” or “stationed”

Subsequently, the law was amended to permit a district court of appeal to “designate branch headquarters within its district for purposes of s. 112.061,”⁹

In 2018, the Implementing Bill authorized the funding of travel and subsistence expenses for justices residing outside Leon County who elected to designate a remote “headquarters” to use as their private chambers.¹⁰

Certification of Need for Additional Judges

Article V, section 9 of the Florida Constitution requires the Florida Supreme Court to submit recommendations to the Legislature when there is a need to increase or decrease the number of judges.¹¹ The constitutional provision further directs the Court to base its recommendations on uniform criteria adopted by court rule.

The Court’s rule setting forth criteria for assessing judicial need at the trial court level is based primarily upon the application of case weights to circuit and county court caseload statistics.¹² These weights are a quantified measure of judicial time spent on case-related activity. The judicial workload is then based on judicial caseloads adjusted in the relative complexity of various case types.

In addition to the statistical information, the Court, in weighing the need for trial court judges, will also consider the factors below which primarily relate to the resources available to a judicial circuit:

- (i) The availability and use of county court judges in circuit court.

in another city or town, are not applicable her for obvious reasons.) The official headquarters of each district court of appeal is designated by statute, s. 35.05, F.S., and that is where the majority of the work of the court is performed.”).

⁹ Section 35.05(2), F.S. Currently, it appears that only the Second District Court of Appeal has designated a second branch office, in Tampa on the Stetson University campus. However, the Second District’s clerk’s office is at the official headquarters in Lakeland. *See* Florida Second District Court of Appeal, <http://www.2dca.org/Directions/tampa.shtml> (last visited Jan. 31, 2019).

¹⁰ *See* Ch. 18-10, s. 46, Laws of Fla; *In re: Designation of Official Headquarters*, Fla. Admin. Order. No. AOSC18-37 (July 2, 2018) (administrative order issued by Florida Supreme Court designating remote headquarters), available at <https://www.floridasupremecourt.org/content/download/421872/4557988/AOSC18-37.pdf>.

¹¹ Article V, section 9 of the Florida Constitution states:

Determination of number of judges.—The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need. Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the legislature, that such a need exists. A decrease in the number of judges shall be effective only after the expiration of a term. If the supreme court fails to make findings as provided above when need exists, the legislature may by concurrent resolution request the court to certify its findings and recommendations and upon the failure of the court to certify its findings for nine consecutive months, the legislature may, upon a finding of two-thirds of the membership of both houses of the legislature that a need exists, increase or decrease the number of judges or increase, decrease or redefine appellate districts and judicial circuits.

¹² Fla. R. Jud. Adm. 2.240(b)(1)(A).

- (ii) The availability and use of senior judges to serve on a particular court.
- (iii) The availability and use of magistrates and hearing officers.
- (iv) The extent of use of alternative dispute resolution.
- (v) The number of jury trials.
- (vi) Foreign language interpretations.
- (vii) The geographic size of a circuit, including travel times between courthouses in a particular jurisdiction.
- (viii) Law enforcement activities in the court's jurisdiction, including any substantial commitment of additional resources for state attorneys, public defenders, and local law enforcement.
- (ix) The availability and use of case-related support staff and case management policies and practices.
- (x) Caseload trends.¹³

In addition to the weighted caseload statistics, the Court will also consider the time to perform other judicial activities, such as reviewing appellate decisions, reviewing petitions and motions for post-conviction relief, hearing and disposing motions, and participating in meetings with those involved in the justice system.¹⁴ Finally, the Court will consider any request for an increase or decrease in the number of judges that the chief judge of the circuit “feels are required.”¹⁵ Following its criteria for determining the need for judges, the Florida Supreme Court recently issued an order certifying the need for additional judges for the 2019-2020 fiscal year.¹⁶

Problem-Solving Courts

In 1989, Florida started problem-solving court initiatives by creating the first drug court in the United States in Miami-Dade County. Other types of problem-solving court dockets subsequently followed using the drug court model and were implemented to assist individuals with a range of problems such as drug addiction, mental illness, domestic violence, and child abuse and neglect.¹⁷

Florida's problem-solving courts address the root causes of an individual's involvement with the justice system through specialized dockets, multidisciplinary teams, and a nonadversarial approach. Offering evidence-based treatment, judicial supervision, and accountability, problem-solving courts provide individualized interventions for participants, thereby reducing recidivism and promoting confidence and satisfaction with the justice system process.¹⁸

¹³ Fla. R. Jud. Admin. 2.240(b)(1)(B).

¹⁴ Fla. R. Jud. Admin. 2.240(c).

¹⁵ Fla. R. Jud. Admin. 2.240(d).

¹⁶ *In Re: Certification of Need for Additional Judges*, S.Ct. No. SC18-1970.

<https://www.floridasupremecourt.org/content/download/425472/4585604/file/sc18-1970.pdf>.

¹⁷ The most common problem-solving courts in Florida are drug courts, mental health courts, veterans courts and early childhood courts. Florida Courts, Office of Court Improvement, Problem-Solving Courts, available at <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts> (last visited February 28, 2019).

¹⁸ *Id.*

Veterans' Courts for Criminal Offenders

Veterans' courts are problem-solving courts, modeled after drug courts, which are aimed at addressing the root causes of criminal behavior.¹⁹ The purpose of veterans' courts is to divert eligible defendants who are veterans or servicemembers into treatment programs for military-related conditions or war-related trauma, either before trial or at sentencing. Veterans' courts consider whether an individual's military-related condition, such as post-traumatic stress disorder, mental illness, traumatic brain injury, or substance abuse, can be addressed through a program specifically designed to serve the individual's needs.²⁰

Veterans' courts implement the 10 key components required of drug courts²¹ in Florida:

- Integration of alcohol, drug treatment, and mental health services into justice system case processing;
- Nonadversarial approach;
- Early identification of eligible participants;
- Continuum of services;
- Alcohol and drug testing for abstinence;
- Coordinated strategy for responses to participants' compliance;
- Ongoing judicial interaction;
- Monitoring and evaluation for program effectiveness;
- Interdisciplinary education; and
- Partnerships with stakeholders.²²

Significantly, veterans' courts involve not only nonadversarial cooperation among “traditional partners found in drug courts, such as the judge, state attorney, public defender, case manager, treatment provider, probation, and law enforcement[.]” but also cooperation with “representatives of the Veterans Health Administration (VHA) and the Veterans Benefit Administration as well as State Department of Veterans Affairs, Vet Centers, Veterans Service Organizations, Department of Labor, volunteer veteran mentors, and other veterans support groups.”²³ Veterans' courts are also able to “leverage resources available from the U.S. Department of Veterans Affairs” to provide treatment and other services to veterans and servicemembers.²⁴

¹⁹ Florida Courts, *Problem-Solving Courts*, available at <http://www.flcourts.org/resources-and-services/court-improvement/problem-solving-courts/> (last visited February 28, 2019).

²⁰ Section 394.47891, F.S.

²¹ Section 397.334(4), F.S.

²² See n. 3, *supra*, noting that “[t]he components of veterans courts, from The Ten Key Components of Veterans Treatment Court, Justice for Vets (a division of the National Association of Drug Court Professionals)[.]” See also Justice for Vets, *The Ten Key Components of Veterans Treatment Courts*, available at <https://justiceforvets.org/wp-content/uploads/2017/02/The-Ten-Key-Components-of-Veterans-Treatment-Courts.pdf> (last visited February 28, 2019).

²³ See n. 3, *supra*.

²⁴ *Id.*

Florida's Veterans' Courts

In 2012, the Florida Legislature passed the “T. Patt Maney Veterans’ Treatment Intervention Act.”²⁵ The Act created the military veterans and servicemembers court program,²⁶ better known as veterans’ courts.²⁷ Specifically, the Act authorizes the chief judge of each judicial circuit to establish a veterans’ court program to serve the special needs of eligible veterans²⁸ and active duty servicemembers²⁹ who are:

- Suffering a military-related condition, such as mental illness, traumatic brain injury, or substance abuse; and
- Charged with or convicted of a criminal offense.³⁰

The 2012 Act also amended chapter 948, F.S., to provide when veterans and servicemembers may be eligible to participate in the veterans’ court program for treatment and services. Eligible individuals may participate after being:

- Charged with a criminal misdemeanor³¹ or certain felony offenses but before being convicted (pretrial intervention);³² or
- Convicted and sentenced, as a condition of probation or community control.³³

Pretrial Intervention Participation

Prior to placement in a program, a veterans’ treatment intervention team must develop an individualized coordinated strategy for the veteran. The team must present the coordinated strategy to the veteran in writing before he or she agrees to enter the program. The strategy is modeled after the ten therapeutic jurisprudence principles and key components for treatment-based drug court programs.³⁴

During the time that the defendant is allotted participation in the treatment program, the court retains jurisdiction in the case. At the end of the program, the court considers recommendations for disposition by the state attorney and the program administrator. If the veteran successfully completes the treatment program, the court must dismiss the criminal charges. If the court finds

²⁵ CS/CS/SB 922 (ch. 2012-159, Laws of Fla.).

²⁶ Section 394.47891, F.S.

²⁷ Florida Courts, *Veterans’ Courts*, available at <http://www.flcourts.org/resources-and-services/court-improvement/problem-solving-courts/veterans-court.stml> (last visited February 28, 2019).

²⁸ Section 1.01(14), F.S., defines a veteran as a person who served in active military, naval, or air service who was discharged or released under honorable conditions or who later received an upgraded discharge under honorable conditions.

²⁹ A servicemember is defined as a person serving as a member of the United States Armed Forces on active duty or state active duty and members of the Florida National Guard and United States Reserve Forces. Section 250.01(19), F.S.

³⁰ *See n. 2, supra.*

³¹ Section 948.16(2)(a), F.S., establishes the misdemeanor pretrial veterans’ treatment intervention program.

³² Section 948.08(7)(a), F.S., authorizes courts to consider veterans charged with non-disqualifying felonies for pretrial veterans’ treatment intervention programs. Section 948.08(7), F.S., references the disqualifying felony offenses listed in s. 948.06(8)(c), F.S.; i.e., Section 948.06(8)(c), F.S., lists 19 disqualifying felony offenses of a serious nature, such as kidnapping, murder, sexual battery, treason, etc.

³³ Section 948.21, F.S.

³⁴ Section 948.08(7)(b), F.S., requires a coordinated strategy for veterans charged with felonies who are participating in pretrial intervention programs. Section 948.16(2)(b), F.S., requires a coordinated strategy for veterans charged with misdemeanors. Section 397.334(4), F.S., requires treatment based court programs to include therapeutic jurisprudence principles and components recognized by the United States Department of Justice and adopted by the Florida Supreme Court Treatment-based Drug Court Steering Committee.

that the veteran did not successfully complete the program, the court can either order the veteran to continue in education and treatment or authorize the state attorney to proceed with prosecution.³⁵

Eligible veterans who successfully complete the diversion program may petition the court to order the expunction of the arrest record and the plea.³⁶

Participation in Treatment Program while on Probation or Community Control

Veterans and servicemembers on probation or community control who committed a crime on or after July 1, 2012, and suffer from a military-related mental illness, a traumatic brain injury, or a substance abuse disorder may also qualify for treatment programs. A court may impose, as a condition of probation or community control, successful completion of a mental health or substance abuse treatment program.³⁷

Current Court Statistics

According to the State Court Administrator's Office of Court Improvement, as of February 2019, there are 30 veterans' courts in Florida.³⁸ Additionally, the Office of Court Improvement reports that in 2017, "Florida's veterans' courts admitted 1,051 participants and graduated 593."³⁹

Retail Theft

Approximately 3,000 people are currently incarcerated in the Department of Corrections (DOC) for felony theft convictions and just over 24,000 people are on state community supervision for a felony theft crime in Florida.⁴⁰ Since 2000, 37 states have increased the threshold dollar amounts for felony theft crimes.⁴¹ Such increases ensure that associated "criminal sentences don't become more severe over time simply because of natural increases in the prices of consumer goods."⁴²

The majority of states (30 states) and the District of Columbia set a \$1,000-or-greater property value threshold for felony grand theft. Fifteen states have thresholds between \$500 and \$950, and

³⁵ Section 948.08(7)(b)-(c), F.S.

³⁶ See n. 14, *supra*.

³⁷ Section 948.21, F.S.

³⁸ Email from the Office of the State Courts Administrator, March 1, 2019 (on file with Senate Criminal and Civil Justice Appropriations Committee).

³⁹ *Id.*

⁴⁰ Email from Scotti Vaughan, Department of Corrections, Deputy Legislative Affairs Director, February 6, 2019 (on file with Senate Criminal Justice Committee).

⁴¹ Pew Charitable Trusts, *The Effects of Changing State Theft Penalties*, (February 2016), available at http://www.pewtrusts.org/~media/assets/2016/02/the_effects_of_changing_state_theft_penalties.pdf?la=en (last visited February 28, 2019); See also Alison Lawrence, *Making Sense of Sentencing: State Systems and Policies*, National Conference of State Legislatures, (June 2015), available at <http://www.ncsl.org/documents/cj/sentencing.pdf> (last visited February 28, 2019).

⁴² John Gramlich and Katie Zafft, *Updating State Theft Laws Can Bring Less Incarceration – and Less*, Stateline, Pew Charitable Trusts, (March 1, 2016), available at <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/03/31/updating-state-theft-laws-can-bring-less-incarceration-and-less-crime> (last visited February 28, 2019).

five states, including Florida, have thresholds below \$500. Between 2003 and 2015, nine states, including Alabama, Mississippi, and Louisiana, raised their felony thresholds twice.⁴³

Property Theft

Section 812.014, F.S., provides that a person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or use, the property of another with intent to, either temporarily or permanently:

- Deprive the other person of a right to the property or a benefit from the property; or
- Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.⁴⁴

Second degree petit theft, a second degree misdemeanor, is theft of property valued at less than \$100.⁴⁵ First degree petit theft, a first degree misdemeanor, is theft of property valued at \$100 or more but less than \$300.⁴⁶ Second degree petit theft incurs greater penalties if there is a prior theft conviction: it is a first degree misdemeanor if there is one prior conviction,⁴⁷ and a third degree felony if there are two or more prior convictions.⁴⁸

Third degree grand theft, a third degree felony,⁴⁹ is theft of:

- Property valued at \$300 or more, but less than \$20,000.
- Specified property including, but not limited to:
 - A will, codicil, or testamentary instrument;
 - A firearm;
 - Any commercially farmed animal,⁵⁰ a bee colony of a registered beekeeper, or aquaculture species raised at a certified aquaculture facility;
 - Any fire extinguisher;
 - Citrus fruit of 2,000 or more individual pieces;
 - Any stop sign;
 - Property taken from a designated, posted construction site;⁵¹ and
- Property from a dwelling or its unenclosed curtilage if the property is valued at \$100 or more, but less than \$300.⁵²

The last time the Legislature increased the minimum threshold property value for third degree grand theft was in 1986.⁵³ The third degree grand theft provisions related to property taken from

⁴³ *Id.*

⁴⁴ Section 812.014(1), F.S.

⁴⁵ Section 812.014(3)(a), F.S. A second degree misdemeanor is punishable by up to 60 days in jail and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

⁴⁶ Section 812.014(2)(e), F.S. A first degree misdemeanor is punishable by up to one year in jail and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

⁴⁷ Section 812.014(3)(b), F.S.

⁴⁸ Section 812.014(3)(c), F.S.

⁴⁹ A third degree felony is punishable by up to 5 years' incarceration and a fine of up to \$5,000. Sections 775.082 and 775.083, F.S.

⁵⁰ This includes any animal of the equine, avian, bovine, or swine class or other grazing animal.

⁵¹ Section 812.014(2)(c), F.S.

⁵² Section 812.014(2)(d), F.S.

⁵³ Chapter 86-161, s. 1, L.O.F., which became effective on July 1, 1986.

a dwelling or its unenclosed curtilage were added in 1996. The petit theft provisions were also amended, including the thresholds, in 1996.⁵⁴ Using the U.S. Department of Labor, Bureau of Labor Statistics' Consumer Price Index Inflation Calculator, the inflation-adjusted value of the \$300 felony retail threshold that became effective July 1, 1986, is \$692.54, as of February 2019. The February 2019 inflation-adjusted value of \$300 since October 1, 1996 (the date the grand theft provisions relating to a dwelling and its enclosed curtilage became effective), is \$479.04.⁵⁵

Retail Theft

Section 812.015(1)(d), F.S., defines retail theft as:

- The taking possession of or carrying away of merchandise, property, money, or negotiable documents;
- Altering or removing a label, universal product code, or price tag;
- Transferring merchandise from one container to another; or
- Removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.

Retail theft is a third degree felony if the theft involves property valued at \$300 or more and the person:

- Individually, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense;
- Commits theft from more than one location within a 48-hour period;⁵⁶
- Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense, or acts in other ways to coordinate efforts to carry out the offense; or
- Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box.⁵⁷

Retail theft is a second degree felony if the person has previously been convicted of third degree felony retail theft or individually, or in concert with one or more other persons, coordinates the activities of one or more persons in committing the offense of retail theft where the stolen property has a value in excess of \$3,000.⁵⁸ The statute also requires a fine of not less than \$50 and no more than \$1,000 for a second or subsequent conviction for petit theft from a merchant, farmer, or transit agency.⁵⁹

The threshold for a third degree felony retail theft was created and set by the Legislature in 2001.⁶⁰

⁵⁴ Chapter 96-388, s. 49, L.O.F., which became effective on October 1, 1996.

⁵⁵ Consumer Price Index Inflation Calculator of the U.S. Department of Labor's Bureau of Labor Statistics available at https://www.bls.gov/data/inflation_calculator.htm (last visited March 11, 2019).

⁵⁶ In the first two instances, the amount of each individual theft is aggregated to determine the value of the property stolen. Section 812.015(8)(a) and (b), F.S.

⁵⁷ Section 812.015(8), F.S.

⁵⁸ Section 812.015(9), F.S.

⁵⁹ Section 812.015(2), F.S. In July 2001, \$300 dollars had the same buying power as \$427.23 dollars did in February 2019.

⁶⁰ Chapter 01-115, s. 3, L.O.F.

Reclassification of Theft Offenses – Property and Retail Theft

Certain theft offenses are reclassified to the next higher degree offense if the person committing the offense has previous theft convictions. A petit theft offense is reclassified to a third degree felony, if the person has two previous convictions of any theft.⁶¹ A third degree felony retail theft offense is reclassified to a second degree felony if the person has a previous retail theft in violation of s. 812.015(8), F.S.⁶²

There are no time limits between theft convictions related to theft crime level and penalty enhancements.

Juvenile offenders who are adjudicated delinquent for theft offenses are considered to have been “convicted” of theft and are treated the same as adult offenders for purposes of these penalty enhancements.⁶³

Dealing in Stolen Property

A person who traffics in, or attempts to traffic in stolen property, is guilty of a second degree felony.⁶⁴ A person who initiates, organizes, plans, finances, directs, manages, or supervises the theft of property and traffics in the stolen property is guilty of a first degree felony.⁶⁵

III. Effect of Proposed Changes:

Headquarters of Supreme Court Justices

Section 1 of the bill creates s. 25.025, F.S., requiring that, upon the request of any justice residing outside of Leon County, the Chief Justice of the Florida Supreme Court shall:

- Coordinate and designate a district court of appeal courthouse, a county courthouse, or other appropriate facility in the justice’s district as his or her official headquarters to serve as the justice’s private chambers; and
- Reimburse the justice for travel and subsistence while in Tallahassee on court business, to the extent funding is available.

The Supreme Court and a county may enter into an agreement to establish private chambers at the county courthouse for a justice, but a county is not required to provide space for a justice. Additionally, the Supreme Court may *not* use state funds to lease space in a district court of appeal courthouse, county courthouse, or other facility for use as private chambers.

⁶¹ Section 812.014(3)(c), F.S.

⁶² Section 812.015(9)(a), F.S.

⁶³ *T.S.W. v. State*, 489 So. 2d 1146 (Fla. 2d DCA 1986); *R.D.D. v. State*, 493 So. 2d 534 (Fla. 5th DCA 1986).

⁶⁴ Section 812.019(1), F.S.

⁶⁵ Section 812.019(2), F.S.

Certification of Need for Additional Judges

The bill amends s. 26.031, F.S., to add one circuit court judgeship to the Ninth Judicial Circuit Court, which includes Orange and Osceola Counties, and one circuit court judgeship to the Twelfth Judicial Circuit Court, which includes Manatee and Sarasota Counties. The newly created judgeships will be filled by the Governor from among nominees by the appropriate judicial nominating commission.

Problem-Solving Courts

The bill creates s. 43.51, F.S., requiring the Office of the State Courts Administrator to provide an annual report to the President of the Senate and the Speaker of the House of Representatives detailing the number of participants in each problem-solving court for each fiscal year the court has been operating. The report must also include the types of services provided, the source of funding for each court, and provide performance outcomes.

The bill amends s. 394.47891, F.S., to require the chief judge of each judicial circuit to establish a Veterans' court. Currently, the statute permits the establishment of veterans' courts and 16 of the 20 judicial circuits have done so.

Property Theft

The bill amends s. 812.014(2)(c), F.S., increasing the minimum threshold amounts for a third degree felony grand theft from \$300 to \$750. For property taken from a dwelling or enclosed curtilage, the theft threshold amounts specified in s. 812.014(2)(d), F.S., are modified from \$100 or more, but less than \$300, to \$750 or more, but less than \$5,000. The first degree misdemeanor petit theft threshold amount specified in s. 812.012(2)(c), F.S., is modified from \$100 or more, but less than \$300, to less than \$750.

Retail Theft

The bill amends s. 812.015(8), F.S., to increase the property value of third degree felony retail theft from \$300 or more, to \$750 or more. Section 812.015(a) provides for the aggregation of the value of property stolen by a person who acts in concert with, or who coordinates with others. The bill requires that multiple acts of retail theft that occur within a 90-day period by an individual or in concert with one or multiple persons must be aggregated to determine the value of property stolen. The bill increases the 48-hour time period that that theft must have occurred in to aggregate the property value stolen within 90 days.

The bill amends s. 812.015(9), F.S., to specify that the value of the stolen property may be aggregated over a 90-day period. However, the amount aggregated must be in excess of \$3,000, as required in current law.

The bill also provides that a person who conspires with another to commit retail theft with the intent to sell stolen property or for other gain, and who subsequently places the control of the property with another person in exchange for consideration commits a third degree felony. If the conspiracy to commit retail theft is in excess of \$3,000, aggregated over a 90-day period, then the offense is a second degree felony.

The bill provides for the amount of multiple instances of retail theft within a 90-day period to be aggregated. If multiple instances of retail theft are committed in more than one county within a 90-day period they may be aggregated and must be prosecuted by the Office of the Statewide Prosecutor.

Dealing in Stolen Property - Fraudulent Returns

The bill creates s. 812.019(3), F.S. to provide that a person who receives, possesses, or purchases merchandise or stored-value cards from a fraudulent return with knowledge the items were stolen commits a third degree felony.

Conforming Changes to the Criminal Punishment Code

The bill amends s. 921.0022, F.S., to conform the Criminal Punishment Code offense severity ranking chart to changes made by the bill. The bill reenacts ss. 95.18, 373.6055, 400.9935, 409.910, 489.126, 538.09, 538.23, 550.6305, 627.743, 634.319, 634.421, 636.238, 642.038, 705.102, 718.111, 812.0155, 812.14, 893.138, and 985.11 incorporating changes made by the act.

Section 1 (supreme court justices' travel) is effective July 1, 2019; the remaining sections of the bill are effective October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:**Travel and Subsistence Costs**

The cost of travel reimbursement for justices who have private chambers outside Leon County in his or her district of residence may be paid only to the extent appropriated funds are available.

New Circuit Court Judgeships

When circuit court judgeships are created, other costs are necessary in addition to the salary and benefits for each new judge. The recurring costs include the salary and benefits of a judicial assistant and a law clerk. The courts use a methodology of one law clerk for every three circuit judges to determine their need for law clerks.

The cost to fund two circuit court judgeships, two judicial assistants, and two law clerks is:

\$794,782 in salaries and benefits (recurring)
\$ 30,666 in expense (non-recurring)
<u>\$ 1,218 for Human Resource Services (recurring)</u>
\$826,666

Article V, s. 14(c) of the Florida Constitution and s. 29.008, F.S., require counties to provide the court system, including the state attorney and the public defender, with facilities, security, and communication services, including information technology. Under the bill, the counties would incur an indeterminate amount of costs associated with providing those services to the new judges and judicial staff.

Veterans' Courts

The expansion of veterans' courts in the four judicial circuits that do not have a veterans' court alone will not create a fiscal impact on state funds. Recurring appropriations for problem-solving courts are allocated by the TCBC.

For Fiscal Year 2018-2019, problem-solving courts are funded through a special category appropriation in the total amount of \$8,926,846.⁶⁶ Pursuant to a proviso associated with the Fiscal Year 2018-2019 appropriation for problem-solving courts, the TCBC must determine the allocation of funds to the circuits. Funds from this specific appropriation must be matched by local government, federal government, or private funds. The matching ratio for veterans' courts is 20 percent non-state funding and 80 percent state funding. No match is required for a fiscally constrained county, as defined in s. 218.67, F.S.⁶⁷ While the TCBC determines the allocation for other problem-solving courts that

⁶⁷ Ch. 2018-19 (HB 5001), L.O.F, General Appropriations Act, s. 7, 3165A.

the TCBC approves, the TCBC must fund the following veterans' courts in the following amounts:

- Alachua \$150,000
- Clay \$150,000
- Duval \$200,000
- Escambia \$150,000
- Leon \$125,000
- Okaloosa \$150,000
- Orange \$200,000
- Pasco \$150,000
- Pinellas \$150,000.⁶⁸

Through the TCBC, additional veterans' courts beyond those specifically listed above are funded. This bill does not mandate or provide additional funding for veterans' courts, but would require the TCBC to fund at least one Veterans' court in each judicial circuit, requiring a minimum of four new veterans' courts.

Increasing the Threshold for Theft Offenses

The bill also increases the threshold for retail and grand theft offenses. The Criminal Justice Impact Conference (CJIC) has not reviewed this bill. However, on January 8, 2018, the CJIC reviewed SB 928/HB 713 (2018), which were similar to the current bill, and estimated that the bill would have a "negative significant" prison bed impact (i.e., a decrease of more than 25 prison beds).⁶⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 26.031, 394.47891, 812.014, 812.015, 812.019, and 921.0022.

This bill creates the following sections of the Florida Statutes: 25.025 and 43.51

This bill reenacts the following sections of the Florida Statutes: 95.18, 373.6055, 400.9935, 409.910, 489.126, 538.09, 538.23, 550.6305, 627.743, 634.319, 634.421, 636.238, 642.038, 705.102, 718.111, 812.0155, 812.14, 893.138, 985.11, and 1012.315.

⁶⁸ Id.

⁶⁹ 2018 Conference Results (through February 12, 2018), CJIC, available at <http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/CJIC18.xls> (last visited on February 4, 2019).

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



815540

LEGISLATIVE ACTION

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

The Committee on Appropriations (Bradley and Simpson)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 173 - 238

and insert:

(e) Except as provided in paragraph (d), if the property
stolen is valued at \$100 or more, but less than \$700 ~~\$300~~, the
offender commits petit theft of the first degree, punishable as
a misdemeanor of the first degree, as provided in s. 775.082 or
s. 775.083.

Section 4. Subsections (8) and (9) of section 812.015,



815540

11 Florida Statutes, are amended, and subsection (10) is added to
12 that section, to read:

13 812.015 Retail and farm theft; transit fare evasion;
14 mandatory fine; alternative punishment; detention and arrest;
15 exemption from liability for false arrest; resisting arrest;
16 penalties.—

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

22 (a) Individually commits retail theft, or in concert with
23 one or more other persons, coordinates the activities of one or
24 more individuals in committing the offense. Multiple acts of
25 retail theft occurring within a 90-day period by an individual
26 or in concert with one or more persons must be, ~~in which case~~
27 ~~the amount of each individual theft is~~ aggregated to determine
28 the value of the property stolen;

29 (b) Conspires with another person to commit retail theft
30 with the intent to sell the stolen property for monetary or
31 other gain, and subsequently takes or causes such property to be
32 placed in the control of another person in exchange for
33 consideration;

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

39 (d) ~~(e)~~ Acts in concert with one or more other individuals



815540

40 within one or more establishments to distract the merchant,
41 merchant's employee, or law enforcement officer in order to
42 carry out the offense, or acts in other ways to coordinate
43 efforts to carry out the offense; or

44 (e)~~(d)~~ Commits the offense through the purchase of
45 merchandise in a package or box that contains merchandise other
46 than, or in addition to, the merchandise purported to be
47 contained in the package or box.

48

49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete lines 11 - 21

52 and insert:

53 theft offenses; amending s. 812.015, F.S.; revising
54 the circumstances under which an offense of retail
55 theft constitutes a felony of the second or third
56 degree; authorizing the aggregation of



962522

LEGISLATIVE ACTION

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

The Committee on Appropriations (Bradley and Simpson)
recommended the following:

1 **Senate Substitute for Amendment (815540) (with title**
2 **amendment)**

3
4 Delete lines 69 - 398
5 and insert:

6 Section 1. Section 25.025, Florida Statutes, is created to
7 read:

8 25.025 Headquarters.—

9 (1) (a) A Supreme Court justice who permanently resides
10 outside Leon County shall, if he or she so requests, have a



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11 district court of appeal courthouse, a county courthouse, or
12 another appropriate facility in his or her district of residence
13 designated as his or her official headquarters pursuant to s.
14 112.061. This official headquarters may serve only as the
15 justice's private chambers.

16 (b) A justice for whom an official headquarters is
17 designated in his or her district of residence under this
18 subsection is eligible for subsistence at a rate to be
19 established by the Chief Justice for each day or partial day
20 that the justice is at the Supreme Court Building for the
21 conduct of the business of the court. In addition to the
22 subsistence allowance, a justice is eligible for reimbursement
23 for transportation expenses as provided in s. 112.061(7) for
24 travel between the justice's official headquarters and the
25 Supreme Court Building for the conduct of the business of the
26 court.

27 (c) Payment of subsistence and reimbursement for
28 transportation expenses relating to travel between a justice's
29 official headquarters and the Supreme Court Building must be
30 made to the extent that appropriated funds are available, as
31 determined by the Chief Justice.

32 (2) The Chief Justice shall coordinate with each affected
33 justice and other state and local officials as necessary to
34 implement paragraph (1) (a).

35 (3) (a) This section does not require a county to provide
36 space in a county courthouse for a justice. A county may enter
37 into an agreement with the Supreme Court governing the use of
38 space in a county courthouse.

39 (b) The Supreme Court may not use state funds to lease



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40 space in a district court of appeal courthouse, county
41 courthouse, or other facility to allow a justice to establish an
42 official headquarters pursuant to subsection (1).

43 Section 2. Subsections (9) and (12) of section 26.031,
44 Florida Statutes, are amended to read:

45 26.031 Judicial circuits; number of judges.—The number of
46 circuit judges in each circuit shall be as follows:

48 JUDICIAL CIRCUIT	TOTAL
49 (9) Ninth.....	44 43
50 (12) Twelfth.....	22 21

51 Section 3. Section 43.51, Florida Statutes, is created to
52 read:

53 43.51 Problem-solving court reports.—

54 (1) The Office of the State Courts Administrator shall
55 provide an annual report to the President of the Senate and the
56 Speaker of the House of Representatives which details the number
57 of participants in each problem-solving court for each fiscal
58 year the court has been operating and the types of services
59 provided, identifies each source of funding for each court
60 during each fiscal year, and provides information on the
61 performance of each court based upon outcome measures
62 established by the courts.

63 (2) For purposes of this section, the term "problem-solving
64 court" includes, but is not limited to, a drug court pursuant to
65 s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a
66 military veterans' and servicemembers' court pursuant to s.
67 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health
68 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.



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69 948.08, or s. 948.16; or a delinquency pretrial intervention
70 court program pursuant to s. 985.345.

71 Section 4. Section 394.47891, Florida Statutes, is amended
72 to read:

73 394.47891 Military veterans and servicemembers court
74 programs.—The chief judge of each judicial circuit shall ~~may~~
75 establish a Military Veterans and Servicemembers Court Program
76 under which veterans, as defined in s. 1.01, including veterans
77 who were discharged or released under a general discharge, and
78 servicemembers, as defined in s. 250.01, who are charged or
79 convicted of a criminal offense and who suffer from a military-
80 related mental illness, traumatic brain injury, substance abuse
81 disorder, or psychological problem can be sentenced in
82 accordance with chapter 921 in a manner that appropriately
83 addresses the severity of the mental illness, traumatic brain
84 injury, substance abuse disorder, or psychological problem
85 through services tailored to the individual needs of the
86 participant. Entry into any Military Veterans and Servicemembers
87 Court Program must be based upon the sentencing court's
88 assessment of the defendant's criminal history, military
89 service, substance abuse treatment needs, mental health
90 treatment needs, amenability to the services of the program, the
91 recommendation of the state attorney and the victim, if any, and
92 the defendant's agreement to enter the program.

93 Section 5. Paragraphs (c), (d), and (e) of subsection (2)
94 of section 812.014, Florida Statutes, are amended to read:

95 812.014 Theft.—

96 (2)

97 (c) It is grand theft of the third degree and a felony of



962522

98 the third degree, punishable as provided in s. 775.082, s.
99 775.083, or s. 775.084, if the property stolen is:

- 100 1. Valued at \$750 ~~\$300~~ or more, but less than \$5,000.
- 101 2. Valued at \$5,000 or more, but less than \$10,000.
- 102 3. Valued at \$10,000 or more, but less than \$20,000.
- 103 4. A will, codicil, or other testamentary instrument.
- 104 5. A firearm.
- 105 6. A motor vehicle, except as provided in paragraph (a).
- 106 7. Any commercially farmed animal, including any animal of
107 the equine, avian, bovine, or swine class or other grazing
108 animal; a bee colony of a registered beekeeper; and aquaculture
109 species raised at a certified aquaculture facility. If the
110 property stolen is a commercially farmed animal, including an
111 animal of the equine, avian, bovine, or swine class or other
112 grazing animal; a bee colony of a registered beekeeper; or an
113 aquaculture species raised at a certified aquaculture facility,
114 a \$10,000 fine shall be imposed.
- 115 8. Any fire extinguisher.
- 116 9. Any amount of citrus fruit consisting of 2,000 or more
117 individual pieces of fruit.
- 118 10. Taken from a designated construction site identified by
119 the posting of a sign as provided for in s. 810.09(2)(d).
- 120 11. Any stop sign.
- 121 12. Anhydrous ammonia.
- 122 13. Any amount of a controlled substance as defined in s.
123 893.02. Notwithstanding any other law, separate judgments and
124 sentences for theft of a controlled substance under this
125 subparagraph and for any applicable possession of controlled
126 substance offense under s. 893.13 or trafficking in controlled



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127 substance offense under s. 893.135 may be imposed when all such
128 offenses involve the same amount or amounts of a controlled
129 substance.

130
131 However, if the property is stolen within a county that is
132 subject to a state of emergency declared by the Governor under
133 chapter 252, the property is stolen after the declaration of
134 emergency is made, and the perpetration of the theft is
135 facilitated by conditions arising from the emergency, the
136 offender commits a felony of the second degree, punishable as
137 provided in s. 775.082, s. 775.083, or s. 775.084, if the
138 property is valued at \$5,000 or more, but less than \$10,000, as
139 provided under subparagraph 2., or if the property is valued at
140 \$10,000 or more, but less than \$20,000, as provided under
141 subparagraph 3. As used in this paragraph, the term "conditions
142 arising from the emergency" means civil unrest, power outages,
143 curfews, voluntary or mandatory evacuations, or a reduction in
144 the presence of or the response time for first responders or
145 homeland security personnel. For purposes of sentencing under
146 chapter 921, a felony offense that is reclassified under this
147 paragraph is ranked one level above the ranking under s.
148 921.0022 or s. 921.0023 of the offense committed.

149 (d) It is grand theft of the third degree and a felony of
150 the third degree, punishable as provided in s. 775.082, s.
151 775.083, or s. 775.084, if the property stolen is valued at \$100
152 or more, but less than \$750 ~~\$300~~, and is taken from a dwelling
153 as defined in s. 810.011(2) or from the unenclosed curtilage of
154 a dwelling pursuant to s. 810.09(1).

155 (e) Except as provided in paragraph (d), if the property



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156 stolen is valued at \$100 or more, but less than \$750 ~~\$300~~, the
157 offender commits petit theft of the first degree, punishable as
158 a misdemeanor of the first degree, as provided in s. 775.082 or
159 s. 775.083.

160 Section 6. Subsections (8) and (9) of section 812.015,
161 Florida Statutes, are amended, and subsection (10) is added to
162 that section, to read:

163 812.015 Retail and farm theft; transit fare evasion;
164 mandatory fine; alternative punishment; detention and arrest;
165 exemption from liability for false arrest; resisting arrest;
166 penalties.—

167 (8) Except as provided in subsection (9), a person who
168 commits retail theft commits a felony of the third degree,
169 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
170 if the property stolen is valued at \$750 ~~\$300~~ or more, and the
171 person:

172 (a) Individually commits retail theft, or in concert with
173 one or more other persons, coordinates the activities of one or
174 more individuals in committing the offense, which may occur
175 through multiple acts of retail theft, in which ~~ease~~ the amount
176 of each individual theft is aggregated within a 90-day period to
177 determine the value of the property stolen;

178 (b) Conspires with another person to commit retail theft
179 with the intent to sell the stolen property for monetary or
180 other gain, and subsequently takes or causes such property to be
181 placed in the control of another person in exchange for
182 consideration, in which the stolen property taken or placed
183 within a 90-day period is aggregated to determine the value of
184 the stolen property;



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

190 (d) ~~(e)~~ Acts in concert with one or more other individuals
191 within one or more establishments to distract the merchant,
192 merchant's employee, or law enforcement officer in order to
193 carry out the offense, or acts in other ways to coordinate
194 efforts to carry out the offense; or

195 (e) ~~(d)~~ Commits the offense through the purchase of
196 merchandise in a package or box that contains merchandise other
197 than, or in addition to, the merchandise purported to be
198 contained in the package or box.

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

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

204 (b) Individually, or in concert with one or more other
205 persons, coordinates the activities of one or more persons in
206 committing the offense of retail theft, in which the amount of
207 each individual theft within a 90-day period is aggregated to
208 determine the value of the stolen property and such ~~where the~~
209 ~~stolen property has a value~~ is in excess of \$3,000; or

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



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214 consideration, in which the stolen property taken or placed
215 within a 90-day period is aggregated to have a value in excess
216 of \$3,000.

217 (10) If a person commits retail theft in more than one
218 judicial circuit within a 90-day period, the value of the stolen
219 property resulting from the thefts in each judicial circuit may
220 be aggregated and must be prosecuted by the Office of the
221 Statewide Prosecutor in accordance with s. 16.56.

222 Section 7. Subsection (3) is added to section 812.019,
223 Florida Statutes, to read:

224 812.019 Dealing in stolen property.—

225 (3) Any person who receives, possesses, or purchases any
226 merchandise or stored-value card obtained from a fraudulent
227 return with the knowledge that the merchandise or stored-value
228 card was obtained in violation of s. 812.015 commits a felony of
229 the third degree, punishable as provided in s. 775.082, s.
230 775.083, or s. 775.084.

231 Section 8. Paragraphs (b), (c), and (e) of subsection (3)
232 of section 921.0022, Florida Statutes, are amended to read:

233 921.0022 Criminal Punishment Code; offense severity ranking
234 chart.—

235 (3) OFFENSE SEVERITY RANKING CHART

236 (b) LEVEL 2

237

Florida Statute	Felony Degree	Description
379.2431	3rd	Possession of 11 or

238

239



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240	(1) (e) 3.		fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
	379.2431	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
241	(1) (e) 4.		
	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.
242	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
243	590.28 (1)	3rd	Intentional burning of lands.
244	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or



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245			death.
	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
246			
	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
247			
	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
248			
	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
249			
	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; <u>\$750</u> \$300 or more but less than \$5,000.
250			
	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than <u>\$750</u> \$300 , taken



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251	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
252	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
253	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
254	817.52 (3)	3rd	Failure to redeliver hired vehicle.
255	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
256	817.60 (5)	3rd	Dealing in credit cards of another.



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257	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
258	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
259	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
260	831.01	3rd	Forgery.
261	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
262	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
263	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
264	831.09	3rd	Uttering forged notes,



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265			bills, checks, drafts, or promissory notes.
266	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
267	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
268	843.08	3rd	False personation.
269	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.
270	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
271			
272			
273			



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274
275
276
277

278

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281

282

283

(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.
316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33 (1) (a)	3rd	Alter or forge any



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284			certificate of title to a motor vehicle or mobile home.
285	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
286	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
287	327.35(2)(b)	3rd	Felony BUI.
288	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
289	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland



962522

290

379.2431
(1) (e) 5.

3rd

Protection Trust Fund.
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.

291

379.2431
(1) (e) 6.

3rd

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

292

379.2431
(1) (e) 7.

3rd

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

293

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services requiring



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294

400.9935 (4) (e)

3rd

licensure, without a
license.

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

295

440.1051 (3)

3rd

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

296

501.001 (2) (b)

2nd

Tampers with a consumer
product or the container
using materially
false/misleading
information.

297

624.401 (4) (a)

3rd

Transacting insurance
without a certificate of
authority.

298

624.401 (4) (b) 1.

3rd

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



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299	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
300	697.08	3rd	Equity skimming.
301	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
302	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
303	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
304	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
305	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
306	812.0145 (2) (c)	3rd	Theft from person 65 years



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307			of age or older; \$300 or more but less than \$10,000.
	<u>812.015 (8) (b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; coordination with others.</u>
308			
	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
309			
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
310			
	817.233	3rd	Burning to defraud insurer.
311			
	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
312			
	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
313			
	817.236	3rd	Filing a false motor vehicle insurance application.
314			



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315	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
316	817.413 (2)	3rd	Sale of used goods as new.
317	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
318	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
319	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
320	843.19	3rd	Injure, disable, or kill police dog or horse.
321	860.15 (3)	3rd	Overcharging for repairs and parts.
	870.01 (2)	3rd	Riot; inciting or encouraging.



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322

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).

323

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.

324

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.

325



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326	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
327	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
328	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
329	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
330	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
331	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.



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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.

332

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.

333

893.13(8)(a)3.

3rd

Knowingly write a prescription for a controlled substance for a fictitious person.

334

893.13(8)(a)4.

3rd

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



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practitioner.

335

918.13(1)(a) 3rd Alter, destroy, or conceal
investigation evidence.

336

944.47 3rd Introduce contraband to
(1)(a)1. & 2. correctional facility.

337

944.47(1)(c) 2nd Possess contraband while
upon the grounds of a
correctional institution.

338

985.721 3rd Escapes from a juvenile
facility (secure detention
or residential commitment
facility).

339

340

341

342

343

344 (e) LEVEL 5

345

346

Florida Statute	Felony Degree	Description
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347

316.027(2)(a)	3rd	Accidents involving personal injuries other
---------------	-----	--



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348			than serious bodily injury, failure to stop; leaving scene.
349	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
350	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
351	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
352	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
	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,



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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.

353

379.367(4)

3rd

Willful molestation of a
commercial harvester's
spiny lobster trap,
line, or buoy.

354

379.407(5)(b)3.

3rd

Possession of 100 or
more undersized spiny
lobsters.

355

381.0041(11)(b)

3rd

Donate blood, plasma, or



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356

440.10 (1) (g)

2nd

organs knowing HIV
positive.

Failure to obtain
workers' compensation
coverage.

357

440.105 (5)

2nd

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

358

440.381 (2)

2nd

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

359

624.401 (4) (b) 2.

2nd

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

360

626.902 (1) (c)

2nd

Representing an
unauthorized insurer;



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361			repeat offender.
	790.01 (2)	3rd	Carrying a concealed firearm.
362			
	790.162	2nd	Threat to throw or discharge destructive device.
363			
	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
364			
	790.221 (1)	2nd	Possession of short- barreled shotgun or machine gun.
365			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
366			
	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
367			
	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less



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than 18 years of age.

368

800.04 (7) (b)

2nd

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

369

806.111 (1)

3rd

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

370

812.0145 (2) (b)

2nd

Theft from person 65
years of age or older;
\$10,000 or more but less
than \$50,000.

371

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

3rd

Retail theft; property
stolen is valued at \$750
~~\$300~~ or more and one or
more specified acts.

372

373

374

375

376

377

=====T I T L E A M E N D M E N T=====

And the title is amended as follows:

Delete lines 2 - 24



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381 and insert:

382 An act relating to the justice system; creating s.
383 25.025, F.S.; authorizing certain Supreme Court
384 justices to have an appropriate facility in their
385 district of residence designated as their official
386 headquarters; providing that an official headquarters
387 may serve only as a justice's private chambers;
388 providing that such justices are eligible for a
389 certain subsistence allowance and reimbursement for
390 certain transportation expenses; requiring that such
391 allowance and reimbursement be made to the extent
392 appropriated funds are available, as determined by the
393 Chief Justice; requiring the Chief Justice to
394 coordinate with certain persons in designating
395 official headquarters; providing that a county is not
396 required to provide space for a justice in a county
397 courthouse; authorizing counties to enter into
398 agreements with the Supreme Court for the use of
399 county courthouse space; prohibiting the Supreme Court
400 from using state funds to lease space in specified
401 facilities to allow a justice to establish an official
402 headquarters; amending s. 26.031, F.S.; increasing the
403 number of circuit judges in certain judicial circuits;
404 creating s. 43.51, F.S.; requiring the Office of the
405 State Courts Administrator to provide an annual report
406 containing certain information to the Legislature;
407 defining the term "problem-solving court"; amending s.
408 394.47891, F.S.; requiring the chief judge of each
409 judicial circuit to establish a Military Veterans and



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410 Servicemembers Court Program; amending s. 812.014,
411 F.S.; increasing the threshold amount for certain
412 theft offenses; amending s. 812.015, F.S.; revising
413 the circumstances under which an offense of retail
414 theft constitutes a felony of the second or third
415 degree; authorizing the aggregation of retail thefts
416 that occur in more than one judicial circuit within a
417 90-day period into one total value and requiring
418 prosecution of such thefts by the Office of the
419 Statewide Prosecutor in accordance with s. 16.56,
420 F.S.; amending s.



805438

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/13/2019	.	
	.	
	.	
	.	

The Committee on Appropriations (Bradley and Simpson)
recommended the following:

1 **Senate Substitute for Amendment (815540) (with title**
2 **amendment)**

3
4 Delete lines 173 - 259
5 and insert:

6 (e) Except as provided in paragraph (d), if the property
7 stolen is valued at \$100 or more, but less than \$700 ~~\$300~~, the
8 offender commits petit theft of the first degree, punishable as
9 a misdemeanor of the first degree, as provided in s. 775.082 or
10 s. 775.083.



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

14 812.015 Retail and farm theft; transit fare evasion;
15 mandatory fine; alternative punishment; detention and arrest;
16 exemption from liability for false arrest; resisting arrest;
17 penalties.-

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

23 (a) Individually commits retail theft, or in concert with
24 one or more other persons, coordinates the activities of one or
25 more individuals in committing the offense, which may occur
26 through multiple acts of retail theft, in which ~~ease~~ the amount
27 of each individual theft is aggregated within a 90-day period to
28 determine the value of the property stolen;

29 (b) Conspires with another person to commit retail theft
30 with the intent to sell the stolen property for monetary or
31 other gain, and subsequently takes or causes such property to be
32 placed in the control of another person in exchange for
33 consideration, in which the stolen property taken or placed
34 within a 90-day period is aggregated to determine the value of
35 the stolen property;

36 (c) ~~(b)~~ Individually, or in concert with one or more other
37 persons, commits theft from more than one location within a 90-
38 day 48-hour period, in which ~~ease~~ the amount of each individual
39 theft is aggregated to determine the value of the property



805438

40 stolen;

41 (d)~~(e)~~ Acts in concert with one or more other individuals
42 within one or more establishments to distract the merchant,
43 merchant's employee, or law enforcement officer in order to
44 carry out the offense, or acts in other ways to coordinate
45 efforts to carry out the offense; or

46 (e)~~(d)~~ Commits the offense through the purchase of
47 merchandise in a package or box that contains merchandise other
48 than, or in addition to, the merchandise purported to be
49 contained in the package or box.

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

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

55 (b) Individually, or in concert with one or more other
56 persons, coordinates the activities of one or more persons in
57 committing the offense of retail theft, in which the amount of
58 each individual theft within a 90-day period is aggregated to
59 determine the value of the stolen property and such ~~where the~~
60 ~~stolen property has a value~~ is in excess of \$3,000; or

61 (c) Conspires with another person to commit retail theft
62 with the intent to sell the stolen property for monetary or
63 other gain, and subsequently takes or causes such property to be
64 placed in control of another person in exchange for
65 consideration, in which the stolen property taken or placed
66 within a 90-day period is aggregated to have a value in excess
67 of \$3,000.

68 (10) If a person commits retail theft in more than one



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69 judicial circuit within a 90-day period, the value of the stolen
70 property resulting from the thefts in each judicial circuit may
71 be aggregated and must be prosecuted by the Office of the
72 Statewide Prosecutor in accordance with s. 16.56.

73

74 ===== T I T L E A M E N D M E N T =====

75 And the title is amended as follows:

76 Delete lines 11 - 24

77 and insert:

78 theft offenses; amending s. 812.015, F.S.; revising
79 the circumstances under which an offense of retail
80 theft constitutes a felony of the second or third
81 degree; authorizing retail thefts which occur in more
82 than one judicial circuit within a 90-day period to be
83 aggregated into one total value and must be prosecuted
84 by the Office of the Statewide Prosecutor in
85 accordance with s. 16.56, F.S.; amending s.



546784

LEGISLATIVE ACTION

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

The Committee on Appropriations (Brandes) recommended the following:

Senate Substitute for Amendment (815540) (with title 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.



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- 11 6. A motor vehicle, except as provided in paragraph (a).
12 7. Any commercially farmed animal, including any animal of
13 the equine, avian, bovine, or swine class or other grazing
14 animal; a bee colony of a registered beekeeper; and aquaculture
15 species raised at a certified aquaculture facility. If the
16 property stolen is a commercially farmed animal, including an
17 animal of the equine, avian, bovine, or swine class or other
18 grazing animal; a bee colony of a registered beekeeper; or an
19 aquaculture species raised at a certified aquaculture facility,
20 a \$10,000 fine shall be imposed.
21 8. Any fire extinguisher.
22 9. Any amount of citrus fruit consisting of 2,000 or more
23 individual pieces of fruit.
24 10. Taken from a designated construction site identified by
25 the posting of a sign as provided for in s. 810.09(2)(d).
26 11. Any stop sign.
27 12. Anhydrous ammonia.
28 13. Any amount of a controlled substance as defined in s.
29 893.02. Notwithstanding any other law, separate judgments and
30 sentences for theft of a controlled substance under this
31 subparagraph and for any applicable possession of controlled
32 substance offense under s. 893.13 or trafficking in controlled
33 substance offense under s. 893.135 may be imposed when all such
34 offenses involve the same amount or amounts of a controlled
35 substance.
36
37 However, if the property is stolen within a county that is
38 subject to a state of emergency declared by the Governor under
39 chapter 252, the property is stolen after the declaration of



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40 emergency is made, and the perpetration of the theft is
41 facilitated by conditions arising from the emergency, the
42 offender commits a felony of the second degree, punishable as
43 provided in s. 775.082, s. 775.083, or s. 775.084, if the
44 property is valued at \$5,000 or more, but less than \$10,000, as
45 provided under subparagraph 2., or if the property is valued at
46 \$10,000 or more, but less than \$20,000, as provided under
47 subparagraph 3. As used in this paragraph, the term "conditions
48 arising from the emergency" means civil unrest, power outages,
49 curfews, voluntary or mandatory evacuations, or a reduction in
50 the presence of or the response time for first responders or
51 homeland security personnel. For purposes of sentencing under
52 chapter 921, a felony offense that is reclassified under this
53 paragraph is ranked one level above the ranking under s.
54 921.0022 or s. 921.0023 of the offense committed.

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

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

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



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69 812.015 Retail and farm theft; transit fare evasion;
70 mandatory fine; alternative punishment; detention and arrest;
71 exemption from liability for false arrest; resisting arrest;
72 penalties.—

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

78 (a) Individually commits retail theft, or in concert with
79 one or more other persons, coordinates the activities of one or
80 more individuals in committing the offense. Multiple acts of
81 retail theft occurring within a 90-day period by an individual
82 or in concert with one or more persons must be, ~~in which case~~
83 ~~the amount of each individual theft is~~ aggregated to determine
84 the value of the property stolen;

85 (b) Conspires with another person to commit retail theft
86 with the intent to sell the stolen property for monetary or
87 other gain, and subsequently takes or causes such property to be
88 placed in the control of another person in exchange for
89 consideration;

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

95 (d) ~~(c)~~ Acts in concert with one or more other individuals
96 within one or more establishments to distract the merchant,
97 merchant's employee, or law enforcement officer in order to



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98 carry out the offense, or acts in other ways to coordinate
99 efforts to carry out the offense; or

100 (e)~~(d)~~ Commits the offense through the purchase of
101 merchandise in a package or box that contains merchandise other
102 than, or in addition to, the merchandise purported to be
103 contained in the package or box.

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

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

109 (b) Individually, or in concert with one or more other
110 persons, coordinates the activities of one or more persons in
111 committing the offense, in which case the amount of each
112 individual of retail theft is aggregated; and if where the
113 stolen property has a value in excess of \$3,000 and the theft
114 occurs within a 90-day period; or

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

121 (10) If a person commits retail theft in more than one
122 county, the amount of the theft may be aggregated and each
123 county where any of the retail theft occurred has concurrent
124 jurisdiction.

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



127 812.019 Dealing in stolen property.-
128 (3) Any person who receives, possesses, or purchases any
129 merchandise or stored-value card obtained from a fraudulent
130 return with the knowledge that the merchandise or stored-value
131 card was obtained in violation of s. 812.015 commits a felony of
132 the third degree, punishable as provided in s. 775.082, s.
133 775.083, or s. 775.084.

134 Section 6. Paragraphs (b), (c), and (e) of subsection (3)
135 of section 921.0022, Florida Statutes, are amended to read:
136 921.0022 Criminal Punishment Code; offense severity ranking
137 chart.-

138 (3) OFFENSE SEVERITY RANKING CHART
139 (b) LEVEL 2

Florida Statute	Felony Degree	Description
141 379.2431 142 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
143 379.2431 144 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.



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145	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.
146	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
147	590.28 (1)	3rd	Intentional burning of lands.
148	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
149	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or



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150	810.061 (2)	3rd	any other public service.
151	810.09 (2) (e)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
152	812.014 (2) (c) 1.	3rd	Trespassing on posted commercial horticulture property.
153	812.014 (2) (d)	3rd	Grand theft, 3rd degree; <u>\$1,500</u> \$300 or more but less than \$5,000.
154	812.015 (7)	3rd	Grand theft, 3rd degree; \$100 or more but less than <u>\$1,500</u> \$300 , taken from unenclosed curtilage of dwelling.
155	817.234 (1) (a) 2.	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
			False statement in



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156			support of insurance claim.
	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
157			
	817.52 (3)	3rd	Failure to redeliver hired vehicle.
158			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
159			
	817.60 (5)	3rd	Dealing in credit cards of another.
160			
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
161			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
162			
	826.04	3rd	Knowingly marries or has



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163			sexual intercourse with person to whom related.
164	831.01	3rd	Forgery.
165	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
166	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
167	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
168	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
169	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
	832.05 (3) (a)	3rd	Cashing or depositing item with intent to



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170			defraud.
171	843.08	3rd	False personation.
172	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.
173	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
174			
175			
176			
177	(c) LEVEL 3		
178			
179			
180	Florida Statute	Felony Degree	Description
181	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.



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182	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
183	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
184	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
185	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
186	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
187	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title



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188			or registration.
189	327.35 (2) (b)	3rd	Felony BUI.
190	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
191	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
192	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
192	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



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193

379.2431
(1) (e) 6.

3rd

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

194

379.2431
(1) (e) 7.

3rd

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

195

400.9935 (4) (a)
or (b)

3rd

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

196

400.9935 (4) (e)

3rd

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

197

440.1051 (3)

3rd

False report of workers'
compensation fraud or



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198			retaliation for making such a report.
199	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
200	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
201	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
202	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
203	697.08	3rd	Equity skimming.
204	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
	806.10 (1)	3rd	Maliciously injure,



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205			destroy, or interfere with vehicles or equipment used in firefighting.
206	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
207	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
208	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
209	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
210	<u>812.015 (8) (b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; coordination with others.</u>
211	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
	817.034 (4) (a) 3.	3rd	Engages in scheme to



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212			defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
213	817.233	3rd	Burning to defraud insurer.
214	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
215	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
216	817.236	3rd	Filing a false motor vehicle insurance application.
217	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
218	817.413 (2)	3rd	Sale of used goods as new.
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment



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219			instrument.
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
220			
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
221			
	843.19	3rd	Injure, disable, or kill police dog or horse.
222			
	860.15 (3)	3rd	Overcharging for repairs and parts.
223			
	870.01 (2)	3rd	Riot; inciting or encouraging.
224			
	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).
225			
	893.13 (1) (d) 2.	2nd	Sell, manufacture, or



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226	893.13(1)(f)2.	2nd	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.
227	893.13(4)(c)	3rd	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.
228	893.13(6)(a)	3rd	Use or hire of minor; deliver to minor other controlled substances.
229	893.13(7)(a)8.	3rd	Possession of any controlled substance other than felony possession of cannabis.
			Withhold information from practitioner regarding



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230			previous receipt of or prescription for a controlled substance.
230	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
231			
231	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
232			
232	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
233			
233	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.
234			
234	893.13(8)(a)2.	3rd	Employ a trick or scheme in



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235			the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
236			
	893.13(8)(a)4.	3rd	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.
237			
	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
238			
	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
239			
	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.



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240

985.721

3rd

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

241

242

243

244

245

(e) LEVEL 5

246

247

Florida

Felony

Statute

Degree

Description

248

316.027 (2) (a)

3rd

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

249

316.1935 (4) (a)

2nd

Aggravated fleeing or eluding.

250

316.80 (2)

2nd

Unlawful conveyance of fuel; obtaining fuel fraudulently.

251

322.34 (6)

3rd

Careless operation of



546784

252

327.30 (5)

3rd

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

Vessel accidents
involving personal
injury; leaving scene.

253

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



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254	379.367 (4)	3rd	imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
255	379.407 (5) (b) 3.	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
256	381.0041 (11) (b)	3rd	Possession of 100 or more undersized spiny lobsters.
257	440.10 (1) (g)	3rd	Donate blood, plasma, or organs knowing HIV positive.
258	440.105 (5)	2nd	Failure to obtain workers' compensation coverage.
259		2nd	Unlawful solicitation for the purpose of making workers' compensation claims.



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260	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
261	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
262	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
263	790.01 (2)	3rd	Carrying a concealed firearm.
264	790.162	2nd	Threat to throw or discharge destructive device.
	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use



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265			of firearms in violent manner.
	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
266			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
267			
	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
268			
	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
269			
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
270			
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
271			
	812.0145 (2) (b)	2nd	Theft from person 65



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years of age or older;
\$10,000 or more but less
than \$50,000.

272

812.015(8) (a), (c),
(d), & (e)

3rd

Retail theft; property
stolen is valued at
\$1,500 ~~\$300~~ or more and
one or more specified
acts.

273

274

275

276

277

278

===== T I T L E A M E N D M E N T =====

279

And the title is amended as follows:

280

Delete lines 11 - 21

281

and insert:

282

theft offenses; amending s. 812.015, F.S.; revising

283

the circumstances under which an offense of retail

284

theft constitutes a felony of the second or third

285

degree; authorizing the aggregation of



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,



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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.

163

164

165

166



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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.
	843.19	3rd	Injure, disable, or kill police dog or horse.
243			
	860.15(3)	3rd	Overcharging for repairs and parts.
244			
	870.01(2)	3rd	Riot; inciting or encouraging.
245			
	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).
246			
	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.
247			



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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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293
294
295
296

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

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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;

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

70 43.51 Problem-solving court reports.-

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

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

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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.

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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

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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

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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

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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

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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:

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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

Florida Statute	Felony Degree	Description
276 379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
277 379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
278 403.413(6)(c)	3rd	Dumps waste litter

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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

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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; <u>\$700</u> \$300 or more but less than \$5,000.
287	812.014(2)(d)	3rd		Grand theft, 3rd degree; \$100 or more but less than <u>\$700</u> \$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

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			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

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			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.

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304	843.08	3rd	False personation.
305	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.
306	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
307			
308	(c) LEVEL 3		
309	Florida	Felony	
	Statute	Degree	Description
310	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
311	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
312	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.

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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

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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 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.

323

379.2431 3rd Possessing any marine
(1) (e) 6. turtle species or

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

324

379.2431 3rd Soliciting to commit or
(1) (e) 7. conspiring to commit a
violation of the Marine
Turtle Protection Act.

325

400.9935(4) (a) 3rd Operating a clinic, or
or (b) 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 Tamperers with a consumer
product or the container

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			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	

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			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	<u>812.015(8)(b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; coordination with others.</u>	
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.	
342				

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343	817.233	3rd	Burning to defraud insurer.
	817.234	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
344	(8) (b) & (c)		
	817.234(11) (a)	3rd	Insurance fraud; property value less than \$20,000.
345	817.236	3rd	Filing a false motor vehicle insurance application.
346	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
347	817.413(2)	3rd	Sale of used goods as new.
348	831.28(2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
349	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification

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			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),

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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

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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.

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365	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
366	893.13(8)(a)4.	3rd	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.
367	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
368	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
369	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
370	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

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371	(e) LEVEL 5		
372			
373	Florida Statute	Felony Degree	Description
374	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
375	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
376	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
377	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
378	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
379			

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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.
380	379.367(4)	3rd	Willful molestation of a commercial harvester's

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			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

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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

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393	796.05(1)	2nd		Live on earnings of a prostitute; 1st offense.
394	800.04(6)(c)	3rd		Lewd or lascivious conduct; offender less than 18 years of age.
395	800.04(7)(b)	2nd		Lewd or lascivious exhibition; offender 18 years of age or older.
396	806.111(1)	3rd		Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
397	812.0145(2)(b)	2nd		Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
398	812.015(8) <u>(a), (c), (d), & (e)</u>	3rd		Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
399				

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	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
400	<u>812.019(3)</u>	<u>3rd</u>	<u>Specified acts involving merchandise or a stored-value card obtained from a fraudulent return.</u>
401	812.131(2)(b)	3rd	Robbery by sudden snatching.
402	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
403	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
404	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
405	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

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			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

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			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			

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

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420

a criminal gang.

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),

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423

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

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

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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:

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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

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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

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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

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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.—

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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.

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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

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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.

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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).

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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.

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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.

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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

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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

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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.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14/2019
Meeting Date

7072
Bill Number (if applicable)

Topic Retail Theft

Amendment Barcode (if applicable)

Name Grace Lovett

Job Title VP Governmental Affairs

Address 227 S. Adams St.

Phone 850 222 4082

Tallahassee FL 32301
City State Zip

Email grace@frf.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Retail Federation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14/19

Meeting Date

7072

Bill Number (if applicable)

Topic Theft

Amendment Barcode (if applicable)

Name Chelsea Murphy

Job Title State Director

Address 605 Middlebrooks Cir

Phone _____

Street

FL 32303

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Right on Crime

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14/2019

Meeting Date

7072

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S

Phone 727/897-9291

Street

St Petersburg

FL

33705

Email justiced2jesus@yahoo.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March 14, 2019

Meeting Date

SB 7072

Bill Number (if applicable)

Topic Criminal Justice

Amendment Barcode (if applicable)

Name Gary Hester

Job Title Chief

Address P.O. Box 14038

Phone (850)219-3631

Street

Tallahassee

FL

32302

Email ghester@fpca.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March 14, 2019

Meeting Date

SB 7072

Bill Number (if applicable)

962522

Amendment Barcode (if applicable)

Topic Criminal Justice

Name Gary Hester

Job Title Chief

Address P.O. Box 14038

Street

Tallahassee

City

FL

State

32302

Zip

Phone (850)219-3631

Email ghester@fpca.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:

Caption: Senate Appropriations Committee

Judge:

Started: 3/14/2019 10:04:28 AM

Ends: 3/14/2019 11:03:54 AM

Length: 00:59:27

10:04:28 AM Sen. Bradley (Chair)
10:05:38 AM S 7072
10:05:49 AM Sen. Simpson (Chair)
10:05:55 AM Sen. Bradley
10:06:06 AM Am. 962522
10:06:28 AM Sen. Bradley
10:07:38 AM Sen. Rouson
10:07:53 AM Sen. Bradley
10:08:18 AM Sen. Rouson
10:08:48 AM Sen. Bradley
10:09:40 AM Gary Hester, Chief, Florida Police Chiefs Association (waives in support)
10:10:13 AM Am. 760754
10:10:20 AM S 7072 (cont.)
10:10:33 AM Sen. Powell
10:10:54 AM Sen. Bradley
10:11:44 AM Sen. Rouson
10:12:00 AM Sen. Bradley
10:12:41 AM Sen. Gibson
10:13:08 AM Sen. Bradley
10:14:49 AM Sen. Gibson
10:15:35 AM Sen. Bradley
10:17:32 AM Gary Hester, Chief, Florida Police Chiefs Association
10:19:05 AM Brian Pitts, Trustee, Justice-2-Jesus
10:25:00 AM Chelsea Murphy, State Director, Right On Crime
10:25:59 AM Grace Lovett, VP Governmental Affairs, FL Retail Federation (waives in support)
10:26:15 AM Sen. Rouson
10:28:47 AM Sen. Bradley (Chair)
10:29:01 AM S 178
10:29:10 AM Sen. Gruters
10:29:48 AM Am. 821108
10:30:36 AM S 64
10:30:48 AM Sen. Gibson
10:32:43 AM Brian Pitts, Trustee, Justice-2-Jesus (waives in support)
10:32:46 AM Steve Zona, Lobbyist, President FOP Lodge 5-30 Jacksonville (waives in support)
10:33:06 AM Sen. Gibson
10:36:12 AM S 178 (cont.)
10:36:40 AM Samantha Padgett, General Counsel, Florida Restaurant and Lodging Association (waives in support)
10:36:56 AM Brian Pitts, Trustee, Justice-2-Jesus
10:39:04 AM Kurt Wenner, Vice President, Florida TaxWatch (waives in support)
10:39:09 AM Stephen Shiver, Partner, Associated Industries of FL (waives in support)
10:39:13 AM Carolyn Johnson, Policy Director, FL Chamber of Commerce (waives in support)
10:39:18 AM Tim Parson, Director of Government Relations, Florida Attractions Association (waives in support)
10:39:32 AM Sen. Lee
10:40:50 AM Sen. Gruters
10:41:25 AM Sen. Lee
10:41:43 AM Sen. Gruters
10:41:46 AM Sen. Lee
10:41:59 AM Sen. Gruters
10:42:20 AM Sen. Lee
10:42:51 AM Sen. Simmons
10:47:57 AM Sen. Brandes
10:49:28 AM Sen. Mayfield

10:50:18 AM Sen. Lee
10:52:23 AM Sen. Stewart
10:53:03 AM Sen. Simpson
10:55:22 AM Sen. Rouson
10:56:21 AM Sen. Gainer
10:57:30 AM Sen. Bradley
10:57:57 AM Sen. Montford
10:59:03 AM Sen. Gibson
11:00:26 AM Sen. Benacquisto