

By Senator Bracy

11-00432A-18

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1 A bill to be entitled
2 An act relating to theft; amending s. 812.014, F.S.;
3 revising threshold amounts and types of property which
4 qualify for theft offenses; amending s. 812.015, F.S.;
5 revising threshold amounts for retail theft; amending
6 s. 921.0022, F.S.; conforming provisions to changes
7 made by the act; conforming a cross-reference;
8 amending s. 985.557, F.S.; conforming cross-
9 references; reenacting ss. 95.18(10), 373.6055(3)(c),
10 400.9935(3), 409.910(17)(g), 489.126(4), 538.09(5),
11 538.23(2), 550.6305(10), 634.319(2), 634.421(2),
12 636.238(3), 642.038(2), 705.102(4), 718.111(1)(d),
13 812.015(2), 812.0155(1) and (2), 812.14(4), (7), and
14 (8), 893.138(3), 943.051(3)(b), and 985.11(1)(b),
15 F.S., relating to adverse possession without color of
16 title, criminal history checks for certain water
17 management district employees and others, clinic
18 responsibilities, responsibility for payments on
19 behalf of Medicaid-eligible persons when other parties
20 are liable, moneys received by contractors, secondhand
21 dealer registration, secondary metals recycler
22 violations and penalties, intertrack wagering,
23 diversion or appropriation of funds by warranty
24 association sales representatives, collection of fees
25 for purported membership in discount plan
26 organizations, diversion or appropriation of funds by
27 legal expense insurance sales representatives,
28 reporting lost or abandoned property, condominium
29 associations, retail and farm theft, suspension of

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30 driver license following an adjudication of guilt for
 31 theft, trespass and larceny with relation to utility
 32 fixtures and theft of utility services, local
 33 administrative action to abate drug-related,
 34 prostitution-related, or stolen-property-related
 35 public nuisances and criminal gang activity,
 36 fingerprinting of certain minors, and fingerprinting
 37 and photographing of certain children, respectively,
 38 to incorporate the amendments made by the act in
 39 cross-references to amended provisions; providing an
 40 effective date.

41

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

43

44 Section 1. Paragraphs (c), (d), and (e) of subsection (2)
 45 and paragraphs (a), (b), and (c) of subsection (3) of section
 46 812.014, Florida Statutes, are amended to read:

47 812.014 Theft.—

48 (2)

49 (c) It is grand theft of the third degree and a felony of
 50 the third degree, punishable as provided in s. 775.082, s.
 51 775.083, or s. 775.084, if the property stolen is:

52 1. Valued at \$1,500 ~~\$300~~ or more, but less than \$5,000.

53 2. Valued at \$5,000 or more, but less than \$10,000.

54 3. Valued at \$10,000 or more, but less than \$20,000.

55 ~~4. A will, codicil, or other testamentary instrument.~~

56 ~~4.5.~~ A firearm.

57 ~~5.6.~~ A motor vehicle, except as provided in paragraph (a).

58 ~~6.7.~~ Any commercially farmed animal, including any animal

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59 of the equine, bovine, or swine class or other grazing animal; a
60 bee colony of a registered beekeeper; and aquaculture species
61 raised at a certified aquaculture facility. If the property
62 stolen is aquaculture species raised at a certified aquaculture
63 facility, then a \$10,000 fine shall be imposed.

64 ~~8. Any fire extinguisher.~~

65 7.9. Any amount of citrus fruit consisting of 2,000 or more
66 individual pieces of fruit.

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

69 ~~11. Any stop sign.~~

70 ~~12. Anhydrous ammonia.~~

71 8.13. Any amount of a controlled substance as defined in s.
72 893.02. Notwithstanding any other law, separate judgments and
73 sentences for theft of a controlled substance under this
74 subparagraph and for any applicable possession of controlled
75 substance offense under s. 893.13 or trafficking in controlled
76 substance offense under s. 893.135 may be imposed when all such
77 offenses involve the same amount or amounts of a controlled
78 substance.

79
80 However, if the property is stolen within a county that is
81 subject to a state of emergency declared by the Governor under
82 chapter 252, the property is stolen after the declaration of
83 emergency is made, and the perpetration of the theft is
84 facilitated by conditions arising from the emergency, the
85 offender commits a felony of the second degree, punishable as
86 provided in s. 775.082, s. 775.083, or s. 775.084, if the
87 property is valued at \$5,000 or more, but less than \$10,000, as

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88 provided under subparagraph 2., or if the property is valued at
89 \$10,000 or more, but less than \$20,000, as provided under
90 subparagraph 3. As used in this paragraph, the term "conditions
91 arising from the emergency" means civil unrest, power outages,
92 curfews, voluntary or mandatory evacuations, or a reduction in
93 the presence of or the response time for first responders or
94 homeland security personnel. For purposes of sentencing under
95 chapter 921, a felony offense that is reclassified under this
96 paragraph is ranked one level above the ranking under s.
97 921.0022 or s. 921.0023 of the offense committed.

98 (d) It is grand theft of the third degree and a felony of
99 the third degree, punishable as provided in s. 775.082, s.
100 775.083, or s. 775.084, if the property stolen is valued at
101 \$1,500 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken
102 from a dwelling as defined in s. 810.011(2) or from the
103 unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

104 (e) Except as provided in paragraph (d), if the property
105 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,500
106 ~~\$300~~, the offender commits petit theft of the first degree,
107 punishable as a misdemeanor of the first degree, as provided in
108 s. 775.082 or s. 775.083.

109 (3) (a) Theft of any property not specified in subsection
110 (2) is petit theft of the second degree and a misdemeanor of the
111 second degree, punishable as provided in s. 775.082 or s.
112 775.083, and as provided in subsection (5), as applicable.

113 (b) A person who commits petit theft and who has previously
114 been convicted of any theft commits a misdemeanor of the first
115 degree, punishable as provided in s. 775.082 or s. 775.083.

116 (c) A person who commits petit theft of the first degree

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117 and who has previously been convicted two or more times of any
118 theft as an adult commits a felony of the third degree,
119 punishable as provided in s. 775.082 or s. 775.083, if the third
120 or subsequent petit theft offense occurs within 3 years after
121 the expiration of his or her sentence for the most recent theft
122 conviction.

123 Section 2. Subsections (8) and (9) of section 812.015,
124 Florida Statutes, are amended to read:

125 812.015 Retail and farm theft; transit fare evasion;
126 mandatory fine; alternative punishment; detention and arrest;
127 exemption from liability for false arrest; resisting arrest;
128 penalties.—

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

134 (a) Individually, or in concert with one or more other
135 persons, coordinates the activities of one or more individuals
136 in committing the offense, in which case the amount of each
137 individual theft is aggregated to determine the value of the
138 property stolen;

139 (b) Commits theft from more than one location within a 48-
140 hour period, in which case the amount of each individual theft
141 is aggregated to determine the value of the property stolen;

142 (c) Acts in concert with one or more other individuals
143 within one or more establishments to distract the merchant,
144 merchant's employee, or law enforcement officer in order to
145 carry out the offense, or acts in other ways to coordinate

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146 efforts to carry out the offense; or

147 (d) Commits the offense through the purchase of merchandise
 148 in a package or box that contains merchandise other than, or in
 149 addition to, the merchandise purported to be contained in the
 150 package or box.

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

154 (a) Violates subsection (8) and has previously been
 155 convicted as an adult of a violation of subsection (8) within 3
 156 years after the expiration of the sentence; or

157 (b) Individually, or in concert with one or more other
 158 persons, coordinates the activities of one or more persons in
 159 committing the offense of retail theft where the stolen property
 160 has a value in excess of \$3,000.

161 Section 3. Paragraphs (a), (b), (d), (e), and (f) of
 162 subsection (3) of section 921.0022, Florida Statutes, are
 163 amended to read:

164 921.0022 Criminal Punishment Code; offense severity ranking
 165 chart.—

166 (3) OFFENSE SEVERITY RANKING CHART

167 (a) LEVEL 1

168

Florida Statute	Felony Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.

170

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171	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
172	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
173	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
174	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
175	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
176	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.

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177

322.212 (4) 3rd Supply or aid in supplying unauthorized driver license or identification card.

178

322.212 (5) (a) 3rd False application for driver license or identification card.

179

414.39 (3) (a) 3rd Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

180

443.071 (1) 3rd False statement or representation to obtain or increase reemployment assistance benefits.

181

509.151 (1) 3rd Defraud an innkeeper, food or lodging value greater than \$300.

182

517.302 (1) 3rd Violation of the Florida Securities and Investor Protection Act.

183

562.27 (1) 3rd Possess still or still apparatus.

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713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
812.014 (3) (c)	3rd	Petit theft <u>as adult</u> (3rd <u>or subsequent</u> conviction) <u>within certain time</u> ; theft of any property not specified in subsection (2).
812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.

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191	826.01	3rd	Bigamy.
192	828.122 (3)	3rd	Fighting or baiting animals.
193	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
194	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
195	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
196	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
197	838.15 (2)	3rd	Commercial bribe receiving.
198	838.16	3rd	Commercial bribery.
	843.18	3rd	Fleeing by boat to elude a law enforcement officer.

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847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25 (2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13 (1) (a)	3rd	Operate aircraft while under the influence.
893.13 (2) (a) 2.	3rd	Purchase of cannabis.
893.13 (6) (a)	3rd	Possession of cannabis (more

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than 20 grams).

208

934.03 (1) (a)

3rd

Intercepts, or procures any other person to intercept, any wire or oral communication.

209

210

211

(b) LEVEL 2

212

Florida
Statute

Felony
Degree

Description

213

379.2431
(1) (e) 3.

3rd

Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.

214

379.2431
(1) (e) 4.

3rd

Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

215

403.413 (6) (c)

3rd

Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial

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216

purposes, or hazardous waste.

517.07(2)

3rd

Failure to furnish a prospectus meeting requirements.

217

590.28(1)

3rd

Intentional burning of lands.

218

784.05(3)

3rd

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

219

787.04(1)

3rd

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

220

806.13(1)(b)3.

3rd

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

221

810.061(2)

3rd

Impairing or impeding telephone or power to a

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dwelling; facilitating
or furthering burglary.

222

810.09(2)(e)

3rd

Trespassing on posted
commercial horticulture
property.

223

812.014(2)(c)1.

3rd

Grand theft, 3rd degree;
\$1,500 ~~\$300~~ or more but
less than \$5,000.

224

812.014(2)(d)

3rd

Grand theft, 3rd degree;
\$1,500 ~~\$100~~ or more but
less than \$5,000 ~~\$300~~,
taken from unenclosed
curtilage of dwelling.

225

812.015(7)

3rd

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

226

817.234(1)(a)2.

3rd

False statement in
support of insurance
claim.

227

817.481(3)(a)

3rd

Obtain credit or
purchase with false,

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expired, counterfeit,
etc., credit card, value
over \$300.

228

817.52 (3)

3rd

Failure to redeliver
hired vehicle.

229

817.54

3rd

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

230

817.60 (5)

3rd

Dealing in credit cards
of another.

231

817.60 (6) (a)

3rd

Forgery; purchase goods,
services with false
card.

232

817.61

3rd

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

233

826.04

3rd

Knowingly marries or has
sexual intercourse with
person to whom related.

234

831.01

3rd

Forgery.

235

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236	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
237	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
238	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
239	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
240	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
241	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
242	843.08	3rd	False personation.
	893.13 (2) (a) 2.	3rd	Purchase of any s.

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893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3.,
 (2)(c)5., (2)(c)6.,
 (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4)
 drugs other than
 cannabis.

243

893.147(2)

3rd

Manufacture or delivery
 of drug paraphernalia.

244

245

(d) LEVEL 4

246

Florida
 Statute

Felony
 Degree

Description

247

316.1935(3)(a)

2nd

Driving at high speed or
 with wanton disregard
 for safety while fleeing
 or attempting to elude
 law enforcement officer
 who is in a patrol
 vehicle with siren and
 lights activated.

248

499.0051(1)

3rd

Failure to maintain or
 deliver transaction
 history, transaction
 information, or

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			transaction statements.
249	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
250	517.07 (1)	3rd	Failure to register securities.
251	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
252	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
253	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
254	784.075	3rd	Battery on detention or commitment facility staff.
255	784.078	3rd	Battery of facility

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employee by throwing,
tossing, or expelling
certain fluids or
materials.

256

784.08 (2) (c)

3rd

Battery on a person 65
years of age or older.

257

784.081 (3)

3rd

Battery on specified
official or employee.

258

784.082 (3)

3rd

Battery by detained
person on visitor or
other detainee.

259

784.083 (3)

3rd

Battery on code
inspector.

260

784.085

3rd

Battery of child by
throwing, tossing,
projecting, or expelling
certain fluids or
materials.

261

787.03 (1)

3rd

Interference with
custody; wrongly takes
minor from appointed
guardian.

262

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787.04 (2)

3rd

Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

263

787.04 (3)

3rd

Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

264

787.07

3rd

Human smuggling.

265

790.115 (1)

3rd

Exhibiting firearm or weapon within 1,000 feet of a school.

266

790.115 (2) (b)

3rd

Possessing electric weapon or device, destructive device, or other weapon on school property.

267

790.115 (2) (c)

3rd

Possessing firearm on school property.

268

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269	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
270	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
271	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
272	810.06	3rd	Burglary; possession of tools.
273	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
274	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
	<u>812.014</u> <u>(2) (c) 4.-7.</u>	3rd	Grand theft, 3rd degree, a will , firearm, motor

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~~812.014~~

vehicle, livestock, bee colony, aquaculture species, citrus fruit etc.

~~(2)(c)4.-10.~~

275

812.0195(2)

3rd

Dealing in stolen property by use of the Internet; property stolen \$300 or more.

276

817.505(4)(a)

3rd

Patient brokering.

277

817.563(1)

3rd

Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

278

817.568(2)(a)

3rd

Fraudulent use of personal identification information.

279

817.625(2)(a)

3rd

Fraudulent use of scanning device, skimming device, or reencoder.

280

817.625(2)(c)

3rd

Possess, sell, or deliver skimming device.

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281

828.125 (1) 2nd Kill, maim, or cause
great bodily harm or
permanent breeding
disability to any
registered horse or
cattle.

282

837.02 (1) 3rd Perjury in official
proceedings.

283

837.021 (1) 3rd Make contradictory
statements in official
proceedings.

284

838.022 3rd Official misconduct.

285

839.13 (2) (a) 3rd Falsifying records of an
individual in the care
and custody of a state
agency.

286

839.13 (2) (c) 3rd Falsifying records of
the Department of
Children and Families.

287

843.021 3rd Possession of a
concealed handcuff key
by a person in custody.

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288

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

289

843.15 (1) (a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

290

847.0135 (5) (c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

291

874.05 (1) (a) 3rd Encouraging or recruiting another to join a criminal gang.

292

893.13 (2) (a) 1. 2nd Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).

293

914.14 (2) 3rd Witnesses accepting

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bribes.

294

914.22 (1)

3rd

Force, threaten, etc.,
witness, victim, or
informant.

295

914.23 (2)

3rd

Retaliation against a
witness, victim, or
informant, no bodily
injury.

296

918.12

3rd

Tampering with jurors.

297

934.215

3rd

Use of two-way
communications device to
facilitate commission of
a crime.

298

299

(e) LEVEL 5

300

Florida
Statute

Felony
Degree

Description

301

316.027 (2) (a)

3rd

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

302

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305
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316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
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

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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.

307

379.367(4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

308

379.407(5)(b)3. 3rd Possession of 100 or more undersized spiny lobsters.

309

381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

310

440.10(1)(g) 2nd Failure to obtain

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workers' compensation
coverage.

311

440.105 (5)

2nd

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

312

440.381 (2)

2nd

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

313

624.401 (4) (b) 2.

2nd

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

314

626.902 (1) (c)

2nd

Representing an
unauthorized insurer;
repeat offender.

315

790.01 (2)

3rd

Carrying a concealed
firearm.

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years of age or older.

323

806.111 (1)

3rd

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

324

812.0145 (2) (b)

2nd

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

325

812.015 (8)

3rd

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

326

812.019 (1)

2nd

Stolen property; dealing in or trafficking in.

327

812.131 (2) (b)

3rd

Robbery by sudden snatching.

328

812.16 (2)

3rd

Owning, operating, or conducting a chop shop.

329

817.034 (4) (a) 2.

2nd

Communications fraud, value \$20,000 to

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\$50,000.

330

817.234 (11) (b)

2nd

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

331

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
solvency of an insuring
entity.

332

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.

333

817.611 (2) (a)

2nd

Traffic in or possess 5

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to 14 counterfeit credit cards or related documents.

334

817.625 (2) (b)

2nd

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

335

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

336

827.071 (4)

2nd

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

337

827.071 (5)

3rd

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

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join a criminal gang;
second or subsequent
offense.

344

874.05 (2) (a)

2nd

Encouraging or
recruiting person under
13 years of age to join
a criminal gang.

345

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) 4.
drugs).

346

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) 5.,
(2) (c) 6., (2) (c) 7.,
(2) (c) 8., (2) (c) 9., (3),
or (4) drugs) within
1,000 feet of a child
care facility, school,
or state, county, or
municipal park or
publicly owned

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recreational facility or
community center.

347

893.13(1)(d)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)4.
drugs) within 1,000 feet
of university.

348

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)5.,
(2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3),
or (4) within 1,000 feet
of property used for
religious services or a
specified business site.

349

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

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(2)(c)4. drugs) within
1,000 feet of public
housing facility.

350

893.13(4)(b)

2nd

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

351

893.1351(1)

3rd

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

352

353

(f) LEVEL 6

354

Florida
Statute

Felony
Degree

Description

355

316.027(2)(b)

2nd

Leaving the scene of a
crash involving serious
bodily injury.

356

316.193(2)(b)

3rd

Felony DUI, 4th or
subsequent conviction.

357

400.9935(4)(c)

2nd

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

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358

499.0051 (2) 2nd Knowing forgery of transaction history, transaction information, or transaction statement.

359

499.0051 (3) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

360

499.0051 (4) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

361

775.0875 (1) 3rd Taking firearm from law enforcement officer.

362

784.021 (1) (a) 3rd Aggravated assault; deadly weapon without intent to kill.

363

784.021 (1) (b) 3rd Aggravated assault; intent to commit felony.

364

784.041 3rd Felony battery; domestic battery by strangulation.

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784.048 (3)	3rd	Aggravated stalking; credible threat.
784.048 (5)	3rd	Aggravated stalking of person under 16.
784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081 (2)	2nd	Aggravated assault on specified official or employee.
784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083 (2)	2nd	Aggravated assault on

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code inspector.

373

787.02 (2)

3rd

False imprisonment;
restraining with purpose
other than those in s.
787.01.

374

790.115 (2) (d)

2nd

Discharging firearm or
weapon on school
property.

375

790.161 (2)

2nd

Make, possess, or throw
destructive device with
intent to do bodily harm
or damage property.

376

790.164 (1)

2nd

False report concerning
bomb, explosive, weapon
of mass destruction, act
of arson or violence to
state property, or use
of firearms in violent
manner.

377

790.19

2nd

Shooting or throwing
deadly missiles into
dwellings, vessels, or
vehicles.

378

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379	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
380	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
381	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
382	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
383	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
384	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	810.145 (8) (b)	2nd	Video voyeurism; certain

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minor victims; 2nd or subsequent offense.

385

812.014 (2) (b) 1.

2nd

Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

386

812.014 (6)

2nd

Theft; property stolen \$3,000 or more; coordination of others.

387

812.015 (9) (a)

2nd

Retail theft as adult; property stolen \$1,500 ~~\$300~~ or more; second or subsequent conviction within certain time.

388

812.015 (9) (b)

2nd

Retail theft; property stolen \$3,000 or more; coordination of others.

389

812.13 (2) (c)

2nd

Robbery, no firearm or other weapon (strong-arm robbery).

390

817.4821 (5)

2nd

Possess cloning paraphernalia with intent to create cloned

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cellular telephones.

391

817.505 (4) (b)

2nd

Patient brokering; 10 or more patients.

392

825.102 (1)

3rd

Abuse of an elderly person or disabled adult.

393

825.102 (3) (c)

3rd

Neglect of an elderly person or disabled adult.

394

825.1025 (3)

3rd

Lewd or lascivious molestation of an elderly person or disabled adult.

395

825.103 (3) (c)

3rd

Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

396

827.03 (2) (c)

3rd

Abuse of a child.

397

827.03 (2) (d)

3rd

Neglect of a child.

398

827.071 (2) & (3)

2nd

Use or induce a child in a sexual performance, or

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promote or direct such performance.

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405

836.05

2nd

Threats; extortion.

836.10

2nd

Written threats to kill or do bodily injury.

843.12

3rd

Aids or assists person to escape.

847.011

3rd

Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

847.012

3rd

Knowingly using a minor in the production of materials harmful to minors.

847.0135 (2)

3rd

Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

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406	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
407	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
408	944.40	2nd	Escapes.
409	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
410	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county

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facility.

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Section 4. Paragraph (a) of subsection (1) and paragraph (c) of subsection (2) of section 985.557, Florida Statutes, are amended to read:

985.557 Direct filing of an information; discretionary and mandatory criteria.—

(1) DISCRETIONARY DIRECT FILE.—

(a) With respect to any child who was 14 or 15 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed and when the offense charged is for the commission of, attempt to commit, or conspiracy to commit:

1. Arson;
2. Sexual battery;
3. Robbery;
4. Kidnapping;
5. Aggravated child abuse;
6. Aggravated assault;
7. Aggravated stalking;
8. Murder;
9. Manslaughter;
10. Unlawful throwing, placing, or discharging of a destructive device or bomb;
11. Armed burglary in violation of s. 810.02(2)(b) or specified burglary of a dwelling or structure in violation of s. 810.02(2)(c), or burglary with an assault or battery in

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439 violation of s. 810.02(2)(a);
440 12. Aggravated battery;
441 13. Any lewd or lascivious offense committed upon or in the
442 presence of a person less than 16 years of age;
443 14. Carrying, displaying, using, threatening, or attempting
444 to use a weapon or firearm during the commission of a felony;
445 15. Grand theft in violation of s. 812.014(2)(a);
446 16. Possessing or discharging any weapon or firearm on
447 school property in violation of s. 790.115;
448 17. Home invasion robbery;
449 18. Carjacking; or
450 19. Grand theft of a motor vehicle in violation of s.
451 812.014(2)(c)5. ~~s. 812.014(2)(e)6.~~ or grand theft of a motor
452 vehicle valued at \$20,000 or more in violation of s.
453 812.014(2)(b) if the child has a previous adjudication for grand
454 theft of a motor vehicle in violation of s. 812.014(2)(c)5. ~~s.~~
455 ~~812.014(2)(e)6.~~ or s. 812.014(2)(b).
456 (2) MANDATORY DIRECT FILE.—
457 (c) The state attorney must file an information if a child,
458 regardless of the child's age at the time the alleged offense
459 was committed, is alleged to have committed an act that would be
460 a violation of law if the child were an adult, that involves
461 stealing a motor vehicle, including, but not limited to, a
462 violation of s. 812.133, relating to carjacking, or s.
463 812.014(2)(c)5. ~~s. 812.014(2)(e)6.~~, relating to grand theft of a
464 motor vehicle, and while the child was in possession of the
465 stolen motor vehicle the child caused serious bodily injury to
466 or the death of a person who was not involved in the underlying
467 offense. For purposes of this section, the driver and all

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468 willing passengers in the stolen motor vehicle at the time such
469 serious bodily injury or death is inflicted shall also be
470 subject to mandatory transfer to adult court. "Stolen motor
471 vehicle," for the purposes of this section, means a motor
472 vehicle that has been the subject of any criminal wrongful
473 taking. For purposes of this section, "willing passengers" means
474 all willing passengers who have participated in the underlying
475 offense.

476 Section 5. For the purpose of incorporating the amendment
477 made by this act to section 812.014, Florida Statutes, in a
478 reference thereto, subsection (10) of section 95.18, Florida
479 Statutes, is reenacted to read:

480 95.18 Real property actions; adverse possession without
481 color of title.—

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

486 Section 6. For the purpose of incorporating the amendment
487 made by this act to section 812.014, Florida Statutes, in a
488 reference thereto, paragraph (c) of subsection (3) of section
489 373.6055, Florida Statutes, is reenacted to read:

490 373.6055 Criminal history checks for certain water
491 management district employees and others.—

492 (3)

493 (c) In addition to other requirements for employment or
494 access established by any water management district pursuant to
495 its water management district's security plan for buildings,
496 facilities, and structures, each water management district's

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497 security plan shall provide that:

498 1. Any person who has within the past 7 years been
499 convicted, regardless of whether adjudication was withheld, for
500 a forcible felony as defined in s. 776.08; an act of terrorism
501 as defined in s. 775.30; planting of a hoax bomb as provided in
502 s. 790.165; any violation involving the manufacture, possession,
503 sale, delivery, display, use, or attempted or threatened use of
504 a weapon of mass destruction or hoax weapon of mass destruction
505 as provided in s. 790.166; dealing in stolen property; any
506 violation of s. 893.135; any violation involving the sale,
507 manufacturing, delivery, or possession with intent to sell,
508 manufacture, or deliver a controlled substance; burglary;
509 robbery; any felony violation of s. 812.014; any violation of s.
510 790.07; any crime an element of which includes use or possession
511 of a firearm; any conviction for any similar offenses under the
512 laws of another jurisdiction; or conviction for conspiracy to
513 commit any of the listed offenses may not be qualified for
514 initial employment within or authorized regular access to
515 buildings, facilities, or structures defined in the water
516 management district's security plan as restricted access areas.

517 2. Any person who has at any time been convicted of any of
518 the offenses listed in subparagraph 1. may not be qualified for
519 initial employment within or authorized regular access to
520 buildings, facilities, or structures defined in the water
521 management district's security plan as restricted access areas
522 unless, after release from incarceration and any supervision
523 imposed as a sentence, the person remained free from a
524 subsequent conviction, regardless of whether adjudication was
525 withheld, for any of the listed offenses for a period of at

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526 least 7 years prior to the employment or access date under
527 consideration.

528 Section 7. For the purpose of incorporating the amendment
529 made by this act to section 812.014, Florida Statutes, in a
530 reference thereto, subsection (3) of section 400.9935, Florida
531 Statutes, is reenacted to read:

532 400.9935 Clinic responsibilities.-

533 (3) A charge or reimbursement claim made by or on behalf of
534 a clinic that is required to be licensed under this part but
535 that is not so licensed, or that is otherwise operating in
536 violation of this part, regardless of whether a service is
537 rendered or whether the charge or reimbursement claim is paid,
538 is an unlawful charge and is noncompensable and unenforceable. A
539 person who knowingly makes or causes to be made an unlawful
540 charge commits theft within the meaning of and punishable as
541 provided in s. 812.014.

542 Section 8. For the purpose of incorporating the amendment
543 made by this act to section 812.014, Florida Statutes, in a
544 reference thereto, paragraph (g) of subsection (17) of section
545 409.910, Florida Statutes, is reenacted to read:

546 409.910 Responsibility for payments on behalf of Medicaid-
547 eligible persons when other parties are liable.-

548 (17)

549 (g) The agency may investigate and request appropriate
550 officers or agencies of the state to investigate suspected
551 criminal violations or fraudulent activity related to third-
552 party benefits, including, without limitation, ss. 414.39 and
553 812.014. Such requests may be directed, without limitation, to
554 the Medicaid Fraud Control Unit of the Office of the Attorney

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555 General or to any state attorney. Pursuant to s. 409.913, the
556 Attorney General has primary responsibility to investigate and
557 control Medicaid fraud.

558 Section 9. For the purpose of incorporating the amendment
559 made by this act to section 812.014, Florida Statutes, in a
560 reference thereto, subsection (4) of section 489.126, Florida
561 Statutes, is reenacted to read:

562 489.126 Moneys received by contractors.—

563 (4) Any person who violates any provision of this section
564 is guilty of theft and shall be prosecuted and punished under s.
565 812.014.

566 Section 10. For the purpose of incorporating the amendment
567 made by this act to section 812.015, Florida Statutes, in a
568 reference thereto, subsection (5) of section 538.09, Florida
569 Statutes, is reenacted to read:

570 538.09 Registration.—

571 (5) In addition to the fine provided in subsection (4),
572 registration under this section may be denied or any
573 registration granted may be revoked, restricted, or suspended by
574 the department if the department determines that the applicant
575 or registrant:

576 (a) Has violated any provision of this chapter or any rule
577 or order made pursuant to this chapter;

578 (b) Has made a material false statement in the application
579 for registration;

580 (c) Has been guilty of a fraudulent act in connection with
581 any purchase or sale or has been or is engaged in or is about to
582 engage in any practice, purchase, or sale which is fraudulent or
583 in violation of the law;

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584 (d) Has made a misrepresentation or false statement to, or
585 concealed any essential or material fact from, any person in
586 making any purchase or sale;

587 (e) Is making purchases or sales through any business
588 associate not registered in compliance with the provisions of
589 this chapter;

590 (f) Has, within the preceding 10-year period for new
591 registrants who apply for registration on or after October 1,
592 2006, been convicted of, or has entered a plea of guilty or nolo
593 contendere to, or had adjudication withheld for, a crime against
594 the laws of this state or any other state or of the United
595 States which relates to registration as a secondhand dealer or
596 which involves theft, larceny, dealing in stolen property,
597 receiving stolen property, burglary, embezzlement, obtaining
598 property by false pretenses, possession of altered property, any
599 felony drug offense, any violation of s. 812.015, or any
600 fraudulent dealing;

601 (g) Has had a final judgment entered against her or him in
602 a civil action upon grounds of fraud, embezzlement,
603 misrepresentation, or deceit; or

604 (h) Has failed to pay any sales tax owed to the Department
605 of Revenue.

606
607 In the event the department determines to deny an application or
608 revoke a registration, it shall enter a final order with its
609 findings on the register of secondhand dealers and their
610 business associates, if any; and denial, suspension, or
611 revocation of the registration of a secondhand dealer shall also
612 deny, suspend, or revoke the registration of such secondhand

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613 dealer's business associates.

614 Section 11. For the purpose of incorporating the amendment
615 made by this act to section 812.014, Florida Statutes, in a
616 reference thereto, subsection (2) of section 538.23, Florida
617 Statutes, is reenacted to read:

618 538.23 Violations and penalties.—

619 (2) A secondary metals recycler is presumed to know upon
620 receipt of stolen regulated metals property in a purchase
621 transaction that the regulated metals property has been stolen
622 from another if the secondary metals recycler knowingly and
623 intentionally fails to maintain the information required in s.
624 538.19 and shall, upon conviction of a violation of s. 812.015,
625 be punished as provided in s. 812.014(2) or (3).

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

630 550.6305 Intertrack wagering; guest track payments;
631 accounting rules.—

632 (10) All races or games conducted at a permitholder's
633 facility, all broadcasts of such races or games, and all
634 broadcast rights relating thereto are owned by the permitholder
635 at whose facility such races or games are conducted and
636 constitute the permitholder's property as defined in s.
637 812.012(4). Transmission, reception of a transmission,
638 exhibition, use, or other appropriation of such races or games,
639 broadcasts of such races or games, or broadcast rights relating
640 thereto without the written consent of the permitholder
641 constitutes a theft of such property under s. 812.014; and in

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642 addition to the penal sanctions contained in s. 812.014, the
643 permitholder has the right to avail itself of the civil remedies
644 specified in ss. 772.104, 772.11, and 812.035 in addition to any
645 other remedies available under applicable state or federal law.

646 Section 13. For the purpose of incorporating the amendment
647 made by this act to section 812.014, Florida Statutes, in a
648 reference thereto, subsection (2) of section 634.319, Florida
649 Statutes, is reenacted to read:

650 634.319 Reporting and accounting for funds.—

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

655 Section 14. For the purpose of incorporating the amendment
656 made by this act to section 812.014, Florida Statutes, in a
657 reference thereto, subsection (2) of section 634.421, Florida
658 Statutes, is reenacted to read:

659 634.421 Reporting and accounting for funds.—

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

663 Section 15. For the purpose of incorporating the amendment
664 made by this act to section 812.014, Florida Statutes, in a
665 reference thereto, subsection (3) of section 636.238, Florida
666 Statutes, is reenacted to read:

667 636.238 Penalties for violation of this part.—

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

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671 Section 16. For the purpose of incorporating the amendment
672 made by this act to section 812.014, Florida Statutes, in a
673 reference thereto, subsection (2) of section 642.038, Florida
674 Statutes, is reenacted to read:

675 642.038 Reporting and accounting for funds.—

676 (2) Any sales representative who, not being entitled
677 thereto, diverts or appropriates such funds or any portion
678 thereof to his or her own use commits theft as provided in s.
679 812.014.

680 Section 17. For the purpose of incorporating the amendment
681 made by this act to section 812.014, Florida Statutes, in a
682 reference thereto, subsection (4) of section 705.102, Florida
683 Statutes, is reenacted to read:

684 705.102 Reporting lost or abandoned property.—

685 (4) Any person who unlawfully appropriates such lost or
686 abandoned property to his or her own use or refuses to deliver
687 such property when required commits theft as defined in s.
688 812.014, punishable as provided in s. 775.082, s. 775.083, or s.
689 775.084.

690 Section 18. For the purpose of incorporating the amendment
691 made by this act to section 812.014, Florida Statutes, in a
692 reference thereto, paragraph (d) of subsection (1) of section
693 718.111, Florida Statutes, is reenacted to read:

694 718.111 The association.—

695 (1) CORPORATE ENTITY.—

696 (d) As required by s. 617.0830, an officer, director, or
697 agent shall discharge his or her duties in good faith, with the
698 care an ordinarily prudent person in a like position would
699 exercise under similar circumstances, and in a manner he or she

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700 reasonably believes to be in the interests of the association.
701 An officer, director, or agent shall be liable for monetary
702 damages as provided in s. 617.0834 if such officer, director, or
703 agent breached or failed to perform his or her duties and the
704 breach of, or failure to perform, his or her duties constitutes
705 a violation of criminal law as provided in s. 617.0834;
706 constitutes a transaction from which the officer or director
707 derived an improper personal benefit, either directly or
708 indirectly; or constitutes recklessness or an act or omission
709 that was in bad faith, with malicious purpose, or in a manner
710 exhibiting wanton and willful disregard of human rights, safety,
711 or property. Forgery of a ballot envelope or voting certificate
712 used in a condominium association election is punishable as
713 provided in s. 831.01, the theft or embezzlement of funds of a
714 condominium association is punishable as provided in s. 812.014,
715 and the destruction of or the refusal to allow inspection or
716 copying of an official record of a condominium association that
717 is accessible to unit owners within the time periods required by
718 general law in furtherance of any crime is punishable as
719 tampering with physical evidence as provided in s. 918.13 or as
720 obstruction of justice as provided in chapter 843. An officer or
721 director charged by information or indictment with a crime
722 referenced in this paragraph must be removed from office, and
723 the vacancy shall be filled as provided in s. 718.112(2)(d)2.
724 until the end of the officer's or director's period of
725 suspension or the end of his or her term of office, whichever
726 occurs first. If a criminal charge is pending against the
727 officer or director, he or she may not be appointed or elected
728 to a position as an officer or a director of any association and

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729 may not have access to the official records of any association,
730 except pursuant to a court order. However, if the charges are
731 resolved without a finding of guilt, the officer or director
732 must be reinstated for the remainder of his or her term of
733 office, if any.

734 Section 19. For the purpose of incorporating the amendment
735 made by this act to section 812.014, Florida Statutes, in a
736 reference thereto, subsection (2) of section 812.015, Florida
737 Statutes, is reenacted to read:

738 812.015 Retail and farm theft; transit fare evasion;
739 mandatory fine; alternative punishment; detention and arrest;
740 exemption from liability for false arrest; resisting arrest;
741 penalties.—

742 (2) Upon a second or subsequent conviction for petit theft
743 from a merchant, farmer, or transit agency, the offender shall
744 be punished as provided in s. 812.014(3), except that the court
745 shall impose a fine of not less than \$50 or more than \$1,000.
746 However, in lieu of such fine, the court may require the
747 offender to perform public services designated by the court. In
748 no event shall any such offender be required to perform fewer
749 than the number of hours of public service necessary to satisfy
750 the fine assessed by the court, as provided by this subsection,
751 at the minimum wage prevailing in the state at the time of
752 sentencing.

753 Section 20. For the purpose of incorporating the amendment
754 made by this act to section 812.014, Florida Statutes, in a
755 reference thereto, subsections (1) and (2) of section 812.0155,
756 Florida Statutes, are reenacted to read:

757 812.0155 Suspension of driver license following an

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758 adjudication of guilt for theft.—

759 (1) Except as provided in subsections (2) and (3), the
760 court may order the suspension of the driver license of each
761 person adjudicated guilty of any misdemeanor violation of s.
762 812.014 or s. 812.015, regardless of the value of the property
763 stolen. Upon ordering the suspension of the driver license of
764 the person adjudicated guilty, the court shall forward the
765 driver license of the person adjudicated guilty to the
766 Department of Highway Safety and Motor Vehicles in accordance
767 with s. 322.25.

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

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

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

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

781 (b) Probation as defined in s. 985.03, commitment to the
782 Department of Juvenile Justice, probation as defined in chapter
783 948, community control, or incarceration, if the person is
784 convicted as an adult of such violation and has not previously
785 been convicted of or adjudicated delinquent for any criminal
786 offense, regardless of whether adjudication was withheld.

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787 Section 21. For the purpose of incorporating the amendment
788 made by this act to section 812.014, Florida Statutes, in a
789 reference thereto, subsections (4), (7), and (8) of section
790 812.14, Florida Statutes, are reenacted to read:

791 812.14 Trespass and larceny with relation to utility
792 fixtures; theft of utility services.—

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

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

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

803 Section 22. For the purpose of incorporating the amendment
804 made by this act to section 812.014, Florida Statutes, in a
805 reference thereto, subsection (3) of section 893.138, Florida
806 Statutes, is reenacted to read:

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

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

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

815 (b) Section 810.02, relating to burglary;

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816 (c) Section 812.014, relating to theft;

817 (d) Section 812.131, relating to robbery by sudden
818 snatching; or

819 (e) Section 893.13, relating to the unlawful distribution
820 of controlled substances,

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

824 Section 23. For the purpose of incorporating the amendment
825 made by this act to section 812.014, Florida Statutes, in a
826 reference thereto, paragraph (b) of subsection (3) of section
827 943.051, Florida Statutes, is reenacted to read:

828 943.051 Criminal justice information; collection and
829 storage; fingerprinting.—

830 (3)

831 (b) A minor who is charged with or found to have committed
832 the following offenses shall be fingerprinted and the
833 fingerprints shall be submitted electronically to the
834 department, unless the minor is issued a civil citation pursuant
835 to s. 985.12:

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

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

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

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

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

842 6. Assault or battery on a law enforcement officer, a
843 firefighter, or other specified officers, as defined in s.
844 784.07(2)(a) and (b).

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- 845 7. Open carrying of a weapon, as defined in s. 790.053.
- 846 8. Exposure of sexual organs, as defined in s. 800.03.
- 847 9. Unlawful possession of a firearm, as defined in s.
- 848 790.22(5).
- 849 10. Petit theft, as defined in s. 812.014(3).
- 850 11. Cruelty to animals, as defined in s. 828.12(1).
- 851 12. Arson, as defined in s. 806.031(1).
- 852 13. Unlawful possession or discharge of a weapon or firearm
- 853 at a school-sponsored event or on school property, as provided
- 854 in s. 790.115.
- 855 Section 24. For the purpose of incorporating the amendment
- 856 made by this act to section 812.014, Florida Statutes, in a
- 857 reference thereto, paragraph (b) of subsection (1) of section
- 858 985.11, Florida Statutes, is reenacted to read:
- 859 985.11 Fingerprinting and photographing.—
- 860 (1)
- 861 (b) Unless the child is issued a civil citation or is
- 862 participating in a similar diversion program pursuant to s.
- 863 985.12, a child who is charged with or found to have committed
- 864 one of the following offenses shall be fingerprinted, and the
- 865 fingerprints shall be submitted to the Department of Law
- 866 Enforcement as provided in s. 943.051(3)(b):
- 867 1. Assault, as defined in s. 784.011.
- 868 2. Battery, as defined in s. 784.03.
- 869 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 870 4. Unlawful use of destructive devices or bombs, as defined
- 871 in s. 790.1615(1).
- 872 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 873 6. Assault on a law enforcement officer, a firefighter, or

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874 other specified officers, as defined in s. 784.07(2)(a).

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

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

877 9. Unlawful possession of a firearm, as defined in s.

878 790.22(5).

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

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

881 12. Arson, resulting in bodily harm to a firefighter, as

882 defined in s. 806.031(1).

883 13. Unlawful possession or discharge of a weapon or firearm

884 at a school-sponsored event or on school property as defined in

885 s. 790.115.

886

887 A law enforcement agency may fingerprint and photograph a child

888 taken into custody upon probable cause that such child has

889 committed any other violation of law, as the agency deems

890 appropriate. Such fingerprint records and photographs shall be

891 retained by the law enforcement agency in a separate file, and

892 these records and all copies thereof must be marked "Juvenile

893 Confidential." These records are not available for public

894 disclosure and inspection under s. 119.07(1) except as provided

895 in ss. 943.053 and 985.04(2), but shall be available to other

896 law enforcement agencies, criminal justice agencies, state

897 attorneys, the courts, the child, the parents or legal

898 custodians of the child, their attorneys, and any other person

899 authorized by the court to have access to such records. In

900 addition, such records may be submitted to the Department of Law

901 Enforcement for inclusion in the state criminal history records

902 and used by criminal justice agencies for criminal justice

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903 purposes. These records may, in the discretion of the court, be
904 open to inspection by anyone upon a showing of cause. The
905 fingerprint and photograph records shall be produced in the
906 court whenever directed by the court. Any photograph taken
907 pursuant to this section may be shown by a law enforcement
908 officer to any victim or witness of a crime for the purpose of
909 identifying the person who committed such crime.

910 Section 25. This act shall take effect October 1, 2018.