

By Senator Rouson

19-01126-17

20171102\_\_

1                   A bill to be entitled  
2       An act relating to criminal offenses; amending s.  
3       212.15, F.S.; revising threshold amounts for failure  
4       to remit taxes offenses; amending s. 812.014, F.S.;  
5       revising threshold amounts for theft offenses;  
6       amending s. 812.015, F.S.; revising threshold amounts  
7       for retail theft; amending s. 812.0195, F.S.; revising  
8       threshold amounts for dealing in stolen property by  
9       use of the Internet offenses; amending ss. 832.04 and  
10      832.041, F.S.; revising threshold amounts for stopping  
11      payment offenses; amending s. 832.05, F.S.; revising  
12      threshold amounts for offenses involving giving  
13      worthless checks, drafts, and debit card orders;  
14      amending s. 832.062, F.S.; revising threshold amounts  
15      for offenses involving payments to the Department of  
16      Revenue; amending s. 921.0022, F.S.; conforming  
17      provisions to changes made by the act; reenacting ss.  
18      634.319, 634.421, 636.238(3), 642.038(2), 705.102(4),  
19      812.0155(1), 985.11(1)(b), and 985.557(1)(a), F.S.,  
20      relating to reporting and accounting for funds by  
21      insurance sales representatives, reporting and  
22      accounting for funds by insurance sales  
23      representatives or agents, penalties for certain  
24      violations involving discount medical plans, reporting  
25      and accounting for funds, reporting lost or abandoned  
26      property, suspension of a driver license following an  
27      adjudication of guilt for theft, fingerprinting and  
28      photographing of juveniles, and direct filing of an  
29      information against a juvenile, respectively, to

19-01126-17

20171102\_\_

30 incorporate the amendments made by the act in cross-  
31 references to amended provisions; providing an  
32 effective date.  
33

34 Be It Enacted by the Legislature of the State of Florida:  
35

36 Section 1. Paragraphs (a) and (b) of subsection (2) of  
37 section 212.15, Florida Statutes, are amended to read:

38 212.15 Taxes declared state funds; penalties for failure to  
39 remit taxes; due and delinquent dates; judicial review.—

40 (2) Any person who, with intent to unlawfully deprive or  
41 defraud the state of its moneys or the use or benefit thereof,  
42 fails to remit taxes collected under this chapter commits ~~is~~  
43 ~~guilty of~~ theft of state funds, punishable as follows:

44 (a) If the total amount of stolen revenue is less than  
45 \$1,000 ~~\$300~~, the offense is a misdemeanor of the second degree,  
46 punishable as provided in s. 775.082 or s. 775.083. Upon a  
47 second conviction, the offender commits ~~is guilty of~~ a  
48 misdemeanor of the first degree, punishable as provided in s.  
49 775.082 or s. 775.083. Upon a third or subsequent conviction,  
50 the offender commits ~~is guilty of~~ a felony of the third degree,  
51 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

52 (b) If the total amount of stolen revenue is \$1,000 ~~\$300~~ or  
53 more, but less than \$20,000, the offense is a felony of the  
54 third degree, punishable as provided in s. 775.082, s. 775.083,  
55 or s. 775.084.

56 Section 2. Subsection (2) of section 812.014, Florida  
57 Statutes, is amended to read:

58 812.014 Theft.—

19-01126-17

20171102\_\_

59 (2)(a)1. If the property stolen is valued at \$100,000 or  
60 more or is a semitrailer that was deployed by a law enforcement  
61 officer; or

62 2. If the property stolen is cargo valued at \$50,000 or  
63 more that has entered the stream of interstate or intrastate  
64 commerce from the shipper's loading platform to the consignee's  
65 receiving dock; or

66 3. If the offender commits any grand theft and:

67 a. In the course of committing the offense the offender  
68 uses a motor vehicle as an instrumentality, other than merely as  
69 a getaway vehicle, to assist in committing the offense and  
70 thereby damages the real property of another; or

71 b. In the course of committing the offense the offender  
72 causes damage to the real or personal property of another in  
73 excess of \$1,000,

74  
75 the offender commits grand theft in the first degree, punishable  
76 as a felony of the first degree, as provided in s. 775.082, s.  
77 775.083, or s. 775.084.

78 (b)1. If the property stolen is valued at \$20,000 or more,  
79 but less than \$100,000;

80 2. The property stolen is cargo valued at less than \$50,000  
81 that has entered the stream of interstate or intrastate commerce  
82 from the shipper's loading platform to the consignee's receiving  
83 dock;

84 3. The property stolen is emergency medical equipment,  
85 valued at \$1,000 ~~\$300~~ or more, that is taken from a facility  
86 licensed under chapter 395 or from an aircraft or vehicle  
87 permitted under chapter 401; or

19-01126-17

20171102\_\_

88 4. The property stolen is law enforcement equipment, valued  
89 at \$1,000 ~~\$300~~ or more, that is taken from an authorized  
90 emergency vehicle, as defined in s. 316.003,

91  
92 the offender commits grand theft in the second degree,  
93 punishable as a felony of the second degree, as provided in s.  
94 775.082, s. 775.083, or s. 775.084. Emergency medical equipment  
95 means mechanical or electronic apparatus used to provide  
96 emergency services and care as defined in s. 395.002(9) or to  
97 treat medical emergencies. Law enforcement equipment means any  
98 property, device, or apparatus used by any law enforcement  
99 officer as defined in s. 943.10 in the officer's official  
100 business. However, if the property is stolen within a county  
101 that is subject to a state of emergency declared by the Governor  
102 under chapter 252, the theft is committed after the declaration  
103 of emergency is made, and the perpetration of the theft is  
104 facilitated by conditions arising from the emergency, the theft  
105 is a felony of the first degree, punishable as provided in s.  
106 775.082, s. 775.083, or s. 775.084. As used in this paragraph,  
107 the term "conditions arising from the emergency" means civil  
108 unrest, power outages, curfews, voluntary or mandatory  
109 evacuations, or a reduction in the presence of or response time  
110 for first responders or homeland security personnel. For  
111 purposes of sentencing under chapter 921, a felony offense that  
112 is reclassified under this paragraph is ranked one level above  
113 the ranking under s. 921.0022 or s. 921.0023 of the offense  
114 committed.

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.

19-01126-17

20171102\_\_

- 117 775.083, or s. 775.084, if the property stolen is:
- 118 1. Valued at \$1,000 ~~\$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, bovine, or swine class or other grazing animal; a
  - 126 bee colony of a registered beekeeper; and aquaculture species
  - 127 raised at a certified aquaculture facility. If the property
  - 128 stolen is aquaculture species raised at a certified aquaculture
  - 129 facility, then a \$10,000 fine shall be imposed.
  - 130 8. Any fire extinguisher.
  - 131 9. Any amount of citrus fruit consisting of 2,000 or more
  - 132 individual pieces of fruit.
  - 133 10. Taken from a designated construction site identified by
  - 134 the posting of a sign as provided for in s. 810.09(2)(d).
  - 135 11. Any stop sign.
  - 136 12. Anhydrous ammonia.
  - 137 13. Any amount of a controlled substance as defined in s.
  - 138 893.02. Notwithstanding any other law, separate judgments and
  - 139 sentences for theft of a controlled substance under this
  - 140 subparagraph and for any applicable possession of controlled
  - 141 substance offense under s. 893.13 or trafficking in controlled
  - 142 substance offense under s. 893.135 may be imposed when all such
  - 143 offenses involve the same amount or amounts of a controlled
  - 144 substance.
  - 145

19-01126-17

20171102\_\_

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

164 (d) It is grand theft of the third degree and a felony of  
165 the third degree, punishable as provided in s. 775.082, s.  
166 775.083, or s. 775.084, if the property stolen is valued at \$300  
167 ~~\$100~~ or more, but less than \$1,000 ~~\$300~~, and is taken from a  
168 dwelling as defined in s. 810.011(2) or from the unenclosed  
169 curtilage of a dwelling pursuant to s. 810.09(1).

170 (e) Except as provided in paragraph (d), if the property  
171 stolen is valued at \$300 ~~\$100~~ or more, but less than \$1,000  
172 ~~\$300~~, the offender commits petit theft of the first degree,  
173 punishable as a misdemeanor of the first degree, as provided in  
174 s. 775.082 or s. 775.083.

19-01126-17

20171102\_\_

175 Section 3. Subsection (8) of section 812.015, Florida  
176 Statutes, is amended to read:

177 812.015 Retail and farm theft; transit fare evasion;  
178 mandatory fine; alternative punishment; detention and arrest;  
179 exemption from liability for false arrest; resisting arrest;  
180 penalties.—

181 (8) Except as provided in subsection (9), a person who  
182 commits retail theft commits a felony of the third degree,  
183 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
184 if the property stolen is valued at \$500 ~~300~~ or more, and the  
185 person:

186 (a) Individually, or in concert with one or more other  
187 persons, coordinates the activities of one or more individuals  
188 in committing the offense, in which case the amount of each  
189 individual theft is aggregated to determine the value of the  
190 property stolen;

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

194 (c) Acts in concert with one or more other individuals  
195 within one or more establishments to distract the merchant,  
196 merchant's employee, or law enforcement officer in order to  
197 carry out the offense, or acts in other ways to coordinate  
198 efforts to carry out the offense; or

199 (d) Commits the offense through the purchase of merchandise  
200 in a package or box that contains merchandise other than, or in  
201 addition to, the merchandise purported to be contained in the  
202 package or box.

203 Section 4. Section 812.0195, Florida Statutes, is amended

19-01126-17

20171102\_\_

204 to read:

205 812.0195 Dealing in stolen property by use of the  
206 Internet.—Any person in this state who uses the Internet to sell  
207 or offer for sale any merchandise or other property that the  
208 person knows, or has reasonable cause to believe, is stolen  
209 commits:

210 (1) A misdemeanor of the second degree, punishable as  
211 provided in s. 775.082 or s. 775.083, if the value of the  
212 property is less than \$500 ~~\$300~~; or

213 (2) A felony of the third degree, punishable as provided in  
214 s. 775.082, s. 775.083, or s. 775.084, if the value of the  
215 property is \$500 ~~\$300~~ or more.

216 Section 5. Subsection (1) of section 832.04, Florida  
217 Statutes, is amended to read:

218 832.04 Stopping payment; purchase of farm or grove  
219 products.—

220 (1) Whoever, with intent to defraud any producer of farm or  
221 grove products or product of such products or product shall, in  
222 person or by agent, make, draw, utter, deliver, or give to such  
223 producer any check, draft, or written order for the payment of  
224 money upon any bank, person, or corporation and secure from such  
225 producer such products or product for or on account of such  
226 check, draft, or written order, whether such products or product  
227 are valued at the amount of such check, draft, or written order  
228 or at a greater or lesser value, and who shall, pursuant to and  
229 in furtherance of such intent to defraud, stop payment on such  
230 check, draft, or written order, commits ~~shall be deemed to be~~  
231 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
232 provided in s. 775.082 or s. 775.083, if the value of the



19-01126-17

20171102\_\_

233 products or product secured for or on account of such check,  
 234 draft, or written order is \$500 ~~\$150~~ or more; and if the value  
 235 of the products or product secured for or on account of such  
 236 check, draft, or written order is less than \$500 ~~\$150~~, he or she  
 237 commits ~~shall be guilty of~~ a misdemeanor of the second degree,  
 238 punishable as provided in s. 775.082 or s. 775.083.

239 Section 6. Subsection (1) of section 832.041, Florida  
 240 Statutes, is amended to read:

241 832.041 Stopping payment with intent to defraud.-

242 (1) Whoever, with intent to defraud any person shall, in  
 243 person or by agent, make, draw, utter, deliver, or give any  
 244 check, draft, or written order for the payment of money upon any  
 245 bank, person, or corporation and secure from such person goods  
 246 or services for or on account of such check, draft, or written  
 247 order, whether such goods or services are valued at the amount  
 248 of such check, draft, or written order or at a greater or lesser  
 249 value, and who shall, pursuant to and in furtherance of such  
 250 intent to defraud, stop payment on such check, draft, or written  
 251 order, commits ~~shall be deemed to be guilty of~~ a felony of the  
 252 third degree, punishable as provided in s. 775.082, s. 775.083,  
 253 or s. 775.084, if the value of the goods or services secured for  
 254 or on account of such check, draft, or written order is \$500  
 255 ~~\$150~~ or more; and if the value of the goods or services secured  
 256 for or on account of such check, draft, or written order is less  
 257 than \$500 ~~\$150~~, he or she commits ~~shall be guilty of~~ a  
 258 misdemeanor of the second degree, punishable as provided in s.  
 259 775.082 or s. 775.083.

260 Section 7. Paragraph (b) of subsection (2) and paragraph  
 261 (c) of subsection (4) of section 832.05, Florida Statutes, are

19-01126-17

20171102\_\_

262 amended to read:

263 832.05 Giving worthless checks, drafts, and debit card  
264 orders; penalty; duty of drawee; evidence; costs; complaint  
265 form.—

266 (2) WORTHLESS CHECKS, DRAFTS, OR DEBIT CARD ORDERS;  
267 PENALTY.—

268 (b) A violation of the provisions of this subsection  
269 constitutes a misdemeanor of the first degree, punishable as  
270 provided in s. 775.082 or s. 775.083, unless the check, draft,  
271 debit card order, or other written order drawn, made, uttered,  
272 issued, or delivered is in the amount of \$500 ~~\$150~~, or its  
273 equivalent, or more and the payee or a subsequent holder thereof  
274 receives something of value therefor. In that event, the  
275 violation constitutes a felony of the third degree, punishable  
276 as provided in s. 775.082, s. 775.083, or s. 775.084.

277 (4) OBTAINING PROPERTY OR SERVICES IN RETURN FOR WORTHLESS  
278 CHECKS, DRAFTS, OR DEBIT CARD ORDERS; PENALTY.—

279 (c) A violation of the provisions of this subsection, if  
280 the check, draft, other written order, or debit card order is  
281 for an amount less than \$500 ~~\$150~~ or its equivalent, constitutes  
282 a misdemeanor of the first degree, punishable as provided in s.  
283 775.082 or s. 775.083. A violation of the provisions of this  
284 subsection, if the check, draft, other written order, or debit  
285 card order is in the amount of \$500 ~~\$150~~, or its equivalent, or  
286 more, constitutes a felony of the third degree, punishable as  
287 provided in s. 775.082, s. 775.083, or s. 775.084.

288 Section 8. Subsection (2) of section 832.062, Florida  
289 Statutes, is amended, and subsection (1) of that section is  
290 republished, to read:

19-01126-17

20171102\_\_

291 832.062 Prosecution for worthless checks, drafts, debit  
292 card orders, or electronic funds transfers made to pay any tax  
293 or associated amount administered by the Department of Revenue.-

294 (1) It is unlawful for any person, firm, or corporation to  
295 draw, make, utter, issue, or deliver to the Department of  
296 Revenue any check, draft, or other written order on any bank or  
297 depository, to use a debit card, to make, send, instruct, order,  
298 or initiate any electronic funds transfer, or to cause or direct  
299 the making, sending, instructing, ordering, or initiating of any  
300 electronic funds transfer, for the payment of any taxes,  
301 penalties, interest, fees, or associated amounts administered by  
302 the Department of Revenue, knowing at the time of the drawing,  
303 making, uttering, issuing, or delivering such check, draft, or  
304 other written order, at the time of using such debit card, at  
305 the time of making, sending, instructing, ordering, or  
306 initiating any electronic funds transfer, or at the time of  
307 causing or directing the making, sending, instructing, ordering,  
308 initiating, or executing of any electronic funds transfer, that  
309 the maker, drawer, sender, or receiver thereof has not  
310 sufficient funds on deposit in or credit with such bank or  
311 depository with which to pay the same on presentation. This  
312 section does not apply to any check or electronic funds transfer  
313 when the Department of Revenue knows or has been expressly  
314 notified prior to the drawing or uttering of the check or the  
315 sending or initiating of the electronic funds transfer, or has  
316 reason to believe, that the drawer, sender, or receiver did not  
317 have on deposit or to the drawer's, sender's, or receiver's  
318 credit with the drawee or receiving bank or depository  
319 sufficient funds to ensure payment as aforesaid, and this

19-01126-17

20171102\_\_

320 section does not apply to any postdated check.

321 (2) A violation of this section constitutes a misdemeanor  
 322 of the second degree, punishable as provided in s. 775.082 or s.  
 323 775.083, unless the check, draft, debit card order, or other  
 324 written order drawn, made, uttered, issued, or delivered, or  
 325 electronic funds transfer made, sent, instructed, ordered, or  
 326 initiated, or caused or directed to be made, sent, instructed,  
 327 ordered, or initiated is in the amount of \$500 ~~\$150~~ or more. In  
 328 that event, the violation constitutes a felony of the third  
 329 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 330 775.084.

331 Section 9. Paragraphs (a), (b), (d), and (e) of subsection  
 332 (3) of section 921.0022, Florida Statutes, are amended to read:

333 921.0022 Criminal Punishment Code; offense severity ranking  
 334 chart.—

335 (3) OFFENSE SEVERITY RANKING CHART

336 (a) LEVEL 1

337

338

Florida Statute	Felony Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.

341

19-01126-17 20171102\_\_

- 342
212.15(2)(b)
3rd

 Failure to remit sales taxes,  
 amount greater than \$1,000 ~~\$300~~  
 but less than \$20,000.
- 343
316.1935(1)
3rd

 Fleeing or attempting to elude  
 law enforcement officer.
- 344
319.30(5)
3rd

 Sell, exchange, give away  
 certificate of title or  
 identification number plate.
- 345
319.35(1)(a)
3rd

 Tamper, adjust, change, etc.,  
 an odometer.
- 346
320.26(1)(a)
3rd

 Counterfeit, manufacture, or  
 sell registration license  
 plates or validation stickers.
- 347
322.212  
(1)(a)-(c)
3rd

 Possession of forged, stolen,  
 counterfeit, or unlawfully  
 issued driver license;  
 possession of simulated  
 identification.
- 348
322.212(4)
3rd

 Supply or aid in supplying  
 unauthorized driver license or  
 identification card.
- 322.212(5)(a)
3rd

 False application for driver

19-01126-17

20171102\_\_

license or identification card.

349

414.39(3)(a)

3rd

Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

350

443.071(1)

3rd

False statement or representation to obtain or increase reemployment assistance benefits.

351

509.151(1)

3rd

Defraud an innkeeper, food or lodging value greater than \$300.

352

517.302(1)

3rd

Violation of the Florida Securities and Investor Protection Act.

353

562.27(1)

3rd

Possess still or still apparatus.

354

713.69

3rd

Tenant removes property upon which lien has accrued, value more than \$50.

355

812.014(3)(c)

3rd

Petit theft (3rd conviction); theft of any property not

19-01126-17

20171102\_\_

specified in subsection (2).

356

812.081(2) 3rd Unlawfully makes or causes to be made a reproduction of a trade secret.

357

815.04(5)(a) 3rd Offense against intellectual property (i.e., computer programs, data).

358

817.52(2) 3rd Hiring with intent to defraud, motor vehicle services.

359

817.569(2) 3rd Use of public record or public records information or providing false information to facilitate commission of a felony.

360

826.01 3rd Bigamy.

361

828.122(3) 3rd Fighting or baiting animals.

362

831.04(1) 3rd Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

363

831.31(1)(a) 3rd Sell, deliver, or possess

19-01126-17

20171102\_\_

counterfeit controlled  
 substances, all but s.  
 893.03(5) drugs.

364

832.041(1) 3rd Stopping payment with intent to  
 defraud \$500 ~~\$150~~ or more.

365

832.05(2)(b) & 3rd Knowing, making, issuing  
 (4)(c) worthless checks \$500 ~~\$150~~ or  
 more or obtaining property in  
 return for worthless check \$500  
~~\$150~~ or more.

366

838.15(2) 3rd Commercial bribe receiving.

367

838.16 3rd Commercial bribery.

368

843.18 3rd Fleeing by boat to elude a law  
 enforcement officer.

369

847.011(1)(a) 3rd Sell, distribute, etc.,  
 obscene, lewd, etc., material  
 (2nd conviction).

370

849.01 3rd Keeping gambling house.

371

849.09(1)(a)-(d) 3rd Lottery; set up, promote, etc.,  
 or assist therein, conduct or  
 advertise drawing for prizes,



19-01126-17

20171102\_\_

or dispose of property or money  
by means of lottery.

372

849.23                      3rd      Gambling-related machines;  
"common offender" as to  
property rights.

373

849.25 (2)                      3rd      Engaging in bookmaking.

374

860.08                      3rd      Interfere with a railroad  
signal.

375

860.13 (1) (a)                      3rd      Operate aircraft while under  
the influence.

376

893.13 (2) (a) 2.                      3rd      Purchase of cannabis.

377

893.13 (6) (a)                      3rd      Possession of cannabis (more  
than 20 grams).

378

934.03 (1) (a)                      3rd      Intercepts, or procures any  
other person to intercept, any  
wire or oral communication.

379

380                      (b) LEVEL 2

381

382

Florida	Felony	Description
Statute	Degree	

19-01126-17

20171102\_\_

383

379.2431                      3rd      Possession of 11 or fewer  
 (1) (e) 3.                      marine turtle eggs in violation  
    of the Marine Turtle Protection  
    Act.

384

379.2431                      3rd      Possession of more than 11  
 (1) (e) 4.                      marine turtle eggs in violation  
    of the Marine Turtle Protection  
    Act.

385

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.

386

517.07 (2)                      3rd      Failure to furnish a prospectus  
    meeting requirements.

387

590.28 (1)                      3rd      Intentional burning of lands.

388

784.05 (3)                      3rd      Storing or leaving a loaded  
    firearm within reach of minor  
    who uses it to inflict injury  
    or death.

389

787.04 (1)                      3rd      In violation of court order,  
    take, entice, etc., minor

19-01126-17

20171102\_\_

beyond state limits.

390

806.13(1)(b)3. 3rd Criminal mischief; damage \$1,000 or more to public communication or any other public service.

391

810.061(2) 3rd Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

392

810.09(2)(e) 3rd Trespassing on posted commercial horticulture property.

393

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$1,000 ~~\$300~~ or more but less than \$5,000.

394

812.014(2)(d) 3rd Grand theft, 3rd degree; \$300 ~~\$100~~ or more but less than \$1,000 ~~\$300~~, taken from unenclosed curtilage of dwelling.

395

812.015(7) 3rd Possession, use, or attempted use of an antishoplifting or inventory control device

19-01126-17

20171102\_\_

countermeasure.

396

817.234 (1) (a) 2.            3rd    False statement in support of insurance claim.

397

817.481 (3) (a)            3rd    Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

398

817.52 (3)                    3rd    Failure to redeliver hired vehicle.

399

817.54                        3rd    With intent to defraud, obtain mortgage note, etc., by false representation.

400

817.60 (5)                    3rd    Dealing in credit cards of another.

401

817.60 (6) (a)            3rd    Forgery; purchase goods, services with false card.

402

817.61                        3rd    Fraudulent use of credit cards over \$100 or more within 6 months.

403

826.04                        3rd    Knowingly marries or has sexual intercourse with person to whom

19-01126-17

20171102\_\_

related.

404

831.01 3rd Forgery.

405

831.02 3rd Uttering forged instrument;  
utters or publishes alteration  
with intent to defraud.

406

831.07 3rd Forging bank bills, checks,  
drafts, or promissory notes.

407

831.08 3rd Possessing 10 or more forged  
notes, bills, checks, or  
drafts.

408

831.09 3rd Uttering forged notes, bills,  
checks, drafts, or promissory  
notes.

409

831.11 3rd Bringing into the state forged  
bank bills, checks, drafts, or  
notes.

410

832.05 (3) (a) 3rd Cashing or depositing item with  
intent to defraud.

411

843.08 3rd False personation.

412

893.13 (2) (a) 2. 3rd Purchase of any s.

19-01126-17

20171102\_\_

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.

413

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

414

415                      (d) LEVEL 4

416

417

Florida Statute	Felony Degree	Description
--------------------	------------------	-------------

418

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.
----------------	-----	---

419

499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
-------------	-----	--

420

499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell,
-------------	-----	---

19-01126-17

20171102\_\_

contraband prescription drugs.

421

517.07 (1) 3rd Failure to register securities.

422

517.12 (1) 3rd Failure of dealer, associated person, or issuer of securities to register.

423

784.07 (2) (b) 3rd Battery of law enforcement officer, firefighter, etc.

424

784.074 (1) (c) 3rd Battery of sexually violent predators facility staff.

425

784.075 3rd Battery on detention or commitment facility staff.

426

784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

427

784.08 (2) (c) 3rd Battery on a person 65 years of age or older.

428

784.081 (3) 3rd Battery on specified official or employee.

429

784.082 (3) 3rd Battery by detained person on visitor or other detainee.

19-01126-17

20171102\_\_

430

784.083(3) 3rd Battery on code inspector.

431

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

432

787.03(1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

433

787.04(2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

434

787.04(3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

435

787.07 3rd Human smuggling.

436

790.115(1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.

437

790.115(2)(b) 3rd Possessing electric weapon or



19-01126-17

20171102\_\_

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

438

790.115 (2) (c) 3rd Possessing firearm on school  
property.

439

800.04 (7) (c) 3rd Lewd or lascivious exhibition;  
offender less than 18 years.

440

810.02 (4) (a) 3rd Burglary, or attempted  
burglary, of an unoccupied  
structure; unarmed; no assault  
or battery.

441

810.02 (4) (b) 3rd Burglary, or attempted  
burglary, of an unoccupied  
conveyance; unarmed; no assault  
or battery.

442

810.06 3rd Burglary; possession of tools.

443

810.08 (2) (c) 3rd Trespass on property, armed  
with firearm or dangerous  
weapon.

444

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000  
or more but less than \$20,000.

445

19-01126-17 20171102\_\_

446	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
447	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen <u>\$500</u> <del>\$300</del> or more.
448	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
449	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
450	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
451	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
452	837.02 (1)	3rd	Perjury in official proceedings.
	837.021 (1)	3rd	Make contradictory statements in official proceedings.

19-01126-17

20171102\_\_

453

838.022 3rd Official misconduct.

454

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

455

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

456

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

457

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

458

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

459

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

460

874.05(1)(a) 3rd Encouraging or recruiting

19-01126-17

20171102\_\_

another to join a criminal gang.

461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471

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).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.

(e) LEVEL 5

Florida	Felony	Description
Statute	Degree	

19-01126-17

20171102\_\_

472

316.027(2)(a) 3rd Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.

473

316.1935(4)(a) 2nd Aggravated fleeing or eluding.

474

316.80(2) 2nd Unlawful conveyance of fuel; obtaining fuel fraudulently.

475

322.34(6) 3rd Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

476

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 away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or

19-01126-17

20171102\_\_

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.

477

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

478

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

479

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

480

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.

481

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

482

440.381(2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers'

19-01126-17

20171102\_\_

compensation premiums.

483

624.401 (4) (b) 2.            2nd    Transacting insurance without a  
 certificate or authority;  
 premium collected \$20,000 or  
 more but less than \$100,000.

484

626.902 (1) (c)            2nd    Representing an unauthorized  
 insurer; repeat offender.

485

790.01 (2)                    3rd    Carrying a concealed firearm.

486

790.162                        2nd    Threat to throw or discharge  
 destructive device.

487

790.163 (1)                  2nd    False report of bomb,  
 explosive, weapon of mass  
 destruction, or use of firearms  
 in violent manner.

488

790.221 (1)                  2nd    Possession of short-barreled  
 shotgun or machine gun.

489

790.23                         2nd    Felons in possession of  
 firearms, ammunition, or  
 electronic weapons or devices.

490

796.05 (1)                  2nd    Live on earnings of a  
 prostitute; 1st offense.

19-01126-17

20171102\_\_

491

800.04 (6) (c) 3rd Lewd or lascivious conduct;  
offender less than 18 years of  
age.

492

800.04 (7) (b) 2nd Lewd or lascivious exhibition;  
offender 18 years of age or  
older.

493

806.111 (1) 3rd Possess, manufacture, or  
dispense fire bomb with intent  
to damage any structure or  
property.

494

812.0145 (2) (b) 2nd Theft from person 65 years of  
age or older; \$10,000 or more  
but less than \$50,000.

495

812.015 (8) 3rd Retail theft; property stolen  
is valued at \$500 ~~\$300~~ or more  
and one or more specified acts.

496

812.019 (1) 2nd Stolen property; dealing in or  
trafficking in.

497

812.131 (2) (b) 3rd Robbery by sudden snatching.

498

812.16 (2) 3rd Owning, operating, or  
conducting a chop shop.



19-01126-17

20171102\_\_

499  
500  
501  
502  
503  
504

817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
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.
817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

19-01126-17 20171102\_\_

505 817.625 (2) (b) 2nd Second or subsequent fraudulent  
use of scanning device or  
reencoder.

506 825.1025 (4) 3rd Lewd or lascivious exhibition  
in the presence of an elderly  
person or disabled adult.

507 827.071 (4) 2nd Possess with intent to promote  
any photographic material,  
motion picture, etc., which  
includes sexual conduct by a  
child.

508 827.071 (5) 3rd Possess, control, or  
intentionally view any  
photographic material, motion  
picture, etc., which includes  
sexual conduct by a child.

509 839.13 (2) (b) 2nd Falsifying records of an  
individual in the care and  
custody of a state agency  
involving great bodily harm or  
death.

843.01 3rd Resist officer with violence to  
person; resist arrest with  
violence.

19-01126-17

20171102\_\_

510

847.0135 (5) (b)            2nd    Lewd or lascivious exhibition  
using computer; offender 18  
years or older.

511

847.0137                    3rd    Transmission of pornography by  
(2) & (3)                    electronic device or equipment.

512

847.0138                    3rd    Transmission of material  
(2) & (3)                    harmful to minors to a minor by  
electronic device or equipment.

513

874.05 (1) (b)            2nd    Encouraging or recruiting  
another to join a criminal  
gang; second or subsequent  
offense.

514

874.05 (2) (a)            2nd    Encouraging or recruiting  
person under 13 years of age to  
join a criminal gang.

515

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).

516

893.13 (1) (c) 2.        2nd    Sell, manufacture, or deliver  
cannabis (or other s.

19-01126-17

20171102\_\_

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  
 recreational facility or  
 community center.

517

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.

518

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.

519

19-01126-17

20171102\_\_

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

520

893.13(4)(b)            2nd    Use or hire of minor; deliver to minor other controlled substance.

521

893.1351(1)            3rd    Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

522

523            Section 10. For the purpose of incorporating the amendment  
 524 made by this act to section 812.014, Florida Statutes, in a  
 525 reference thereto, section 634.319, Florida Statutes, is  
 526 reenacted to read:

527            634.319 Reporting and accounting for funds.—

528            (1) All funds belonging to insurers, home warranty  
 529 associations, or others received by a sales representative in  
 530 transactions under her or his license and appointment are trust  
 531 funds so received by the sales representative in a fiduciary  
 532 capacity; and the sales representative, in the applicable  
 533 regular course of business, shall account for and pay such funds  
 534 to the insurer, association, warranty holder, or other person  
 535 entitled thereto.

536            (2) Any sales representative who, not being entitled

19-01126-17

20171102\_\_

537 thereto, diverts or appropriates such funds or any portion  
538 thereof to her or his own use is, upon conviction, guilty of  
539 theft, punishable as provided in s. 812.014.

540 Section 11. For the purpose of incorporating the amendment  
541 made by this act to section 812.014, Florida Statutes, in a  
542 reference thereto, section 634.421, Florida Statutes, is  
543 reenacted to read:

544 634.421 Reporting and accounting for funds.—

545 (1) All funds belonging to insurers, service warranty  
546 associations, or others received by a sales representative in  
547 transactions under her or his license or appointment are trust  
548 funds so received by the sales representative or agent in a  
549 fiduciary capacity; and the sales representative or agent, in  
550 the applicable regular course of business, shall account for and  
551 pay such funds to the insurer, association, warranty holder, or  
552 other person entitled thereto.

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

556 Section 12. For the purpose of incorporating the amendment  
557 made by this act to section 812.014, Florida Statutes, in a  
558 reference thereto, subsection (3) of section 636.238, Florida  
559 Statutes, is reenacted to read:

560 636.238 Penalties for violation of this part.—

561 (3) A person who collects fees for purported membership in  
562 a discount medical plan but purposefully fails to provide the  
563 promised benefits commits a theft, punishable as provided in s.  
564 812.014.

565 Section 13. For the purpose of incorporating the amendment

19-01126-17

20171102\_\_

566 made by this act to section 812.014, Florida Statutes, in a  
567 reference thereto, subsection (2) of section 642.038, Florida  
568 Statutes, is reenacted to read:

569 642.038 Reporting and accounting for funds.—

570 (2) Any sales representative who, not being entitled  
571 thereto, diverts or appropriates such funds or any portion  
572 thereof to his or her own use commits theft as provided in s.  
573 812.014.

574 Section 14. For the purpose of incorporating the amendment  
575 made by this act to section 812.014, Florida Statutes, in a  
576 reference thereto, subsection (4) of section 705.102, Florida  
577 Statutes, is reenacted to read:

578 705.102 Reporting lost or abandoned property.—

579 (4) Any person who unlawfully appropriates such lost or  
580 abandoned property to his or her own use or refuses to deliver  
581 such property when required commits theft as defined in s.  
582 812.014, punishable as provided in s. 775.082, s. 775.083, or s.  
583 775.084.

584 Section 15. For the purpose of incorporating the amendment  
585 made by this act to section 812.014, Florida Statutes, in a  
586 reference thereto, subsection (1) of section 812.0155, Florida  
587 Statutes, is reenacted to read:

588 812.0155 Suspension of driver license following an  
589 adjudication of guilt for theft.—

590 (1) Except as provided in subsections (2) and (3), the  
591 court may order the suspension of the driver license of each  
592 person adjudicated guilty of any misdemeanor violation of s.  
593 812.014 or s. 812.015, regardless of the value of the property  
594 stolen. Upon ordering the suspension of the driver license of

19-01126-17

20171102\_\_

595 the person adjudicated guilty, the court shall forward the  
596 driver license of the person adjudicated guilty to the  
597 Department of Highway Safety and Motor Vehicles in accordance  
598 with s. 322.25.

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

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

603 Section 16. For the purpose of incorporating the amendment  
604 made by this act to section 812.014, Florida Statutes, in a  
605 reference thereto, paragraph (b) of subsection (1) of section  
606 985.11, Florida Statutes, is reenacted to read:

607 985.11 Fingerprinting and photographing.—

608 (1)

609 (b) Unless the child is issued a civil citation or is  
610 participating in a similar diversion program pursuant to s.  
611 985.12, a child who is charged with or found to have committed  
612 one of the following offenses shall be fingerprinted, and the  
613 fingerprints shall be submitted to the Department of Law  
614 Enforcement as provided in s. 943.051(3)(b):

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

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

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

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

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

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

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



19-01126-17

20171102\_\_

- 624 8. Exposure of sexual organs, as defined in s. 800.03.  
625 9. Unlawful possession of a firearm, as defined in s.  
626 790.22(5).  
627 10. Petit theft, as defined in s. 812.014.  
628 11. Cruelty to animals, as defined in s. 828.12(1).  
629 12. Arson, resulting in bodily harm to a firefighter, as  
630 defined in s. 806.031(1).  
631 13. Unlawful possession or discharge of a weapon or firearm  
632 at a school-sponsored event or on school property as defined in  
633 s. 790.115.

634  
635 A law enforcement agency may fingerprint and photograph a child  
636 taken into custody upon probable cause that such child has  
637 committed any other violation of law, as the agency deems  
638 appropriate. Such fingerprint records and photographs shall be  
639 retained by the law enforcement agency in a separate file, and  
640 these records and all copies thereof must be marked "Juvenile  
641 Confidential." These records are not available for public  
642 disclosure and inspection under s. 119.07(1) except as provided  
643 in ss. 943.053 and 985.04(2), but shall be available to other  
644 law enforcement agencies, criminal justice agencies, state  
645 attorneys, the courts, the child, the parents or legal  
646 custodians of the child, their attorneys, and any other person  
647 authorized by the court to have access to such records. In  
648 addition, such records may be submitted to the Department of Law  
649 Enforcement for inclusion in the state criminal history records  
650 and used by criminal justice agencies for criminal justice  
651 purposes. These records may, in the discretion of the court, be  
652 open to inspection by anyone upon a showing of cause. The

19-01126-17

20171102\_\_

653 fingerprint and photograph records shall be produced in the  
654 court whenever directed by the court. Any photograph taken  
655 pursuant to this section may be shown by a law enforcement  
656 officer to any victim or witness of a crime for the purpose of  
657 identifying the person who committed such crime.

658 Section 17. For the purpose of incorporating the amendment  
659 made by this act to section 812.014, Florida Statutes, in a  
660 reference thereto, paragraph (a) of subsection (1) of section  
661 985.557, Florida Statutes, is reenacted to read:

662 985.557 Direct filing of an information; discretionary and  
663 mandatory criteria.—

664 (1) DISCRETIONARY DIRECT FILE.—

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

- 672 1. Arson;
- 673 2. Sexual battery;
- 674 3. Robbery;
- 675 4. Kidnapping;
- 676 5. Aggravated child abuse;
- 677 6. Aggravated assault;
- 678 7. Aggravated stalking;
- 679 8. Murder;
- 680 9. Manslaughter;
- 681 10. Unlawful throwing, placing, or discharging of a

19-01126-17

20171102\_\_

682 destructive device or bomb;

683 11. Armed burglary in violation of s. 810.02(2)(b) or  
684 specified burglary of a dwelling or structure in violation of s.  
685 810.02(2)(c), or burglary with an assault or battery in  
686 violation of s. 810.02(2)(a);

687 12. Aggravated battery;

688 13. Any lewd or lascivious offense committed upon or in the  
689 presence of a person less than 16 years of age;

690 14. Carrying, displaying, using, threatening, or attempting  
691 to use a weapon or firearm during the commission of a felony;

692 15. Grand theft in violation of s. 812.014(2)(a);

693 16. Possessing or discharging any weapon or firearm on  
694 school property in violation of s. 790.115;

695 17. Home invasion robbery;

696 18. Carjacking; or

697 19. Grand theft of a motor vehicle in violation of s.  
698 812.014(2)(c)6. or grand theft of a motor vehicle valued at  
699 \$20,000 or more in violation of s. 812.014(2)(b) if the child  
700 has a previous adjudication for grand theft of a motor vehicle  
701 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

702 Section 18. This act shall take effect July 1, 2017.