



546784

LEGISLATIVE ACTION

Senate

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House

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The Committee on Appropriations (Brandes) recommended the following:

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

3  
4           Delete lines 118 - 398

5 and insert:

- 6           1. Valued at \$1,500 ~~\$300~~ or more, but less than \$5,000.  
7           2. Valued at \$5,000 or more, but less than \$10,000.  
8           3. Valued at \$10,000 or more, but less than \$20,000.  
9           4. A will, codicil, or other testamentary instrument.  
10          5. A firearm.



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



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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

136 921.0022 Criminal Punishment Code; offense severity ranking  
137 chart.-

138 (3) OFFENSE SEVERITY RANKING CHART

139 (b) LEVEL 2

140

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

143

144



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145	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
146	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
147	590.28 (1)	3rd	Intentional burning of lands.
148	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
149	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or



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





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



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



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170			defraud.
171	843.08	3rd	False personation.
172	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs other than cannabis.
173	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
174			
175			
176			
177	(c) LEVEL 3		
178			
179			
180	Florida Statute	Felony Degree	Description
181	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.



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



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188			or registration.
189	327.35 (2) (b)	3rd	Felony BUI.
190	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
191	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
192	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
192	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation



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193

379.2431  
(1) (e) 6.

3rd

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

194

379.2431  
(1) (e) 7.

3rd

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

195

400.9935 (4) (a)  
or (b)

3rd

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

196

400.9935 (4) (e)

3rd

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

197

440.1051 (3)

3rd

False report of workers'  
compensation fraud or



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



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





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



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219			instrument.
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
220			
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
221			
	843.19	3rd	Injure, disable, or kill police dog or horse.
222			
	860.15 (3)	3rd	Overcharging for repairs and parts.
223			
	870.01 (2)	3rd	Riot; inciting or encouraging.
224			
	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).
225			
	893.13 (1) (d) 2.	2nd	Sell, manufacture, or



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226	893.13(1)(f)2.	2nd	deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
227	893.13(4)(c)	3rd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
228	893.13(6)(a)	3rd	Use or hire of minor; deliver to minor other controlled substances.
229	893.13(7)(a)8.	3rd	Possession of any controlled substance other than felony possession of cannabis.
		3rd	Withhold information from practitioner regarding



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230			previous receipt of or prescription for a controlled substance.
230	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
231			
231	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
232			
232	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
233			
233	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
234			
234	893.13(8)(a)2.	3rd	Employ a trick or scheme in



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



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240

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

241

242

243

244

245             (e) LEVEL 5

246

247

Florida  
Statute

Felony  
Degree

Description

248

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

249

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

250

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

251

322.34(6)                                 3rd         Careless operation of



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252

327.30 (5)

3rd

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

Vessel accidents  
involving personal  
injury; leaving scene.

253

379.365 (2) (c) 1.

3rd

Violation of rules  
relating to: willful  
molestation of stone  
crab traps, lines, or  
buoys; illegal  
bartering, trading, or  
sale, conspiring or  
aiding in such barter,  
trade, or sale, or  
supplying, agreeing to  
supply, aiding in  
supplying, or giving  
away stone crab trap  
tags or certificates;  
making, altering,  
forging, counterfeiting,  
or reproducing stone  
crab trap tags;  
possession of forged,  
counterfeit, or



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





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



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



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

272

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

3rd

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

273

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275

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277

278

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

279

And the title is amended as follows:

280

Delete lines 11 - 21

281

and insert:

282

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

283

the circumstances under which an offense of retail

284

theft constitutes a felony of the second or third

285

degree; authorizing the aggregation of