

A bill to be entitled

An act relating to driver licenses and driving privileges; creating the "Driver Accountability Act"; amending s. 318.18, F.S.; providing a criminal penalty payment alternative if a court finds that the violator has demonstrable financial hardship; amending s. 322.34, F.S., relating to driving while a license is suspended, revoked, canceled, or disqualified; revising penalty provisions; amending s. 322.245, F.S.; revising provisions for the Department of Highway Safety and Motor Vehicles to suspend the license of a person who has failed to pay a financial obligation for a criminal offense, to conform to changes made by the act; amending ss. 921.0022 and 932.701, F.S.; conforming cross-references; providing an effective date.

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

Section 1. This act may be cited as the "Driver Accountability Act."

Section 2. Subsection (8) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount and payment of criminal and civil penalties.—  
The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as

27 follows:

28 (8) (a) A ~~Any~~ person who fails to comply with the court's  
29 requirements or who fails to pay the civil penalties specified  
30 in this section within the 30-day period provided for in s.  
31 318.14 must pay an additional civil penalty of \$16, \$6.50 of  
32 which must be remitted to the Department of Revenue for deposit  
33 in the General Revenue Fund, and \$9.50 of which must be remitted  
34 to the Department of Revenue for deposit in the Highway Safety  
35 Operating Trust Fund. Of this additional civil penalty of \$16,  
36 \$4 is not revenue for purposes of s. 28.36 and may not be used  
37 in establishing the budget of the clerk of the court under that  
38 section or s. 28.35.

39 (b) The department shall contract with the Florida  
40 Association of Court Clerks, Inc., to design, establish,  
41 operate, upgrade, and maintain an automated statewide Uniform  
42 Traffic Citation Accounting System to be operated by the clerks  
43 of the court which must ~~shall~~ include, but not be limited to,  
44 the accounting for traffic infractions by type, a record of the  
45 disposition of the citations, and an accounting system for the  
46 fines assessed and the subsequent fine amounts paid to the  
47 clerks of the court. ~~On or before December 1, 2001,~~ The clerks  
48 of the court must provide the information required by this  
49 chapter to be transmitted to the department by electronic  
50 transmission pursuant to the contract.

51 (c) ~~(b) 1.a.~~ If a person has been ordered to pay a civil  
52 penalty for a noncriminal traffic infraction and the person is

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53 unable to comply with the court's order due to demonstrable  
54 financial hardship, the court shall allow the person to satisfy  
55 the civil penalty by participating in community service until  
56 the civil penalty is paid.

57 (d) If a person has been ordered to pay a criminal  
58 penalty, including court costs, fines, or fees associated with a  
59 criminal offense, and the person is unable to comply with the  
60 court's order due to demonstrable financial hardship, the court  
61 may allow the person to satisfy the criminal penalty by  
62 participating in community service until the criminal penalty is  
63 paid. In determining whether a person has the ability to pay the  
64 criminal penalty, the court shall consider the financial  
65 resources of the person, the present and potential future  
66 financial needs and earning ability of the person and his or her  
67 dependents, and such other factors that it deems appropriate. If  
68 the court finds that the person is unable to pay the criminal  
69 penalty, the court may consider converting the outstanding  
70 penalty to community service.

71 (e)~~b.~~ If a court orders a person to perform community  
72 service, the person shall receive credit for the civil or  
73 criminal penalty at the specified hourly credit rate per hour of  
74 community service performed, and each hour of community service  
75 performed reduces ~~shall reduce~~ the civil or criminal penalty by  
76 that amount.

77 1.2.a. As used in this paragraph, the term "specified  
78 hourly credit rate" means the wage rate that is specified in 29

79 U.S.C. s. 206(a)(1) under the federal Fair Labor Standards Act  
 80 of 1938, that is then in effect, and that an employer subject to  
 81 such provision must pay per hour to each employee subject to  
 82 such provision.

83 ~~2.b. However,~~ If a person ordered to perform community  
 84 service has a trade or profession for which there is a community  
 85 service need, the specified hourly credit rate for each hour of  
 86 community service performed by that person is ~~shall be~~ the  
 87 average prevailing wage rate for the trade or profession that  
 88 the community service agency needs.

89 ~~3.a.~~ The community service agency supervising the person  
 90 shall record the number of hours of community service completed  
 91 and the date the community service hours were completed.

92 a. The community service agency shall submit the data to  
 93 the clerk of the court on the letterhead of the community  
 94 service agency, which must also bear the notarized signature of  
 95 the person designated to represent the community service agency.

96 b. When the number of community service hours completed by  
 97 the person equals the amount of the civil or criminal penalty,  
 98 the clerk of the court shall certify this fact to the court.  
 99 Thereafter, the clerk of the court shall record in the case file  
 100 that the civil or criminal penalty has been paid in full.

101 4. As used in this subsection ~~paragraph~~, the term:

102 a. "Community service" means uncompensated labor for a  
 103 community service agency.

104 b. "Community service agency" means a not-for-profit

105 corporation, community organization, charitable organization,  
 106 public officer, the state or any political subdivision of the  
 107 state, or any other body the purpose of which is to improve the  
 108 quality of life or social welfare of the community and which  
 109 agrees to accept community service from persons unable to pay  
 110 civil penalties for noncriminal traffic infractions or criminal  
 111 penalties.

112 (f)~~(e)~~ If the noncriminal infraction has caused or  
 113 resulted in the death of another, the person who committed the  
 114 infraction may perform 120 community service hours under s.  
 115 316.027(4), in addition to any other penalties.

116 Section 3. Section 322.34, Florida Statutes, is amended to  
 117 read:

118 322.34 Driving while license suspended, revoked, canceled,  
 119 or disqualified.—

120 (1) Except as provided in subsection (2), a ~~any~~ person  
 121 whose driver ~~driver's~~ license or driving privilege has been  
 122 canceled or ~~suspended, or revoked, except a "habitual traffic~~  
 123 ~~offender" as defined in s. 322.264,~~ who drives a motor vehicle  
 124 on ~~upon~~ the highways of this state while such license or  
 125 privilege is canceled or ~~suspended~~ commits ~~or revoked is~~  
 126 ~~guilty of~~ a moving violation, punishable as provided in chapter  
 127 318.

128 (2) (a) A person whose driver license or driving privilege  
 129 has been suspended for failing to pay child support as provided  
 130 in s. 61.13016 or s. 322.245 who, knowing of such suspension,

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131 drives a motor vehicle on the highways of this state while such  
132 license or privilege is suspended, upon:

133 1. A first conviction, commits a misdemeanor of the second  
134 degree, punishable as provided in s. 775.082 or s. 775.083.

135 2. A second or subsequent conviction, commits a  
136 misdemeanor of the first degree, punishable as provided in s.  
137 775.082 or s. 775.083.

138 (b) A Any person whose driver driver's license or driving  
139 privilege has been suspended under s. 322.2615 or canceled,  
140 suspended, or revoked as provided by law, except persons defined  
141 as habitual traffic offenders in s. 322.264, who, knowing of  
142 such cancellation, suspension, or revocation, drives a any motor  
143 vehicle on upon the highways of this state while such license or  
144 privilege is canceled, suspended, or revoked, upon:

145 1.(a) A first conviction, commits is guilty of a  
146 misdemeanor of the second degree, punishable as provided in s.  
147 775.082 or s. 775.083.

148 2.(b) A second conviction, commits is guilty of a  
149 misdemeanor of the first degree, punishable as provided in s.  
150 775.082 or s. 775.083.

151 3.(c) A third or subsequent conviction, commits is guilty  
152 of a felony of the third degree, punishable as provided in s.  
153 775.082, s. 775.083, or s. 775.084.

154 (3) A person whose driver license or driving privilege has  
155 been revoked as a habitual traffic offender pursuant to s.  
156 322.264(1)(d) who, knowing of such revocation, drives a motor

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157 vehicle on the highways of this state while such license or  
158 privilege is revoked, upon:

159 (a) A first conviction, commits a misdemeanor of the  
160 second degree, punishable as provided in s. 775.082 or s.  
161 775.083.

162 (b) A second conviction, commits a misdemeanor of the  
163 first degree, punishable as provided in s. 775.082 or s.  
164 775.083.

165 (c) A third or subsequent conviction, commits:

166 1. A misdemeanor of the first degree, punishable as  
167 provided in s. 775.082 or s. 775.083, if the person's  
168 designation as a habitual traffic offender is based only on the  
169 offenses of driving while a license is suspended or canceled  
170 under subsection (1); or

171 2. A felony of the third degree, punishable as provided in  
172 s. 775.082, s. 775.083, or s. 775.084, if the person's  
173 designation as a habitual traffic offender is based on any  
174 offense of driving while a license is suspended or revoked under  
175 subsection (2).

176 (4) A person whose driver license or driving privilege has  
177 been revoked as a habitual traffic offender under s. 322.264 for  
178 violations other than a violation of s. 322.264(1)(d) who,  
179 knowing of such revocation, drives a motor vehicle on the  
180 highways of this state while such license or privilege is  
181 revoked commits a felony of the third degree, punishable as  
182 provided in s. 775.082, s. 775.083, or s. 775.084.

183        (5) A person whose driver license or driving privilege has  
 184 been revoked as a habitual traffic offender under s. 322.264 who  
 185 has a prior conviction of forcible felony as defined in s.  
 186 776.08 and who, knowing of the revocation of his or her driver  
 187 license or driving privilege, drives a motor vehicle on the  
 188 highways of this state while the license or privilege is revoked  
 189 commits a felony of the third degree, punishable as provided in  
 190 s. 775.082, s. 775.083, or s. 775.084.

191        (6) The element of knowledge is satisfied if the person  
 192 has been previously cited as provided in subsections (2)-(4)  
 193 ~~subsection (1); or~~ the person admits to knowledge of the  
 194 cancellation, suspension, or revocation; or the person received  
 195 notice as provided in subsection (8) ~~(4)~~. There is ~~shall be~~ a  
 196 rebuttable presumption that the knowledge requirement is  
 197 satisfied if a judgment or order as provided in subsection (8)  
 198 ~~(4)~~ appears in the department's records for any case except for  
 199 one involving a suspension by the department for failure to pay  
 200 a traffic fine or for a financial responsibility violation.

201        ~~(7)-(3)~~ In any proceeding for a violation of this section,  
 202 a court may consider evidence, other than that specified in  
 203 subsection (2) or subsection (6), that the person knowingly  
 204 violated this section.

205        ~~(8)-(4)~~ Any judgment or order rendered by a court or  
 206 adjudicatory body or any uniform traffic citation that cancels,  
 207 suspends, or revokes a person's driver ~~driver's~~ license must  
 208 contain a provision notifying the person that his or her driver



209 ~~driver's~~ license has been canceled, suspended, or revoked.

210 ~~(5) Any person whose driver's license has been revoked~~  
 211 ~~pursuant to s. 322.264 (habitual offender) and who drives any~~  
 212 ~~motor vehicle upon the highways of this state while such license~~  
 213 ~~is revoked is guilty of a felony of the third degree, punishable~~  
 214 ~~as provided in s. 775.082, s. 775.083, or s. 775.084.~~

215 (9)~~(6)~~ A Any person commits a felony of the third degree,  
 216 punishable as provided in s. 775.082 or s. 775.083, if he or she  
 217 ~~who~~ operates a motor vehicle:

218 (a) Without having a driver ~~driver's~~ license as required  
 219 under s. 322.03; or

220 (b) While his or her driver ~~driver's~~ license or driving  
 221 privilege is canceled, suspended, or revoked pursuant to s.  
 222 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (4), ~~and~~  
 223 ~~who~~ by careless or negligent operation of the motor vehicle  
 224 causes the death of or serious bodily injury to another human  
 225 being ~~is guilty of a felony of the third degree, punishable as~~  
 226 ~~provided in s. 775.082 or s. 775.083.~~

227 (10)~~(7)~~ A Any person whose driver ~~driver's~~ license or  
 228 driving privilege has been canceled, suspended, revoked, or  
 229 disqualified ~~and~~ who drives a commercial motor vehicle on the  
 230 highways of this state while such license or privilege is  
 231 canceled, suspended, revoked, or disqualified, upon:

232 (a) A first conviction, commits ~~is guilty of~~ a misdemeanor  
 233 of the first degree, punishable as provided in s. 775.082 or s.  
 234 775.083.

235 (b) A second or subsequent conviction, commits ~~is guilty~~  
 236 ~~of~~ a felony of the third degree, punishable as provided in s.  
 237 775.082, s. 775.083, or s. 775.084.

238 ~~(11)-(8)~~(a) Upon the arrest of a person for the offense of  
 239 driving while the person's driver ~~driver's~~ license or driving  
 240 privilege is suspended or revoked, the arresting officer shall  
 241 determine:

242 1. Whether the person's driver ~~driver's~~ license is  
 243 suspended or revoked.

244 2. Whether the person's driver ~~driver's~~ license has  
 245 remained suspended or revoked since a conviction for the offense  
 246 of driving with a suspended or revoked license.

247 3. Whether the suspension or revocation was made under s.  
 248 316.646 or s. 627.733, relating to failure to maintain required  
 249 security, or under s. 322.264, relating to habitual traffic  
 250 offenders.

251 4. Whether the driver is the registered owner or coowner  
 252 of the vehicle.

253 (b) If the arresting officer finds in the affirmative as  
 254 to all ~~of~~ the criteria in paragraph (a), the officer shall  
 255 immediately impound or immobilize the vehicle.

256 (c) Within 7 business days after the date the arresting  
 257 agency impounds or immobilizes the vehicle, ~~either~~ the arresting  
 258 agency or the towing service, whichever is in possession of the  
 259 vehicle, shall send notice by certified mail to any coregistered  
 260 owners of the vehicle other than the person arrested and to each

261 person of record claiming a lien against the vehicle. All costs  
 262 and fees for the impoundment or immobilization, including the  
 263 cost of notification, must be paid by the owner of the vehicle  
 264 or, if the vehicle is leased, by the person leasing the vehicle.

265 (d) ~~Either~~ The arresting agency or the towing service,  
 266 whichever is in possession of the vehicle, shall determine  
 267 whether any vehicle impounded or immobilized under this section  
 268 has been leased or rented or if there are any persons of record  
 269 with a lien upon the vehicle. ~~Either~~ The arresting agency or the  
 270 towing service, whichever is in possession of the vehicle, shall  
 271 notify by express courier service with receipt or certified mail  
 272 within 7 business days after the date of the immobilization or  
 273 impoundment of the vehicle, the registered owner and all persons  
 274 having a recorded lien against the vehicle that the vehicle has  
 275 been impounded or immobilized. A lessor, rental car company, or  
 276 lienholder may then obtain the vehicle, upon payment of any  
 277 lawful towing or storage charges. If the vehicle is a rental  
 278 vehicle subject to a written contract, the charges may be  
 279 separately charged to the renter, in addition to the rental  
 280 rate, along with other separate fees, charges, and recoupments  
 281 disclosed on the rental agreement. If the storage facility fails  
 282 to provide timely notice to a lessor, rental car company, or  
 283 lienholder as required by this paragraph, the storage facility  
 284 is ~~shall be~~ responsible for payment of any towing or storage  
 285 charges necessary to release the vehicle to a lessor, rental car  
 286 company, or lienholder that accrue after the notice period,

287 which charges may then be assessed against the driver of the  
288 vehicle if the vehicle was lawfully impounded or immobilized.

289 (e) Except as provided in paragraph (d), the vehicle shall  
290 remain impounded or immobilized for any period imposed by the  
291 court until:

292 1. The owner presents proof of insurance to the arresting  
293 agency; or

294 2. The owner presents proof of sale of the vehicle to the  
295 arresting agency and the buyer presents proof of insurance to  
296 the arresting agency.

297  
298 If proof is not presented within 35 days after the impoundment  
299 or immobilization, a lien shall be placed upon such vehicle  
300 pursuant to s. 713.78.

301 (f) The owner of a vehicle that is impounded or  
302 immobilized under this subsection may, within 10 days after the  
303 date the owner has knowledge of the location of the vehicle,  
304 file a complaint in the county in which the owner resides to  
305 determine whether the vehicle was wrongfully taken or withheld.  
306 Upon the filing of a complaint, the owner or lienholder may have  
307 the vehicle released by posting with the court a bond or other  
308 adequate security equal to the amount of the costs and fees for  
309 impoundment or immobilization, including towing or storage, to  
310 ensure the payment of such costs and fees if the owner or  
311 lienholder does not prevail. When the vehicle owner or  
312 lienholder does not prevail on a complaint that the vehicle was

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313 wrongfully taken or withheld, he or she must pay the accrued  
314 charges for the immobilization or impoundment, including any  
315 towing and storage charges assessed against the vehicle. When  
316 the bond is posted and the fee is paid as set forth in s. 28.24,  
317 the clerk of the court shall issue a certificate releasing the  
318 vehicle. At the time of release, after reasonable inspection,  
319 the owner must give a receipt to the towing or storage company  
320 indicating any loss or damage to the vehicle or to the contents  
321 of the vehicle.

322 (12)~~(9)~~ (a) A motor vehicle that is driven by a person  
323 under the influence of alcohol or drugs in violation of s.  
324 316.193 is subject to seizure and forfeiture under ss. 932.701-  
325 932.706 and is subject to liens for recovering, towing, or  
326 storing vehicles under s. 713.78 if, at the time of the offense,  
327 the person's driver ~~driver's~~ license is suspended, revoked, or  
328 canceled as a result of a prior conviction for driving under the  
329 influence.

330 (b) The law enforcement officer shall notify the  
331 department ~~of Highway Safety and Motor Vehicles~~ of any  
332 impoundment or seizure for violation of paragraph (a) in  
333 accordance with procedures established by the department.

334 (c) Notwithstanding s. 932.703(1)(c) or s. 932.7055, if  
335 ~~when~~ the seizing agency obtains a final judgment granting  
336 forfeiture of the motor vehicle under this section, 30 percent  
337 of the net proceeds from the sale of the motor vehicle shall be  
338 retained by the seizing law enforcement agency and 70 percent

339 shall be deposited in the General Revenue Fund for use by  
340 regional workforce boards in providing transportation services  
341 for participants of the welfare transition program. In a  
342 forfeiture proceeding under this section, the court may consider  
343 the extent that the family of the owner has other public or  
344 private means of transportation.

345 ~~(10) (a) Notwithstanding any other provision of this~~  
346 ~~section, if a person does not have a prior forcible felony~~  
347 ~~conviction as defined in s. 776.08, the penalties provided in~~  
348 ~~paragraph (b) apply if a person's driver's license or driving~~  
349 ~~privilege is canceled, suspended, or revoked for:~~

350 ~~1. Failing to pay child support as provided in s. 322.245~~  
351 ~~or s. 61.13016;~~

352 ~~2. Failing to pay any other financial obligation as~~  
353 ~~provided in s. 322.245 other than those specified in s.~~  
354 ~~322.245(1);~~

355 ~~3. Failing to comply with a civil penalty required in s.~~  
356 ~~318.15;~~

357 ~~4. Failing to maintain vehicular financial responsibility~~  
358 ~~as required by chapter 324;~~

359 ~~5. Failing to comply with attendance or other requirements~~  
360 ~~for minors as set forth in s. 322.091; or~~

361 ~~6. Having been designated a habitual traffic offender~~  
362 ~~under s. 322.264(1) (d) as a result of suspensions of his or her~~  
363 ~~driver's license or driver privilege for any underlying~~  
364 ~~violation listed in subparagraphs 1.-5.~~

365 ~~(b)1. Upon a first conviction for knowingly driving while~~  
 366 ~~his or her license is suspended, revoked, or canceled for any of~~  
 367 ~~the underlying violations listed in subparagraphs (a)1.-6., a~~  
 368 ~~person commits a misdemeanor of the second degree, punishable as~~  
 369 ~~provided in s. 775.082 or s. 775.083.~~

370 ~~2. Upon a second or subsequent conviction for the same~~  
 371 ~~offense of knowingly driving while his or her license is~~  
 372 ~~suspended, revoked, or canceled for any of the underlying~~  
 373 ~~violations listed in subparagraphs (a)1.-6., a person commits a~~  
 374 ~~misdemeanor of the first degree, punishable as provided in s.~~  
 375 ~~775.082 or s. 775.083.~~

376 (13)(11)(a) A person who does not hold a commercial driver  
 377 ~~driver's~~ license and who is cited for an offense of knowingly  
 378 driving while his or her license is suspended, revoked, or  
 379 ~~canceled for any of the underlying violations listed in~~  
 380 ~~paragraph (10)(a)~~ may, in lieu of payment of fine or court  
 381 appearance, elect to enter a plea of nolo contendere and provide  
 382 proof of compliance to the clerk of the court, designated  
 383 official, or authorized operator of a traffic violations bureau.  
 384 In such case, adjudication shall be withheld, and such action is  
 385 not a conviction. However, an ~~no~~ election may not ~~shall~~ be made  
 386 under this subsection if such person has made an election under  
 387 this subsection during the preceding 12 months. A person may not  
 388 make more than three elections under this subsection.

389 ~~(b) If adjudication is withheld under paragraph (a), such~~  
 390 ~~action is not a conviction.~~

391 Section 4. Subsection (5) of section 322.245, Florida  
 392 Statutes, is amended to read:

393 322.245 Suspension of license upon failure of person  
 394 charged with specified offense under chapter 316, chapter 320,  
 395 or this chapter to comply with directives ordered by traffic  
 396 court or upon failure to pay child support in non-IV-D cases as  
 397 provided in chapter 61 or failure to pay any financial  
 398 obligation in any other criminal case.-

399 (5) (a) If ~~When~~ the department receives notice from a clerk  
 400 of the court that a person licensed to operate a motor vehicle  
 401 in this state under ~~the provisions of~~ this chapter has willfully  
 402 failed to pay financial obligations for any criminal offense  
 403 other than those specified in subsection (1), in full or in part  
 404 under a payment plan pursuant to s. 28.246(4) after a finding by  
 405 the court that the person has the ability to pay, the department  
 406 shall suspend the license of the person named in the notice.

407 (b) The department must reinstate the driving privilege if  
 408 ~~when~~ the clerk of the court provides an affidavit to the  
 409 department stating that:

410 1. The person has satisfied the financial obligation in  
 411 full or made all of the payments currently due under a payment  
 412 plan;

413 2. The person has entered into a written agreement for  
 414 payment of the financial obligation if not presently enrolled in  
 415 a payment plan; or

416 3. The ~~A~~ court has entered an order granting relief to the



417 person ordering the reinstatement of the license.

418 (c) The department may ~~shall~~ not be held liable for any  
 419 license suspension resulting from the discharge of its duties  
 420 under this section.

421 Section 5. Paragraph (e) of subsection (3) of section  
 422 921.0022, Florida Statutes, is amended to read:

423 921.0022 Criminal Punishment Code; offense severity  
 424 ranking chart.—

425 (3) OFFENSE SEVERITY RANKING CHART

426 (e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
<u>322.34(9)</u> <del>322.34(6)</del>	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.

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432	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
433	379.3671(2)(c)3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
434	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
435	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
436	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
437	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium

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collected \$20,000 or more but less than  
\$100,000.

438

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

439

790.01 (2) 3rd Carrying a concealed firearm.

440

790.162 2nd Threat to throw or discharge  
destructive device.

441

790.163 (1) 2nd False report of deadly explosive or  
weapon of mass destruction.

442

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

443

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

444

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

445

800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender

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18 years or older.

446

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

447

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

448

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

449

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

450

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

451

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

452

817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to \$50,000.

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454	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
455	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.
456	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 individuals.
457	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
458	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
	827.071(4)	2nd	Possess with intent to promote any

photographic material, motion picture,  
etc., which includes sexual conduct by  
a child.

459

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

460

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.

461

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

462

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

463

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

464

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

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466	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
467	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 to join a criminal gang.
468	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).
469	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 recreational facility or community center.
	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.

470

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.

471

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.

472

893.13(4)(b)              2nd    Deliver to minor 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).

473

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

474



475 Section 6. Paragraph (a) of subsection (2) of section  
476 932.701, Florida Statutes, is amended to read:

477 932.701 Short title; definitions.—

478 (2) As used in the Florida Contraband Forfeiture Act:

479 (a) "Contraband article" means:

480 1. Any controlled substance as defined in chapter 893 or  
481 any substance, device, paraphernalia, or currency or other means  
482 of exchange that was used, was attempted to be used, or was  
483 intended to be used in violation of any provision of chapter  
484 893, if the totality of the facts presented by the state is  
485 clearly sufficient to meet the state's burden of establishing  
486 probable cause to believe that a nexus exists between the  
487 article seized and the narcotics activity, whether or not the  
488 use of the contraband article can be traced to a specific  
489 narcotics transaction.

490 2. Any gambling paraphernalia, lottery tickets, money,  
491 currency, or other means of exchange which was used, was  
492 attempted, or intended to be used in violation of the gambling  
493 laws of the state.

494 3. Any equipment, liquid or solid, which was being used,  
495 is being used, was attempted to be used, or intended to be used  
496 in violation of the beverage or tobacco laws of the state.

497 4. Any motor fuel upon which the motor fuel tax has not  
498 been paid as required by law.

499 5. Any personal property, including, but not limited to,  
500 any vessel, aircraft, item, object, tool, substance, device,

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501 weapon, machine, vehicle of any kind, money, securities, books,  
502 records, research, negotiable instruments, or currency, which  
503 was used or was attempted to be used as an instrumentality in  
504 the commission of, or in aiding or abetting in the commission  
505 of, any felony, whether or not comprising an element of the  
506 felony, or which is acquired by proceeds obtained as a result of  
507 a violation of the Florida Contraband Forfeiture Act.

508 6. Any real property, including any right, title,  
509 leasehold, or other interest in the whole of any lot or tract of  
510 land, which was used, is being used, or was attempted to be used  
511 as an instrumentality in the commission of, or in aiding or  
512 abetting in the commission of, any felony, or which is acquired  
513 by proceeds obtained as a result of a violation of the Florida  
514 Contraband Forfeiture Act.

515 7. Any personal property, including, but not limited to,  
516 equipment, money, securities, books, records, research,  
517 negotiable instruments, currency, or any vessel, aircraft, item,  
518 object, tool, substance, device, weapon, machine, or vehicle of  
519 any kind in the possession of or belonging to any person who  
520 takes aquaculture products in violation of s. 812.014(2)(c).

521 8. Any motor vehicle offered for sale in violation of s.  
522 320.28.

523 9. Any motor vehicle used during the course of committing  
524 an offense in violation of s. 322.34(12)(a) ~~322.34(9)(a)~~.

525 10. Any photograph, film, or other recorded image,  
526 including an image recorded on videotape, a compact disc,

527 digital tape, or fixed disk, that is recorded in violation of s.  
528 810.145 and is possessed for the purpose of amusement,  
529 entertainment, sexual arousal, gratification, or profit, or for  
530 the purpose of degrading or abusing another person.

531 11. Any real property, including any right, title,  
532 leasehold, or other interest in the whole of any lot or tract of  
533 land, which is acquired by proceeds obtained as a result of  
534 Medicaid fraud under s. 409.920 or s. 409.9201; any personal  
535 property, including, but not limited to, equipment, money,  
536 securities, books, records, research, negotiable instruments, or  
537 currency; or any vessel, aircraft, item, object, tool,  
538 substance, device, weapon, machine, or vehicle of any kind in  
539 the possession of or belonging to any person which is acquired  
540 by proceeds obtained as a result of Medicaid fraud under s.  
541 409.920 or s. 409.9201.

542 12. Any personal property, including, but not limited to,  
543 any vehicle, item, object, tool, device, weapon, machine, money,  
544 security, book, or record, that is used or attempted to be used  
545 as an instrumentality in the commission of, or in aiding and  
546 abetting in the commission of, a person's third or subsequent  
547 violation of s. 509.144, whether or not comprising an element of  
548 the offense.

549 Section 7. This act shall take effect July 1, 2014.