

Grand Theft in Florida – Penalties and Defense Options

Grand theft is a felony offense in Florida with penalties that include fines, restitution, prison, probation, and a permanent criminal record. Learn more.

COCOA, FLORIDA, UNITED STATES, March 27, 2023 /EINPresswire.com/ -- Florida law classifies [Grand Theft](#) as any intentional and unlawful property theft valued at \$750.00 or more. In Florida, Grand theft is a felony offense. Therefore, the penalties for the crime may include fines, restitution, prison, probation, and a permanent criminal record. The penalties will depend based on each case. Read on to learn more about Grand Theft in Florida, including its penalties and defense options.



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Florida Statutes, Section 812.014, defines Grand Theft as the unlawful using or taking of property valued at \$750.00 or more. It also includes that the perpetrator intends to deprive the owner of his or her rights to that property.

Grand Theft is what is known as a “specific intent” crime. Therefore, the defendant must take or use another person’s property with the intent of stealing it (i.e., to deprive the victim of his or her rights to the property). *State v. C.G.*, 572 So. 2d 1380, 1381 (Fla. 1991).

Penalties for Grand Theft

According to state law, the penalties for a charge of Grand Theft in Florida depend on the type and value of the property in question. There are three degrees of felonies in which the penalties are the least and most severe in the third and first degrees, respectively.

Grand Theft: Third Degree

Grand Theft as a third-degree felony can be punishable by up to five years of prison time or five years of probation, including a fine of \$5,000. These penalties are applicable if the property is:

- Valued at \$750.00 or more but below \$20,000;
- A will, codicil, or any other testamentary instrument;
- A motor vehicle;
- A firearm;
- Any commercially farmed animal;
- A fire extinguisher;
- Any quantity of citrus fruit that consists of 2,000 or more fruit pieces;
- A stop sign;
- Stolen from a construction site identified by a signposting as mentioned in s. 810.09(2)(d);
- Any quantity of controlled substance (defined in s. 893.02);
- Taken or used from a dwelling or an enclosed curtilage of a dwelling (Valued at over \$100 but below \$750).

Grand Theft: Second Degree

Grand Theft in Florida as a second-degree felony is punishable by up to fifteen years of prison time or fifteen years of probation, including a fine of \$10,000. These penalties are applicable if the property is:

Valued at \$20,000 or more but below \$100,000;

- Cargo valued below \$50,000 that has entered the stream of intrastate or interstate commerce from the loading platform of the shipper and the receiving dock of the consignee;
- Law enforcement equipment (with a value of \$300 or more) taken from an authorized emergency vehicle (defined in s. 316.003);
- Emergency medical equipment (with a value of \$300 or more) that is taken from a licensed facility under chapter 395 or from a vehicle or aircraft licensed under chapter 401.

Grand Theft: First Degree

Grand Theft in Florida as a first-degree felony is punishable by up to 30 years of prison time, including a \$10,000 maximum fine. These penalties are applicable if the property is:

Has a value of \$100,000 or more;

- A semitrailer deployed by a law enforcement officer;
- Cargo (with a value of \$50,000 or more) that has entered the stream of intrastate or interstate commerce from the loading platform of the shipper and the receiving dock of the consignee.

The penalties are also applicable if a defendant commits grand theft and:

a. While committing the offense, the defendant uses a motor vehicle to assist the offense and damages another's real property;

OR

b. While committing the offense, the defendant causes damage to another's personal or real property of over \$1,000.

Defenses to Grand Theft

Under Florida law, many defenses can contest a Grand Theft charge. Some common defenses include:

Lack of Intent

It can serve as a complete defense to a Grand Theft charge if the defendant:

- Had a good faith belief that he or she owned the property in question;
- Had a joint ownership interest in the property in question;
- Had a possessory interest in the property in question.

Taking or Using for a Lawful Purpose

It can serve as a defense to a charge of Grand Theft in Florida if the defendant:

- Had a legal right to take or use the property;
- Believed they had the right to take or use the property.
- The Defendant Acted out of Duress or Necessity

Consent

It can serve as a defense to a Grand Theft charge if the defendant believed he or she had the owner's consent to take or use the property.

Mistake of Fact

Under Florida Law, there is no intent to steal if the defendant mistakenly believes that the property he or she took or used was his or hers. *Bedoya v. State*, 634 So. 2d 203, 204 (Fla. 3d DCA 1994) (citing *Maddox v. State*, 38 So. 2d 58 (Fla. 1948); *Dean v. State*, 41 Fla. 291, 26 So. 638 (1899)).

A conviction can only be sustained if the jury can reasonably infer the intent to steal through substantial competent evidence. *Mosher v. State*, 750 So. 2d 120 (Fla. 3d DCA 2000).

Proof at Trial

At trial, the prosecution must establish three elements beyond a reasonable doubt to prove a charge of Grand Theft in Florida. These elements include:

- The defendant intentionally and unlawfully took or used or aimed to take or use another's property;
- The defendant acted with the intent to permanently or temporarily (a) deprive the owner of his or her right to the property or benefit from access to the property, or (b) use the victim's property to the defendant's use or that of anyone who is not entitled to that property and its use;
- The property had a value of \$750 or more.

Contact an Attorney if You Have a Grand Theft Charge

Contact a [criminal defense law firm](#) to deal with charges of felonies. Their expertise can help navigate the law and make effective decisions for a sound defense. With a seasoned [criminal defense lawyer](#) on your side, you can explore your options and organize a strategy.

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