

1 A bill to be entitled
 2 An act relating to retail theft; amending s. 812.015,
 3 F.S.; prohibiting certain retail theft at multiple
 4 locations within a specified timeframe; providing
 5 criminal penalties; amending s. 921.0022, F.S.;
 6 ranking offenses for purposes of the offense severity
 7 ranking chart of the Criminal Punishment Code;
 8 providing an effective date.

9

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

11

12 Section 1. Subsections (8) and (9) of section 812.015,
 13 Florida Statutes, are amended to read:

14 812.015 Retail and farm theft; transit fare evasion;
 15 mandatory fine; alternative punishment; detention and arrest;
 16 exemption from liability for false arrest; resisting arrest;
 17 penalties.—

18 (8) Except as provided in subsection (9), a person who
 19 commits retail theft commits a felony of the third degree,
 20 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 21 if ~~the property stolen is valued at \$750 or more, and the~~
 22 person:

23 (a) Individually ~~commits retail theft,~~ or in concert with
 24 one or more other persons, coordinates the activities of one or
 25 more individuals in committing the offense, which may occur
 26 through multiple acts of retail theft, in which the amount of

27 | each individual theft is aggregated within a 30-day period to
 28 | determine the value of the property stolen and such value is
 29 | \$750 or more;

30 | (b) Conspires with another person to commit retail theft
 31 | with the intent to sell the stolen property for monetary or
 32 | other gain, and subsequently takes or causes such property to be
 33 | placed in the control of another person in exchange for
 34 | consideration, in which the stolen property taken or placed
 35 | within a 30-day period is aggregated to determine the value of
 36 | the stolen property and such value is \$750 or more;

37 | (c) Individually, or in concert with one or more other
 38 | persons, commits theft from more than one location within a 30-
 39 | day period, in which the amount of each individual theft is
 40 | aggregated to determine the value of the property stolen and
 41 | such value is \$750 or more;

42 | (d) Acts in concert with one or more other individuals
 43 | within one or more establishments to distract the merchant,
 44 | merchant's employee, or law enforcement officer in order to
 45 | carry out the offense, or acts in other ways to coordinate
 46 | efforts to carry out the offense and the property stolen is
 47 | valued at \$750 or more;~~or~~

48 | (e) Commits the offense through the purchase of
 49 | merchandise in a package or box that contains merchandise other
 50 | than, or in addition to, the merchandise purported to be
 51 | contained in the package or box and such merchandise is valued
 52 | at \$750 or more; or

53 (f) Individually, or in concert with one or more other
 54 persons:

55 1. Commits five or more retail thefts within a 30-day
 56 period; and

57 2. In committing such thefts obtains or uses 10 or more
 58 items of merchandise, regardless of the value of such
 59 merchandise; and

60 3. The number of items stolen during each theft is
 61 aggregated within the 30-day period to determine the total
 62 number of items stolen; and

63 4. Two or more of the thefts occur at different physical
 64 merchant locations.

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

68 (a) Violates subsection (8) and has previously been
 69 convicted of a violation of subsection (8) or of this
 70 subsection;

71 (b) Individually, or in concert with one or more other
 72 persons, coordinates the activities of one or more persons in
 73 committing the offense of retail theft, in which the amount of
 74 each individual theft within a 30-day period is aggregated to
 75 determine the value of the stolen property and such value is in
 76 excess of \$3,000; ~~or~~

77 (c) Conspires with another person to commit retail theft
 78 with the intent to sell the stolen property for monetary or

79 | other gain, and subsequently takes or causes such property to be
 80 | placed in control of another person in exchange for
 81 | consideration, in which the stolen property taken or placed
 82 | within a 30-day period is aggregated to have a value in excess
 83 | of \$3,000; or

84 | (f) Individually, or in concert with one or more other
 85 | persons:

86 | 1. Commits five or more retail thefts within a 30-day
 87 | period; and

88 | 2. In committing such thefts obtains or uses 20 or more
 89 | items of merchandise, regardless of the value of such
 90 | merchandise; and

91 | 3. The number of items stolen during each theft is
 92 | aggregated within the 30-day period to determine the total
 93 | number of items stolen; and

94 | 4. Two or more of the thefts occur at different physical
 95 | merchant locations.

96 | Section 2. Paragraphs (e) and (f) of subsection (3) of
 97 | section 921.0022, Florida Statutes, are amended to read:

98 | 921.0022 Criminal Punishment Code; offense severity
 99 | ranking chart.—

100 | (3) OFFENSE SEVERITY RANKING CHART

101 | (e) LEVEL 5

102 |

Florida	Felony	
Statute	Degree	Description

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103	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
104	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
105	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
106	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
107	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
108	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,

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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 imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

109

379.367 (4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

110

379.407 (5) (b) 3.

3rd

Possession of 100 or more undersized spiny lobsters.

111

381.0041 (11) (b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

112

440.10 (1) (g)

2nd

Failure to obtain workers' compensation coverage.

113

440.105 (5)

2nd

Unlawful solicitation for the

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114			purpose of making workers' compensation claims.
	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
115			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
116			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
117			
	790.01 (2)	3rd	Carrying a concealed firearm.
118			
	790.162	2nd	Threat to throw or discharge destructive device.
119			
	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

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120	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
121	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
122	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
123	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
124	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
125	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
126	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more

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but less than \$50,000.

127

812.015
(8) (a) & (c) -
(e)

3rd

Retail theft; property stolen
is valued at \$750 or more and
one or more specified acts.

128

812.015 (8) (f)

3rd

Retail theft; five or more
thefts within specified period;
obtaining or using 10 or more
items.

812.019 (1)

2nd

Stolen property; dealing in or
trafficking in.

129

812.081 (3)

2nd

Trafficking in trade secrets.

130

812.131 (2) (b)

3rd

Robbery by sudden snatching.

131

812.16 (2)

3rd

Owning, operating, or
conducting a chop shop.

132

817.034 (4) (a) 2.

2nd

Communications fraud, value
\$20,000 to \$50,000.

133

817.234 (11) (b)

2nd

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

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\$100,000.

134

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.

135

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.

136

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

137

817.625 (2) (b)

2nd

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

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138

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

139

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

140

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

141

828.12(2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

142

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

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150

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)5.
drugs).

151

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)6.,
(2)(c)7., (2)(c)8., (2)(c)9.,
(2)(c)10., (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.

152

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)5.
drugs) within 1,000 feet of
university.

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153	893.13(1)(e)2.	2nd	<p>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)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.</p>
154	893.13(1)(f)1.	1st	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.</p>
155	893.13(4)(b)	2nd	<p>Use or hire of minor; deliver to minor other controlled substance.</p>
156	893.1351(1)	3rd	<p>Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.</p>

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157 158	(f) LEVEL 6 Florida Statute	Felony Degree	Description
159	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
160	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
161	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
162	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
163	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
164	499.0051 (4)	2nd	Knowing sale or transfer of

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165			prescription drug to unauthorized person.
166	775.0875(1)	3rd	Taking firearm from law enforcement officer.
167	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
168	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
169	784.041	3rd	Felony battery; domestic battery by strangulation.
170	784.048(3)	3rd	Aggravated stalking; credible threat.
171	784.048(5)	3rd	Aggravated stalking of person under 16.
172	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility

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staff.

173

784.08(2)(b) 2nd Aggravated assault on a person
65 years of age or older.

174

784.081(2) 2nd Aggravated assault on specified
official or employee.

175

784.082(2) 2nd Aggravated assault by detained
person on visitor or other
detainee.

176

784.083(2) 2nd Aggravated assault on code
inspector.

177

787.02(2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

178

790.115(2)(d) 2nd Discharging firearm or weapon
on school property.

179

790.161(2) 2nd Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.

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180	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
181	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
182	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
183	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
184	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
185	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or

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2022

older.

186

806.031 (2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

187

810.02 (3) (c) 2nd Burglary of occupied structure; unarmed; no assault or battery.

188

810.145 (8) (b) 2nd Video voyeurism; certain minor victims; 2nd or subsequent offense.

189

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

190

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

191

812.015 (9) (a) 2nd Retail theft; property stolen \$750 or more; second or subsequent conviction.

192

812.015 (9) (b) 2nd Retail theft; aggregated

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property stolen within 30 days
is \$3,000 or more; coordination
of others.

193

812.015 (9) (d)

2nd

Retail theft; five or more
thefts within specified period;
obtaining or using 20 or more
items.

812.13 (2) (c)

2nd

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

194

817.4821 (5)

2nd

Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

195

817.49 (2) (b) 2.

2nd

Willful making of a false
report of a crime resulting in
death.

196

817.505 (4) (b)

2nd

Patient brokering; 10 or more
patients.

197

825.102 (1)

3rd

Abuse of an elderly person or
disabled adult.

198

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199	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
200	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
201	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
202	827.03 (2) (c)	3rd	Abuse of a child.
203	827.03 (2) (d)	3rd	Neglect of a child.
204	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
205	836.05	2nd	Threats; extortion.
206	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.

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207	843.12	3rd	Aids or assists person to escape.
208	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
209	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
210	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
211	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
211	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

