

26 Section 1. Subsection (11) of section 812.015, Florida
 27 Statutes, is renumbered as subsection (12), subsection (1) is
 28 amended, paragraphs (e) and (f) of subsection (8) are amended,
 29 paragraphs (c) and (d) of subsection (9) are amended, paragraph
 30 (g) is added to subsection (8), paragraph (e) is added to
 31 subsection (9), and a new subsection (11) is added to that
 32 section, to read:

33 812.015 Retail and farm theft; transit fare evasion;
 34 mandatory fine; alternative punishment; detention and arrest;
 35 exemption from liability for false arrest; resisting arrest;
 36 penalties.—

37 (1) As used in this section:

38 (a)~~(h)~~ "Antishoplifting or inventory control device" means
 39 a mechanism or other device designed and operated for the
 40 purpose of detecting the removal from a mercantile establishment
 41 or similar enclosure, or from a protected area within such an
 42 enclosure, of specially marked or tagged merchandise. The term
 43 includes any electronic or digital imaging or any video
 44 recording or other film used for security purposes and the cash
 45 register tape or other record made of the register receipt.

46 (b)~~(i)~~ "Antishoplifting or inventory control device
 47 countermeasure" means any item or device which is designed,
 48 manufactured, modified, or altered to defeat any antishoplifting
 49 or inventory control device.

50 (c)~~(e)~~ "Farm produce" means livestock or any item grown,

51 produced, or manufactured by a person owning, renting, or
52 leasing land for the purpose of growing, producing, or
53 manufacturing items for sale or personal use, either part time
54 or full time.

55 (d)~~(g)~~ "Farm theft" means the unlawful taking possession
56 of any items that are grown or produced on land owned, rented,
57 or leased by another person. The term includes the unlawful
58 taking possession of equipment and associated materials used to
59 grow or produce farm products as defined in s. 823.14(3)(e).

60 (e)~~(f)~~ "Farmer" means a person who is engaging in the
61 growing or producing of farm produce, milk products, honey,
62 eggs, or meat, either part time or full time, for personal
63 consumption or for sale and who is the owner or lessee of the
64 land or a person designated in writing by the owner or lessee to
65 act as her or his agent. No person defined as a farm labor
66 contractor pursuant to s. 450.28 shall be designated to act as
67 an agent for purposes of this section.

68 (f)~~(k)~~ "Mass transit vehicle" means buses, rail cars, or
69 fixed-guideway mover systems operated by, or under contract to,
70 state agencies, political subdivisions of the state, or
71 municipalities for the transportation of fare-paying passengers.

72 (g)~~(a)~~ "Merchandise" means any personal property, capable
73 of manual delivery, displayed, held, or offered for retail sale
74 by a merchant.

75 (h)~~(b)~~ "Merchant" means an owner or operator, or the

76 agent, consignee, employee, lessee, or officer of an owner or
77 operator, of any premises or apparatus used for retail purchase
78 or sale of any merchandise.

79 (i)~~(d)~~ "Retail theft" means the taking possession of or
80 carrying away of merchandise, property, money, or negotiable
81 documents; altering or removing a label, universal product code,
82 or price tag; transferring merchandise from one container to
83 another; or removing a shopping cart, with intent to deprive the
84 merchant of possession, use, benefit, or full retail value.

85 (j) "Social media platform" has the same meaning as
86 provided in s. 501.2041(1).

87 (k)~~(l)~~ "Transit agency" means any state agency, political
88 subdivision of the state, or municipality which operates mass
89 transit vehicles.

90 (l)~~(j)~~ "Transit fare evasion" means the unlawful refusal
91 to pay the appropriate fare for transportation upon a mass
92 transit vehicle, or to evade the payment of such fare, or to
93 enter any mass transit vehicle or facility by any door,
94 passageway, or gate, except as provided for the entry of fare-
95 paying passengers, and shall constitute petit theft as
96 proscribed by this chapter.

97 (m) "Trespass" means the violation as described in s.
98 810.08.

99 (n)~~(e)~~ "Value of merchandise" means the sale price of the
100 merchandise at the time it was stolen or otherwise removed,

101 depriving the owner of her or his lawful right to ownership and
 102 sale of said item.

103 (8) Except as provided in subsection (9), a person who
 104 commits retail theft commits a felony of the third degree,
 105 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 106 if the person:

107 (e) Commits the offense through the purchase of
 108 merchandise in a package or box that contains merchandise other
 109 than, or in addition to, the merchandise purported to be
 110 contained in the package or box and such value is \$750 or more;
 111 ~~or~~

112 (f) Individually, or in concert with 1 or more other
 113 persons, commits 3 ~~5~~ or more retail thefts within a 365-day ~~30-~~
 114 ~~day~~ period and in committing such thefts obtains or uses 10 or
 115 more items of merchandise, and the number of items stolen during
 116 each theft is aggregated within the 365-day ~~30-day~~ period to
 117 determine the total number of items stolen, regardless of the
 118 value of such merchandise, and 2 or more of the thefts occur at
 119 different physical merchant locations; or

120 (g) Acts in concert with five or more other persons within
 121 one or more establishments for the purpose of overwhelming the
 122 response of a merchant, merchant's employee, or law enforcement
 123 officer in order to carry out the offense or avoid detection or
 124 apprehension for the offense.

125 (9) A person commits a felony of the second degree,

126 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 127 if the person:

128 (c) Conspires with another person to commit retail theft
 129 with the intent to sell the stolen property for monetary or
 130 other gain, and subsequently takes or causes such property to be
 131 placed in control of another person in exchange for
 132 consideration, in which the stolen property taken or placed
 133 within a 30-day period is aggregated to have a value in excess
 134 of \$3,000; ~~or~~

135 (d) Individually, or in concert with 1 or more other
 136 persons, commits 3 ~~5~~ or more retail thefts within a 365-day ~~30-~~
 137 ~~day~~ period and in committing such thefts obtains or uses 20 or
 138 more items of merchandise, and the number of items stolen during
 139 each theft is aggregated within the 365-day ~~30-day~~ period to
 140 determine the total number of items stolen, regardless of the
 141 value of such merchandise, and 2 or more of the thefts occur at
 142 a different physical retail merchant location; or

143 (e) Acts in concert with five or more other persons within
 144 one or more establishments for the purpose of overwhelming the
 145 response of a merchant, merchant's employee, or law enforcement
 146 officer in order to carry out the offense or avoid detection or
 147 apprehension for the offense and, in the course of organizing or
 148 committing the offense, solicits the participation of another
 149 person in the offense through the use of a social media
 150 platform.

151 (11) A court must order a person convicted of violating
 152 this section to pay restitution, which must include the value of
 153 merchandise that was damaged or stolen and the cost of repairing
 154 or replacing any other property that was damaged in the course
 155 of committing the offense.

156 Section 2. Paragraph (f) of subsection (1) of section
 157 784.07, Florida Statutes, is amended to read:

158 784.07 Assault or battery of law enforcement officers and
 159 other specified personnel; reclassification of offenses; minimum
 160 sentences.—

161 (1) As used in this section, the term:

162 (f) "Public transit employees or agents" means bus
 163 operators, train operators, revenue collectors, security
 164 personnel, equipment maintenance personnel, or field
 165 supervisors, who are employees or agents of a transit agency as
 166 described in s. 812.015(1) ~~s. 812.015(1)(1)~~.

167 Section 3. Paragraphs (e) and (f) of subsection (3) of
 168 section 921.0022, Florida Statutes, are amended to read:

169 921.0022 Criminal Punishment Code; offense severity
 170 ranking chart.—

171 (3) OFFENSE SEVERITY RANKING CHART

172 (e) LEVEL 5

173

Florida	Felony	
Statute	Degree	Description

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174	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
175	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
176	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
177	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
178	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
179	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 imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

180	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
181	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
182	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
183	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.

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184	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
185	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
186	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
187	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
188	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
189	790.162	2nd	Threat to throw or discharge destructive device.
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191	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
192	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
193	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
194	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
195	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
196	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent

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to damage any structure or property.

197

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

198

812.015 3rd Retail theft; property stolen (8) (a) & (c) - is valued at \$750 or more and (e) one or more specified acts.

199

812.015 (8) (f) 3rd Retail theft; multiple thefts within specified period.

200

812.015 (8) (g) 3rd Retail theft; committed with specified number of other persons.

201

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

202

812.081 (3) 2nd Trafficking in trade secrets.

203

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

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205	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
206	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
207	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
208	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

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persons.

209

817.611 (2) (a) 2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

210

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

211

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

212

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

213

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

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215 828.12(2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

216 836.14(4) 2nd Person who willfully promotes
for financial gain a sexually
explicit image of an
identifiable person without
consent.

217 839.13(2)(b) 2nd Falsifying records of an
individual in the care and
custody of a state agency
involving great bodily harm or
death.

218 843.01(1) 3rd Resist officer with violence to
person; resist arrest with
violence.

219 847.0135(5)(b) 2nd Lewd or lascivious exhibition
using computer; offender 18
years or older.

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220	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
221	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
222	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
223	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
224	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).
	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.

225

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.

226

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) 6.,
 (2) (c) 7., (2) (c) 8., (2) (c) 9.,
 (2) (c) 10., (3), or (4) within
 1,000 feet of property used for

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227			religious services or a specified business site.
	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)5. drugs) within 1,000 feet of public housing facility.
228			
	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
229			
	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
230			
231	(f)	LEVEL 6	
232			
	Florida Statute	Felony Degree	Description
233			
	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily

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injury.

234

316.193 (2) (b) 3rd Felony DUI, 4th or subsequent conviction.

235

400.9935 (4) (c) 2nd Operating a clinic, or offering services requiring licensure, without a license.

236

499.0051 (2) 2nd Knowing forgery of transaction history, transaction information, or transaction statement.

237

499.0051 (3) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

238

499.0051 (4) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

239

775.0875 (1) 3rd Taking firearm from law enforcement officer.

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241	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
242	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
243	784.041	3rd	Felony battery; domestic battery by strangulation.
244	784.048 (3)	3rd	Aggravated stalking; credible threat.
245	784.048 (5)	3rd	Aggravated stalking of person under 16.
246	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
247	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
248	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.

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249	784.081 (2)	2nd	Aggravated assault on specified official or employee.
250	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
251	784.083 (2)	2nd	Aggravated assault on code inspector.
252	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
253	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
254	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
	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.
255	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
256	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
257	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
258	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.
259	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
260	806.031 (2)	2nd	Arson resulting in great bodily

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harm to firefighter or any
other person.

261

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

262

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

263

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

264

812.014 (2) (c) 5. 3rd Grand theft; third degree;
firearm.

265

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

266

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

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268	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
269	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
270	<u>812.015 (9) (e)</u>	<u>2nd</u>	<u>Retail theft; committed with specified number of other persons and use of social media platform.</u>
271	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
272	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
273	817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
	817.505 (4) (b)	2nd	Patient brokering; 10 or more

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patients.

274	817.5695 (3) (b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
275	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
276	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
277	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
278	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
279	827.03 (2) (c)	3rd	Abuse of a child.
280	827.03 (2) (d)	3rd	Neglect of a child.
281	827.071 (2) & (3)	2nd	Use or induce a child in a

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			sexual performance, or promote or direct such performance.
282	828.126 (3)	3rd	Sexual activities involving animals.
283	836.05	2nd	Threats; extortion.
284	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
285	843.12	3rd	Aids or assists person to escape.
286	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
287	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
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289	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
290	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
291	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
292	918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
293	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.
	944.40	2nd	Escapes.

