

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Bracy Davis offered the following:

**Amendment (with title amendment)**

Remove lines 115-396 and insert:

775.083, or s. 775.084, if the property stolen is valued at \$100 or more, but less than \$750, and is taken from a dwelling as defined in s. 810.011(2) or from the unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

2. It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is valued at \$750 or more and is taken from a dwelling as defined in s. 810.011(2)

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13 or from the unenclosed curtilage of a dwelling pursuant to s.  
14 810.09(1).

15 3. It is grand theft of the second degree and a felony of  
16 the second degree, punishable as provided in s. 775.082, s.  
17 775.083, or s. 775.084, if the property stolen is taken from  
18 more than 20 dwellings as defined in s. 810.011(2) or from the  
19 unenclosed curtilage of more than 20 dwellings pursuant to s.  
20 810.09(1), or any combination thereof.

21 (e)1. It is petit theft of the first degree and a  
22 misdemeanor of the first degree, punishable as provided in s.  
23 775.082 or s. 775.083, if the property stolen is valued at less  
24 than \$100 and is taken from a dwelling as defined in s.  
25 810.011(2) or from the unenclosed curtilage of a dwelling  
26 pursuant to s. 810.09(1).

27 2. A person who commits a violation of subparagraph 1. and  
28 who has previously been convicted of any theft commits a felony  
29 of the third degree, punishable as provided in s. 775.082 or s.  
30 775.083.

31 3. A person who commits a violation of subparagraph 1. and  
32 who has previously been convicted two or more times of any theft  
33 commits a felony of the third degree, punishable as provided in  
34 s. 775.082 or s. 775.083.

35 Section 2. Subsection (11) of section 812.015, Florida  
36 Statutes, is renumbered as subsection (13), subsections (1),

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37 (8), (9), and (10) are amended, and new subsections (11) and  
38 (12) are added to that section, to read:

39 812.015 Retail and farm theft; transit fare evasion;  
40 mandatory fine; alternative punishment; detention and arrest;  
41 exemption from liability for false arrest; resisting arrest;  
42 penalties.-

43 (1) As used in this section:

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

52 (b)~~(i)~~ "Antishoplifting or inventory control device  
53 countermeasure" means any item or device which is designed,  
54 manufactured, modified, or altered to defeat any antishoplifting  
55 or inventory control device.

56 (c)~~(e)~~ "Farm produce" means livestock or any item grown,  
57 produced, or manufactured by a person owning, renting, or  
58 leasing land for the purpose of growing, producing, or  
59 manufacturing items for sale or personal use, either part time  
60 or full time.

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

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

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

78        ~~(g)-(a)~~ "Merchandise" means any personal property, capable  
79 of manual delivery, displayed, held, or offered for retail sale  
80 by a merchant.

81        ~~(h)-(b)~~ "Merchant" means an owner or operator, or the  
82 agent, consignee, employee, lessee, or officer of an owner or  
83 operator, of any premises or apparatus used for retail purchase  
84 or sale of any merchandise.

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85        ~~(i)-(d)~~ "Retail theft" means the taking possession of or  
86 carrying away of merchandise, property, money, or negotiable  
87 documents; altering or removing a label, universal product code,  
88 or price tag; transferring merchandise from one container to  
89 another; or removing a shopping cart, with intent to deprive the  
90 merchant of possession, use, benefit, or full retail value.

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

93        ~~(k)-(l)~~ "Transit agency" means any state agency, political  
94 subdivision of the state, or municipality which operates mass  
95 transit vehicles.

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

103        (m) "Trespass" means the violation as described in s.  
104 810.08.

105        ~~(n)-(e)~~ "Value of merchandise" means the sale price of the  
106 merchandise at the time it was stolen or otherwise removed,  
107 depriving the owner of her or his lawful right to ownership and  
108 sale of said item.

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109 (8) Except as provided in subsection (9) or subsection  
110 (11), a person who commits retail theft commits a felony of the  
111 third degree, punishable as provided in s. 775.082, s. 775.083,  
112 or s. 775.084, if the person:

113 (a) Individually, or in concert with one or more other  
114 persons, coordinates the activities of one or more individuals  
115 in committing the offense, which may occur through multiple acts  
116 of retail theft, in which the amount of each individual theft is  
117 aggregated within a 365-day ~~30-day~~ period to determine the value  
118 of the property stolen and such value is \$750 or more;

119 (b) Conspires with another person to commit retail theft  
120 with the intent to sell the stolen property for monetary or  
121 other gain, and subsequently takes or causes such property to be  
122 placed in the control of another person in exchange for  
123 consideration, in which the stolen property taken or placed  
124 within a 365-day ~~30-day~~ period is aggregated to determine the  
125 value of the stolen property and such value is \$750 or more;

126 (c) Individually, or in concert with one or more other  
127 persons, commits theft from more than one location within a 365-  
128 day ~~30-day~~ period, in which the amount of each individual theft  
129 is aggregated to determine the value of the property stolen and  
130 such value is \$750 or more;

131 (d) Acts in concert with one or more other individuals  
132 within one or more establishments to distract the merchant,  
133 merchant's employee, or law enforcement officer in order to

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134 carry out the offense, or acts in other ways to coordinate  
135 efforts to carry out the offense and such value is \$750 or more;

136 (e) Commits the offense through the purchase of  
137 merchandise in a package or box that contains merchandise other  
138 than, or in addition to, the merchandise purported to be  
139 contained in the package or box and such value is \$750 or more;  
140 ~~or~~

141 (f) Individually, or in concert with one ~~1~~ or more other  
142 persons, commits three ~~5~~ or more retail thefts within a 365-day  
143 ~~30-day~~ period and in committing such thefts obtains or uses 10  
144 or more items of merchandise, and the number of items stolen  
145 during each theft is aggregated within the 365-day ~~30-day~~ period  
146 to determine the total number of items stolen, regardless of the  
147 value of such merchandise, and two ~~2~~ or more of the thefts occur  
148 at different physical merchant locations; or

149 (g) Acts in concert with five or more other persons within  
150 one or more establishments for the purpose of overwhelming the  
151 response of a merchant, merchant's employee, or law enforcement  
152 officer in order to carry out the offense or avoid detection or  
153 apprehension for the offense.

154 (9) Except as provided in subsection (11), a person  
155 commits a felony of the second degree, punishable as provided in  
156 s. 775.082, s. 775.083, or s. 775.084, if the person:

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157 (a) Violates subsection (8) and has previously been  
158 convicted of a violation of subsection (8) or of this  
159 subsection;

160 (b) Individually, or in concert with one or more other  
161 persons, coordinates the activities of one or more persons in  
162 committing the offense of retail theft, in which the amount of  
163 each individual theft within a 365-day ~~30-day~~ period is  
164 aggregated to determine the value of the stolen property and  
165 such value is in excess of \$3,000;

166 (c) Conspires with another person to commit retail theft  
167 with the intent to sell the stolen property for monetary or  
168 other gain, and subsequently takes or causes such property to be  
169 placed in control of another person in exchange for  
170 consideration, in which the stolen property taken or placed  
171 within a 365-day ~~30-day~~ period is aggregated to have a value in  
172 excess of \$3,000; ~~or~~

173 (d) Individually, or in concert with one ~~±~~ or more other  
174 persons, commits three ~~5~~ or more retail thefts within a 365-day  
175 ~~30-day~~ period and in committing such thefts obtains or uses 20  
176 or more items of merchandise, and the number of items stolen  
177 during each theft is aggregated within the 365-day ~~30-day~~ period  
178 to determine the total number of items stolen, regardless of the  
179 value of such merchandise, and two ~~2~~ or more of the thefts occur  
180 at a different physical retail merchant location; or

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181 (e) Acts in concert with five or more other persons within  
182 one or more establishments for the purpose of overwhelming the  
183 response of a merchant, merchant's employee, or law enforcement  
184 officer in order to carry out the offense or avoid detection or  
185 apprehension for the offense and, in the course of organizing or  
186 committing the offense, solicits the participation of another  
187 person in the offense through the use of a social media  
188 platform.

189 (10) If a person commits retail theft in more than one  
190 judicial circuit within a 365-day ~~30-day~~ period, the value of  
191 the stolen property resulting from the thefts in each judicial  
192 circuit may be aggregated, and the person must be prosecuted by  
193 the Office of the Statewide Prosecutor in accordance with s.  
194 16.56.

195 (11) A person commits a felony of the first degree,  
196 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
197 if he or she violates subsection (8) or subsection (9) and:

198 (a) Has two or more previous convictions of violations of  
199 either or both of those subsections; or

200 (b) Possesses a firearm during the commission of such  
201 offense.

202 (12) A court must order a person convicted of violating  
203 this section to pay restitution, which must include the value of  
204 merchandise that was damaged or stolen and the cost of repairing

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205 or replacing any other property that was damaged in the course  
206 of committing the offense.

207 Section 3. Paragraphs (b), (d), (e), (f), (g), and (h) of  
208 subsection (3) of section 921.0022, Florida Statutes, are  
209 amended to read:

210 921.0022 Criminal Punishment Code; offense severity  
211 ranking chart.—

212 (3) OFFENSE SEVERITY RANKING CHART

213 (b) LEVEL 2

214

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.
403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic

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feet in volume or any quantity  
for commercial purposes, or  
hazardous waste.

218

517.07(2) 3rd Failure to furnish a prospectus  
meeting requirements.

219

590.28(1) 3rd Intentional burning of lands.

220

784.03(3) 3rd Battery during a riot or an  
aggravated riot.

221

784.05(3) 3rd Storing or leaving a loaded  
firearm within reach of minor  
who uses it to inflict injury  
or death.

222

787.04(1) 3rd In violation of court order,  
take, entice, etc., minor  
beyond state limits.

223

806.13(1)(b)3. 3rd Criminal mischief; damage  
\$1,000 or more to public  
communication or any other  
public service.

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224	806.13(3)	3rd	Criminal mischief; damage of \$200 or more to a memorial or historic property.
225	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
226	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
227	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.
228	<u>812.014(2)(d)1.</u> <del>812.014(2)(d)</del>	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from <u>dwelling or its</u> unenclosed curtilage <del>of</del> <u>dwelling</u> .
229	<u>812.014(2)(e)2.</u>	<u>3rd</u>	<u>Petit theft, 1st degree; less</u>

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than \$100 taken from dwelling  
or its unenclosed curtilage  
with one prior theft  
conviction.

230

812.015 (7) 3rd Possession, use, or attempted  
use of an antishoplifting or  
inventory control device  
countermeasure.

231

817.234 (1) (a) 2. 3rd False statement in support of  
insurance claim.

232

817.481 (3) (a) 3rd Obtain credit or purchase with  
false, expired, counterfeit,  
etc., credit card, value over  
\$300.

233

817.52 (3) 3rd Failure to redeliver hired  
vehicle.

234

817.54 3rd With intent to defraud, obtain  
mortgage note, etc., by false  
representation.

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236	817.60(5)	3rd	Dealing in credit cards of another.
237	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
238	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
239	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
240	831.01	3rd	Forgery.
241	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
242	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or

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drafts.

243

831.09 3rd Uttering forged notes, bills, checks, drafts, or promissory notes.

244

831.11 3rd Bringing into the state forged bank bills, checks, drafts, or notes.

245

832.05(3)(a) 3rd Cashing or depositing item with intent to defraud.

246

843.01(2) 3rd Resist police canine or police horse with violence; under certain circumstances.

247

843.08 3rd False personation.

248

843.19(3) 3rd Touch or strike police, fire, SAR canine or police horse.

249

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.,

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(2) (c) 7., (2) (c) 8., (2) (c) 9.,  
(2) (c) 10., (3), or (4) drugs  
other than cannabis.

250 893.147 (2) 3rd Manufacture or delivery of drug  
paraphernalia.

251  
252 (d) LEVEL 4

253  
254 Florida Felony Description  
Statute Degree  
316.1935 (3) (a) 2nd Driving at high speed or with  
wanton disregard for safety  
while fleeing or attempting to  
elude law enforcement officer  
who is in a patrol vehicle with  
siren and lights activated.

255 499.0051 (1) 3rd Failure to maintain or deliver  
transaction history,  
transaction information, or  
transaction statements.

256 499.0051 (5) 2nd Knowing sale or delivery, or

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possession with intent to sell,  
contraband prescription drugs.

257

517.07(1) 3rd Failure to register securities.

258

517.12(1) 3rd Failure of dealer or associated  
person of a dealer of  
securities to register.

259

784.031 3rd Battery by strangulation.

260

784.07(2) (b) 3rd Battery of law enforcement  
officer, firefighter, etc.

261

784.074(1) (c) 3rd Battery of sexually violent  
predators facility staff.

262

784.075 3rd Battery on detention or  
commitment facility staff.

263

784.078 3rd Battery of facility employee by  
throwing, tossing, or expelling  
certain fluids or materials.

264

784.08(2) (c) 3rd Battery on a person 65 years of

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age or older.

265

784.081 (3) 3rd Battery on specified official  
or employee.

266

784.082 (3) 3rd Battery by detained person on  
visitor or other detainee.

267

784.083 (3) 3rd Battery on code inspector.

268

784.085 3rd Battery of child by throwing,  
tossing, projecting, or  
expelling certain fluids or  
materials.

269

787.03 (1) 3rd Interference with custody;  
wrongly takes minor from  
appointed guardian.

270

787.04 (2) 3rd Take, entice, or remove child  
beyond state limits with  
criminal intent pending custody  
proceedings.

271

787.04 (3) 3rd Carrying child beyond state

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lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

272

787.07 3rd Human smuggling.

273

790.115 (1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.

274

790.115 (2) (b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.

275

790.115 (2) (c) 3rd Possessing firearm on school property.

276

794.051 (1) 3rd Indecent, lewd, or lascivious touching of certain minors.

277

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

278

806.135 2nd Destroying or demolishing a

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memorial or historic property.

279

810.02(4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

280

810.02(4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

281

810.06 3rd Burglary; possession of tools.

282

810.08(2) (c) 3rd Trespass on property, armed with firearm or dangerous weapon.

283

812.014(2) (c)3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

284

812.014 3rd Grand theft, 3rd degree; (2) (c)4. & specified items. 6.-10.

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812.014(2)(d)2.      3rd      Grand theft, 3rd degree; \$750  
or more taken from dwelling or  
its unenclosed curtilage.

287

288

289

290

291

292

812.014(2)(e)3.      3rd      Petit theft, 1st degree; less  
than \$100 taken from dwelling  
or its unenclosed curtilage  
with two or more prior theft  
convictions.

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**T I T L E   A M E N D M E N T**

Remove lines 3-4 and insert:

creating an

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