

By Senator Ingoglia

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1 A bill to be entitled

2 An act relating to retail theft; amending s. 812.015,
3 F.S.; defining the term "social media platform";
4 revising the minimum number of thefts required within
5 a specified aggregation period required to commit a
6 specified violation for retail theft; prohibiting a
7 person from committing retail theft with a specified
8 number of other persons for a specified purpose;
9 providing criminal penalties; revising the number of
10 thefts required within a specified aggregation period
11 required to commit a specified violation for retail
12 theft; prohibiting a person from committing retail
13 theft with a specific number of other persons for a
14 specified purpose when such person uses a social media
15 platform to solicit the participation of other
16 persons; providing criminal penalties; requiring a
17 court to order a person convicted of retail theft to
18 pay specified restitution; amending s. 784.07, F.S.;
19 correcting a cross-reference; amending s. 921.0022,
20 F.S.; ranking offenses on the offense severity ranking
21 chart of the Criminal Punishment Code; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Present subsection (11) of section 812.015,
27 Florida Statutes, is renumbered as subsection (12), subsection
28 (1) is amended, paragraphs (e) and (f) of subsection (8) and
29 paragraphs (c) and (d) of subsection (9) are amended, paragraph

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30 (g) is added to subsection (8) and 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, the term:

38 (g) “Merchandise” means any personal property, capable
39 of manual delivery, displayed, held, or offered for retail sale
40 by a merchant.

41 (h) “Merchant” means an owner or operator, or the agent,
42 consignee, employee, lessee, or officer of an owner or operator,
43 of any premises or apparatus used for retail purchase or sale of
44 any merchandise.

45 (n) “Value of merchandise” means the sale price of the
46 merchandise at the time it was stolen or otherwise removed,
47 depriving the owner of her or his lawful right to ownership and
48 sale of said item.

49 (i) “Retail theft” means the taking possession of or
50 carrying away of merchandise, property, money, or negotiable
51 documents; altering or removing a label, universal product code,
52 or price tag; transferring merchandise from one container to
53 another; or removing a shopping cart, with intent to deprive the
54 merchant of possession, use, benefit, or full retail value.

55 (d) “Farm produce” means livestock or any item grown,
56 produced, or manufactured by a person owning, renting, or
57 leasing land for the purpose of growing, producing, or
58 manufacturing items for sale or personal use, either part time

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59 or full time.

60 (c)-(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 (e)-(g) "Farm theft" means the unlawful taking possession of
69 any items that are grown or produced on land owned, rented, or
70 leased by another person. The term includes the unlawful taking
71 possession of equipment and associated materials used to grow or
72 produce farm products as defined in s. 823.14(3)(e).

73 (a)-(h) "Antishoplifting or inventory control device" means
74 a mechanism or other device designed and operated for the
75 purpose of detecting the removal from a mercantile establishment
76 or similar enclosure, or from a protected area within such an
77 enclosure, of specially marked or tagged merchandise. The term
78 includes any electronic or digital imaging or any video
79 recording or other film used for security purposes and the cash
80 register tape or other record made of the register receipt.

81 (b)-(i) "Antishoplifting or inventory control device
82 countermeasure" means any item or device which is designed,
83 manufactured, modified, or altered to defeat any antishoplifting
84 or inventory control device.

85 (l)-(j) "Transit fare evasion" means the unlawful refusal to
86 pay the appropriate fare for transportation upon a mass transit
87 vehicle, or to evade the payment of such fare, or to enter any

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88 mass transit vehicle or facility by any door, passageway, or
89 gate, except as provided for the entry of fare-paying
90 passengers, and shall constitute petit theft as proscribed by
91 this chapter.

92 (f) "Mass transit vehicle" means buses, rail cars, or
93 fixed-guideway mover systems operated by, or under contract to,
94 state agencies, political subdivisions of the state, or
95 municipalities for the transportation of fare-paying passengers.

96 (k) "Transit agency" means any state agency, political
97 subdivision of the state, or municipality which operates mass
98 transit vehicles.

99 (m) "Trespass" means the violation as described in s.
100 810.08.

101 (j) "Social media platform" has the same meaning as in s.
102 501.2041(1).

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 merchandise
108 in a package or box that contains merchandise other than, or in
109 addition to, the merchandise purported to be contained in the
110 package or box and such value is \$750 or more; or

111 (f) Individually, or in concert with 1 or more other
112 persons, commits 3 or more retail thefts within a 365-day 30-
113 day period and in committing such thefts obtains or uses 10 or
114 more items of merchandise, and the number of items stolen during
115 each theft is aggregated within the 365-day 30-day period to
116 determine the total number of items stolen, regardless of the

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117 value of such merchandise, and 2 or more of the thefts occur at
118 different physical merchant locations; or

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

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

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

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

142 (e) Acts in concert with five or more other persons within
143 one or more establishments for the purpose of overwhelming the
144 response of a merchant, a merchant's employee, or a law
145 enforcement officer in order to carry out the offense or avoid

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146 detection or apprehension for the offense and, in the course of
147 organizing or committing the offense, solicits the participation
148 of another person in the offense through the use of a social
149 media platform.

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

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

157 784.07 Assault or battery of law enforcement officers and
158 other specified personnel; reclassification of offenses; minimum
159 sentences.—

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

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

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

168 921.0022 Criminal Punishment Code; offense severity ranking
169 chart.—

170 (3) OFFENSE SEVERITY RANKING CHART

171 (e) LEVEL 5

Florida	Felony	Description
Statute	Degree	

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173	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
174	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
175	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
176	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
177	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
178	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,

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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.

179

379.367(4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

180

379.407(5)(b)3. 3rd Possession of 100 or more undersized spiny lobsters.

181

381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

182

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.

183

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

184

440.381(2) 3rd Submission of false, misleading, or incomplete information with the purpose of

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avoiding or reducing workers'
compensation premiums.

185

624.401(4)(b)2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

186

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

187

790.01(3) 3rd Unlawful carrying of a concealed firearm.

188

790.162 2nd Threat to throw or discharge destructive device.

189

790.163(1) 2nd False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

190

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

191

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

192

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	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
193	800.04(6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
194	800.04(7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
195	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
196	812.0145(2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
197	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
198	812.015(8) (f)	3rd	Retail theft; multiple thefts within specified period.
199	<u>812.015(8) (g)</u>	<u>3rd</u>	<u>Retail theft; committed with</u> <u>specified number of other</u>

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persons.

200	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
201	812.081(3)	2nd	Trafficking in trade secrets.
202	812.131(2) (b)	3rd	Robbery by sudden snatching.
203	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
204	817.034(4) (a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
205	817.234(11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
206	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.
207	817.568(2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services

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received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

208

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

209

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

210

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

211

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

212

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

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213

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

214

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

215

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.

216

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

217

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

218

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

219

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

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recreational facility or
community center.

224

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.

225

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
religious services or a
specified business site.

226

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.

227

893.13(4) (b) 2nd Use or hire of minor; deliver

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to minor other controlled substance.

228

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

229

230 (f) LEVEL 6

231

Florida Statute	Felony Degree	Description
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232

316.027(2)(b) 2nd Leaving the scene of a crash involving serious bodily injury.

233

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

234

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

235

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

236

499.0051(3) 2nd Knowing purchase or receipt of

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prescription drug from
unauthorized person.

237

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

238

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

239

784.021 (1) (a) 3rd Aggravated assault; deadly
weapon without intent to kill.

240

784.021 (1) (b) 3rd Aggravated assault; intent to
commit felony.

241

784.041 3rd Felony battery; domestic
battery by strangulation.

242

784.048 (3) 3rd Aggravated stalking; credible
threat.

243

784.048 (5) 3rd Aggravated stalking of person
under 16.

244

784.07 (2) (c) 2nd Aggravated assault on law
enforcement officer.

245

784.074 (1) (b) 2nd Aggravated assault on sexually

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violent predators facility
staff.

246

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

247

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

248

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

249

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

250

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

251

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

252

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

253

790.164 (1) 2nd False report concerning bomb,

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explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.

254

790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

255

794.011(8) (a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

256

794.05(1) 2nd Unlawful sexual activity with specified minor.

257

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.

258

800.04(6) (b) 2nd Lewd or lascivious conduct; offender 18 years of age or older.

259

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

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260	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
261	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
262	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
263	812.014(2)(c)5.	3rd	Grand theft; third degree; firearm.
264	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
265	812.015(9)(a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
266	812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
267	812.015(9)(d)	2nd	Retail theft; multiple thefts

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within specified period.

268

812.015(9)(e) 2nd Retail theft; committed with specified number of other persons and use of social media platform.

269

812.13(2)(c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

270

817.4821(5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

271

817.49(2)(b)2. 2nd Willful making of a false report of a crime resulting in death.

272

817.505(4)(b) 2nd Patient brokering; 10 or more patients.

273

817.5695(3)(b) 2nd Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.

274

825.102(1) 3rd Abuse of an elderly person or disabled adult.

275

825.102(3)(c) 3rd Neglect of an elderly person or

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disabled adult.

276	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
277	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
278	827.03 (2) (c)	3rd	Abuse of a child.
279	827.03 (2) (d)	3rd	Neglect of a child.
280	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
281	828.126 (3)	3rd	Sexual activities involving animals.
282	836.05	2nd	Threats; extortion.
283	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
284	843.12	3rd	Aids or assists person to

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escape.

285	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
286	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
287	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
288	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
289	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
290	918.13 (2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
291	944.35 (3) (a) 2.	3rd	Committing malicious battery

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upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

292

944.40 2nd Escapes.

293

944.46 3rd Harboring, concealing, aiding escaped prisoners.

294

944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

295

951.22(1)(i) 3rd Firearm or weapon introduced into county detention facility.

296

297 Section 4. This act shall take effect October 1, 2024.