



646052

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 154 - 219

and insert:

(8) The Office of Program Policy Analysis and Government
Accountability shall perform a study every 5 years to determine
the appropriateness of the threshold amounts included in this
section. The study's scope must include, but need not be limited
to, the crime trends related to theft offenses, the theft
threshold amounts of other states in effect at the time of the



646052

11 study, the fiscal impact of any modifications to this state's
12 threshold amounts, and the effect on economic factors, such as
13 inflation. The study must include options for amending the
14 threshold amounts if the study finds that such amounts are
15 inconsistent with current trends. In conducting the study,
16 OPPAGA shall consult with the Office of Economic and Demographic
17 Research in addition to other interested entities. OPPAGA shall
18 submit a report to the Governor, the President of the Senate,
19 and the Speaker of the House of Representatives by September 1
20 of each fifth year.

21 Section 2. Subsections (8) and (9) of section 812.015,
22 Florida Statutes, are amended, and paragraph (n) of subsection
23 (1) and subsection (10) are added to that section, to read:

24 812.015 Retail and farm theft; transit fare evasion;
25 mandatory fine; alternative punishment; detention and arrest;
26 exemption from liability for false arrest; resisting arrest;
27 penalties.—

28 (1) As used in this section:

29 (n) "Value" means the fair market value of the property
30 taken in violation of this section at the time the taking
31 occurred.

32 (8) Except as provided in subsection (9), a person who
33 commits retail theft commits a felony of the third degree,
34 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
35 if the property stolen is valued at \$1,500 ~~\$300~~ or more, and the
36 person:

37 (a) Individually, or in concert with one or more other
38 persons, coordinates the activities of one or more individuals
39 in committing the offense, in which case the amount of each



646052

40 individual theft is aggregated to determine the value of the
41 property stolen;

42 (b) Commits theft from more than one location within a 48-
43 hour period, in which case the amount of each individual theft
44 is aggregated to determine the value of the property stolen;

45 (c) Acts in concert with one or more other individuals
46 within one or more establishments to distract the merchant,
47 merchant's employee, or law enforcement officer in order to
48 carry out the offense, or acts in other ways to coordinate
49 efforts to carry out the offense; or

50 (d) Commits the offense through the purchase of merchandise
51 in a package or box that contains merchandise other than, or in
52 addition to, the merchandise purported to be contained in the
53 package or box.

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

57 (a) Violates subsection (8) as an adult and has previously
58 been convicted of a violation of subsection (8) within 3 years
59 after the expiration of his or her sentence for the conviction;
60 or

61 (b) Individually, or in concert with one or more other
62 persons, coordinates the activities of one or more persons in
63 committing the offense of retail theft where the stolen property
64 has a value in excess of \$3,000.

65 (10) The Office of Program Policy Analysis and Government
66 Accountability shall perform a study every 5 years to determine
67 the appropriateness of the threshold amounts included in this
68 section. The study's scope must include, but need not be limited



69 to, the crime trends related to theft offenses, the theft
70 threshold amounts of other states in effect at the time of the
71 study, the fiscal impact of any modifications to this state's
72 threshold amounts, and the effect on economic factors, such as
73 inflation. The study must include options for amending the
74 threshold amounts if the study finds that such amounts are
75 inconsistent with current trends. In conducting the study,
76 OPPAGA shall consult with the Office of Economic and Demographic
77 Research in addition to other interested entities. OPPAGA shall
78 submit a report to the Governor, the President of the Senate,
79 and the Speaker of the House of Representatives by September 1
80 of each fifth year.

81
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete lines 8 - 19

85 and insert:

86 Office of Program Policy and Analysis (OPPAGA) to
87 perform a study about certain threshold amounts on a
88 specified schedule; providing study requirements;
89 requiring OPPAGA to consult with the Office of
90 Economic and Demographic Research and other interested
91 entities; requiring OPPAGA to submit a report to the
92 Governor and the Legislature by a certain date and on
93 a specified basis; amending s. 812.015, F.S.; defining
94 the term "value"; increasing threshold amounts for a
95 certain theft offense; revising the circumstances
96 under which an offense of retail theft constitutes a
97 felony of the second degree; requiring the Office of



646052

98 Program Policy and Analysis (OPPAGA) to perform a
99 study about certain threshold amounts on a specified
100 schedule; providing study requirements; requiring
101 OPPAGA to consult with the Office of Economic and
102 Demographic Research and other interested entities;
103 requiring OPPAGA to submit a report to the Governor
104 and the Legislature by a certain date and on a
105 specified basis; amending s. 921.0022, F.S.;