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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Bradley and Simpson)
recommended the following:

1 **Senate Substitute for Amendment (815540) (with title**
2 **amendment)**

3
4 Delete lines 173 - 259
5 and insert:

6 (e) Except as provided in paragraph (d), if the property
7 stolen is valued at \$100 or more, but less than \$700 ~~\$300~~, the
8 offender commits petit theft of the first degree, punishable as
9 a misdemeanor of the first degree, as provided in s. 775.082 or
10 s. 775.083.



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11 Section 4. Subsections (8) and (9) of section 812.015,
12 Florida Statutes, are amended, and subsection (10) is added to
13 that section, 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 \$700 ~~\$300~~ 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 ~~ease~~ the amount
27 of each individual theft is aggregated within a 90-day period to
28 determine the value of the property stolen;

29 (b) Conspires with another person to commit retail theft
30 with the intent to sell the stolen property for monetary or
31 other gain, and subsequently takes or causes such property to be
32 placed in the control of another person in exchange for
33 consideration, in which the stolen property taken or placed
34 within a 90-day period is aggregated to determine the value of
35 the stolen property;

36 (c) ~~(b)~~ Individually, or in concert with one or more other
37 persons, commits theft from more than one location within a 90-
38 day 48-hour period, in which ~~ease~~ the amount of each individual
39 theft is aggregated to determine the value of the property



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40 stolen;

41 (d)~~(e)~~ Acts in concert with one or more other individuals
42 within one or more establishments to distract the merchant,
43 merchant's employee, or law enforcement officer in order to
44 carry out the offense, or acts in other ways to coordinate
45 efforts to carry out the offense; or

46 (e)~~(d)~~ Commits the offense through the purchase of
47 merchandise in a package or box that contains merchandise other
48 than, or in addition to, the merchandise purported to be
49 contained in the package or box.

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

53 (a) Violates subsection (8) and has previously been
54 convicted of a violation of subsection (8); ~~or~~

55 (b) Individually, or in concert with one or more other
56 persons, coordinates the activities of one or more persons in
57 committing the offense of retail theft, in which the amount of
58 each individual theft within a 90-day period is aggregated to
59 determine the value of the stolen property and such ~~where the~~
60 ~~stolen property has a value~~ is in excess of \$3,000; or

61 (c) Conspires with another person to commit retail theft
62 with the intent to sell the stolen property for monetary or
63 other gain, and subsequently takes or causes such property to be
64 placed in control of another person in exchange for
65 consideration, in which the stolen property taken or placed
66 within a 90-day period is aggregated to have a value in excess
67 of \$3,000.

68 (10) If a person commits retail theft in more than one



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69 judicial circuit within a 90-day period, the value of the stolen
70 property resulting from the thefts in each judicial circuit may
71 be aggregated and must be prosecuted by the Office of the
72 Statewide Prosecutor in accordance with s. 16.56.

73

74 ===== T I T L E A M E N D M E N T =====

75 And the title is amended as follows:

76 Delete lines 11 - 24

77 and insert:

78 theft offenses; amending s. 812.015, F.S.; revising
79 the circumstances under which an offense of retail
80 theft constitutes a felony of the second or third
81 degree; authorizing retail thefts which occur in more
82 than one judicial circuit within a 90-day period to be
83 aggregated into one total value and must be prosecuted
84 by the Office of the Statewide Prosecutor in
85 accordance with s. 16.56, F.S.; amending s.