

1                                   A bill to be entitled  
 2           An act relating to retail theft; amending s. 812.015,  
 3           F.S.; prohibiting certain retail theft at multiple  
 4           locations within a specified timeframe; providing  
 5           criminal penalties; amending s. 921.0022, F.S.;  
 6           ranking offenses for purposes of the offense severity  
 7           ranking chart of the Criminal Punishment Code;  
 8           providing an effective date.

9

10 Be It Enacted by the Legislature of the State of Florida:

11

12           Section 1. Subsections (8) and (9) of section 812.015,  
 13 Florida Statutes, are amended 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 \$750 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 the amount of  
 27 | each individual theft is aggregated within a 30-day period to  
 28 | determine the value of the property stolen and such value is  
 29 | \$750 or more;

30 |       (b) Conspires with another person to commit retail theft  
 31 | with the intent to sell the stolen property for monetary or  
 32 | other gain, and subsequently takes or causes such property to be  
 33 | placed in the control of another person in exchange for  
 34 | consideration, in which the stolen property taken or placed  
 35 | within a 30-day period is aggregated to determine the value of  
 36 | the stolen property and such value is \$750 or more;

37 |       (c) Individually, or in concert with one or more other  
 38 | persons, commits theft from more than one location within a 30-  
 39 | day period, in which the amount of each individual theft is  
 40 | aggregated to determine the value of the property stolen and  
 41 | such value is \$750 or more;

42 |       (d) Acts in concert with one or more other individuals  
 43 | within one or more establishments to distract the merchant,  
 44 | merchant's employee, or law enforcement officer in order to  
 45 | carry out the offense, or acts in other ways to coordinate  
 46 | efforts to carry out the offense and the property stolen is  
 47 | valued at \$750 or more;~~or~~

48 |       (e) Commits the offense through the purchase of  
 49 | merchandise in a package or box that contains merchandise other  
 50 | than, or in addition to, the merchandise purported to be

51 contained in the package or box and such merchandise is valued  
 52 at \$750 or more; or

53 (f) Individually, or in concert with one or more other  
 54 persons, commits five or more retail thefts within a 30-day  
 55 period, and in committing such thefts:

56 1. The person obtains or uses 10 or more items of  
 57 merchandise, regardless of the value of such merchandise;

58 2. The number of items stolen during each theft is  
 59 aggregated within the 30-day period to determine the total  
 60 number of items stolen; and

61 3. Two or more of the thefts occur at different physical  
 62 merchant locations.

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

66 (a) Violates subsection (8) and has previously been  
 67 convicted of a violation of subsection (8) or of this  
 68 subsection;

69 (b) Individually, or in concert with one or more other  
 70 persons, coordinates the activities of one or more persons in  
 71 committing the offense of retail theft, in which the amount of  
 72 each individual theft within a 30-day period is aggregated to  
 73 determine the value of the stolen property and such value is in  
 74 excess of \$3,000; ~~or~~

75 (c) Conspires with another person to commit retail theft

76 | with the intent to sell the stolen property for monetary or  
 77 | other gain, and subsequently takes or causes such property to be  
 78 | placed in control of another person in exchange for  
 79 | consideration, in which the stolen property taken or placed  
 80 | within a 30-day period is aggregated to have a value in excess  
 81 | of \$3,000; or

82 | (d) Individually, or in concert with one or more other  
 83 | persons, commits five or more retail thefts within a 30-day  
 84 | period, and in committing such thefts:

85 | 1. The person obtains or uses 20 or more items of  
 86 | merchandise, regardless of the value of such merchandise;

87 | 2. The number of items stolen during each theft is  
 88 | aggregated within the 30-day period to determine the total  
 89 | number of items stolen; and

90 | 3. Two or more of the thefts occur at different physical  
 91 | merchant locations.

92 | Section 2. Paragraphs (e) and (f) of subsection (3) of  
 93 | section 921.0022, Florida Statutes, are amended to read:

94 | 921.0022 Criminal Punishment Code; offense severity  
 95 | ranking chart.—

96 | (3) OFFENSE SEVERITY RANKING CHART

97 | (e) LEVEL 5

98 |

Florida	Felony	Description
Statute	Degree	

99	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
100	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
101	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
102	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
103	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
104	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.

105	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
106	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
107	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
108	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.

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109	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
110	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
111	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
112	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
113	790.01 (2)	3rd	Carrying a concealed firearm.
114	790.162	2nd	Threat to throw or discharge destructive device.
115	790.163 (1)	2nd	False report of bomb,



property.

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812.0145(2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
<u>812.015 (8) (f)</u>	<u>3rd</u>	<u>Retail theft; five or more thefts within specified period; obtaining or using 10 or more items.</u>
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.081(3)	2nd	Trafficking in trade secrets.
812.131(2) (b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.

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130	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
131	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
132	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.
133	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 persons.
	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14

counterfeit credit cards or  
related documents.

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

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

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

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

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828.12 (2)            3rd    Tortures any animal with intent  
to inflict intense pain,

139			serious physical injury, or death.
	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.
140			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
141			
	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
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	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
143			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
144			
	874.05(1)(b)	2nd	Encouraging or recruiting

another to join a criminal gang; second or subsequent offense.

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874.05(2) (a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

146

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).

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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.

148

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.

149

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.

150

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.

151

893.13(4) (b)                      2nd      Use or hire of minor; deliver  
to minor other controlled  
substance.

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

153

154                      (f)      LEVEL 6

155

Florida	Felony	Description
Statute	Degree	

156

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

157

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

158

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

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159	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
160	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
161	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
162	775.0875(1)	3rd	Taking firearm from law enforcement officer.
163	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
164	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
165	784.041	3rd	Felony battery; domestic battery by strangulation.

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166	784.048 (3)	3rd	Aggravated stalking; credible threat.
167	784.048 (5)	3rd	Aggravated stalking of person under 16.
168	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
169	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
170	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
171	784.081 (2)	2nd	Aggravated assault on specified official or employee.
172	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
173	784.083 (2)	2nd	Aggravated assault on code

inspector.

174 787.02(2) 3rd False imprisonment; restraining  
with purpose other than those  
in s. 787.01.

175 790.115(2)(d) 2nd Discharging firearm or weapon  
on school property.

176 790.161(2) 2nd Make, possess, or throw  
destructive device with intent  
to do bodily harm or damage  
property.

177 790.164(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.

178 790.19 2nd Shooting or throwing deadly  
missiles into dwellings,  
vessels, or vehicles.

179

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180	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
181	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
182	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.
183	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
184	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
185	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent

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offense.

186

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

187

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

188

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

189

812.015 (9) (b)                2nd    Retail theft; aggregated  
property stolen within 30 days  
is \$3,000 or more; coordination  
of others.

190

812.015 (9) (d)                2nd    Retail theft; five or more  
thefts within specified period;  
obtaining or using 20 or more  
items.

191

812.13 (2) (c)                2nd    Robbery, no firearm or other

weapon (strong-arm robbery).

192

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

193

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

194

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

195

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

196

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

197

825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

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825.103(3)(c) 3rd Exploiting an elderly person or disabled adult and property is

valued at less than \$10,000.

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827.03(2)(c)

3rd

Abuse of a child.

827.03(2)(d)

3rd

Neglect of a child.

827.071(2) & (3)

2nd

Use or induce a child in a sexual performance, or promote or direct such performance.

836.05

2nd

Threats; extortion.

836.10

2nd

Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.

843.12

3rd

Aids or assists person to escape.

847.011

3rd

Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

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207	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
208	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
209	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
210	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.
211	944.40	2nd	Escapes.
212	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
	944.47(1)(a)5.	2nd	Introduction of contraband

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(firearm, weapon, or explosive)  
into correctional facility.

213

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

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Section 3. This act shall take effect October 1, 2022.