

By the Committee on Criminal and Civil Justice Appropriations;  
and Senators Gaetz and Lynn

604-2448-07

1                                   A bill to be entitled

2           An act relating to retail theft; amending s.

3           812.014, F.S.; providing enhanced penalties for

4           theft exceeding a specified amount for persons

5           who individually, or in concert with others,

6           coordinate the activities of one or more

7           persons in committing the theft; amending s.

8           812.015, F.S.; providing enhanced penalties for

9           retail theft exceeding a specified amount for

10          persons who individually, or in concert with

11          others, coordinate the activities of one or

12          more persons in committing the offense;

13          amending s. 921.0022, F.S.; conforming the

14          Criminal Punishment Code offense severity

15          ranking chart; providing an effective date.

16

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

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19           Section 1. Subsection (6) is added to section 812.014,

20 Florida Statutes, to read:

21           812.014 Theft.--

22           (6) A person who individually, or in concert with one

23 or more other persons, coordinates the activities of one or

24 more persons in committing theft under this section where the

25 stolen property has a value in excess of \$3,000 commits a

26 felony of the second degree, punishable as provided in s.

27 775.082, s. 775.083, or s. 775.084.

28           Section 2. Subsections (8) and (9) of section 812.015,

29 Florida Statutes, are amended to read:

30           812.015 Retail and farm theft; transit fare evasion;

31 mandatory fine; alternative punishment; detention and arrest;

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 exemption from liability for false arrest; resisting arrest;  
2 penalties.--

3 (8) Except as provided in subsection (9), ~~If~~ a person  
4 who commits retail theft commits, ~~it is~~ a felony of the third  
5 degree, punishable as provided in s. 775.082, s. 775.083, or  
6 s. 775.084, if the property stolen is valued at \$300 or more,  
7 and the person:

8 (a) Individually, or in concert with one or more other  
9 persons, coordinates the activities of one or more individuals  
10 in committing the offense, in which case the amount of each  
11 individual theft is aggregated to determine the value of the  
12 property stolen;

13 (b) Commits theft from more than one location within a  
14 48-hour period, in which case the amount of each individual  
15 theft is aggregated to determine the value of the property  
16 stolen;

17 (c) Acts in concert with one or more other individuals  
18 within one or more establishments to distract the merchant,  
19 merchant's employee, or law enforcement officer in order to  
20 carry out the offense, or acts in other ways to coordinate  
21 efforts to carry out the offense; or

22 (d) Commits the offense through the purchase of  
23 merchandise in a package or box that contains merchandise  
24 other than, or in addition to, the merchandise purported to be  
25 contained in the package or box.

26 (9) A ~~Any~~ person commits a felony of the second  
27 degree, punishable as provided in s. 775.082, s. 775.083, or  
28 s. 775.084, if the person:

29 (a) ~~who~~ Violates subsection (8) and ~~who~~ has previously  
30 been convicted of a violation of subsection (8); or  
31

1           (b) Individually, or in concert with one or more other  
2 persons, coordinates the activities of one or more persons in  
3 committing the offense of retail theft where the stolen  
4 property has a value in excess of \$3,000 ~~commits a felony of~~  
5 ~~the second degree, punishable as provided in s. 775.082, s.~~  
6 ~~775.083, or s. 775.084.~~

7           Section 3. Paragraph (f) of subsection (3) of section  
8 921.0022, Florida Statutes, is amended to read:

9           (3) OFFENSE SEVERITY RANKING CHART

10 Florida	Felony	Description
11 Statute	Degree	
		(f) LEVEL 6
13 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent 14 conviction.
15 499.0051(3)	2nd	Forgery of pedigree papers.
16 499.0051(4)	2nd	Purchase or receipt of legend 17 drug from unauthorized person.
18 499.0051(5)	2nd	Sale of legend drug to 19 unauthorized person.
20 775.0875(1)	3rd	Taking firearm from law 21 enforcement officer.
22 784.021(1)(a)	3rd	Aggravated assault; deadly weapon 23 without intent to kill.
24 784.021(1)(b)	3rd	Aggravated assault; intent to 25 commit felony.
26 784.041	3rd	Felony battery.
27 784.048(3)	3rd	Aggravated stalking; credible 28 threat.
29 784.048(5)	3rd	Aggravated stalking of person 30 under 16.

1	784.07(2)(c)	2nd	Aggravated assault on law
2			enforcement officer.
3	784.074(1)(b)	2nd	Aggravated assault on sexually
4			violent predators facility staff.
5	784.08(2)(b)	2nd	Aggravated assault on a person 65
6			years of age or older.
7	784.081(2)	2nd	Aggravated assault on specified
8			official or employee.
9	784.082(2)	2nd	Aggravated assault by detained
10			person on visitor or other
11			detainee.
12	784.083(2)	2nd	Aggravated assault on code
13			inspector.
14	787.02(2)	3rd	False imprisonment; restraining
15			with purpose other than those in
16			s. 787.01.
17	790.115(2)(d)	2nd	Discharging firearm or weapon on
18			school property.
19	790.161(2)	2nd	Make, possess, or throw
20			destructive device with intent to
21			do bodily harm or damage
22			property.
23	790.164(1)	2nd	False report of deadly explosive,
24			weapon of mass destruction, or
25			act of arson or violence to state
26			property.
27	790.19	2nd	Shooting or throwing deadly
28			missiles into dwellings, vessels,
29			or vehicles.
30			
31			

1	794.011(8)(a)	3rd	Solicitation of minor to
2			participate in sexual activity by
3			custodial adult.
4	794.05(1)	2nd	Unlawful sexual activity with
5			specified minor.
6	800.04(5)(d)	3rd	Lewd or lascivious molestation;
7			victim 12 years of age or older
8			but less than 16 years; offender
9			less than 18 years.
10	800.04(6)(b)	2nd	Lewd or lascivious conduct;
11			offender 18 years of age or
12			older.
13	806.031(2)	2nd	Arson resulting in great bodily
14			harm to firefighter or any other
15			person.
16	810.02(3)(c)	2nd	Burglary of occupied structure;
17			unarmed; no assault or battery.
18	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
19			but less than \$100,000, grand
20			theft in 2nd degree.
21	812.015(9)(a)	2nd	Retail theft; property stolen
22			\$300 or more; second or
23			subsequent conviction.
24	<u>812.014(6)</u>	<u>2nd</u>	<u>Theft; property stolen \$3,000 or</u>
25			<u>more; coordination of others.</u>
26	<u>812.015(9)(b)</u>	<u>2nd</u>	<u>Retail theft; property stolen</u>
27			<u>\$3,000 or more; coordination of</u>
28			<u>others.</u>
29	812.13(2)(c)	2nd	Robbery, no firearm or other
30			weapon (strong-arm robbery).
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1	817.034(4)(a)1.	1st	Communications fraud, value
2			greater than \$50,000.
3	817.4821(5)	2nd	Possess cloning paraphernalia
4			with intent to create cloned
5			cellular telephones.
6	825.102(1)	3rd	Abuse of an elderly person or
7			disabled adult.
8	825.102(3)(c)	3rd	Neglect of an elderly person or
9			disabled adult.
10	825.1025(3)	3rd	Lewd or lascivious molestation of
11			an elderly person or disabled
12			adult.
13	825.103(2)(c)	3rd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at less than \$20,000.
16	827.03(1)	3rd	Abuse of a child.
17	827.03(3)(c)	3rd	Neglect of a child.
18	827.071(2) & (3)	2nd	Use or induce a child in a sexual
19			performance, or promote or direct
20			such performance.
21	836.05	2nd	Threats; extortion.
22	836.10	2nd	Written threats to kill or do
23			bodily injury.
24	843.12	3rd	Aids or assists person to escape.
25	847.0135(2)	3rd	Facilitates sexual conduct of or
26			with a minor or the visual
27			depiction of such conduct.
28	914.23	2nd	Retaliation against a witness,
29			victim, or informant, with bodily
30			injury.
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1 944.35(3)(a)2. 3rd Committing malicious battery upon  
2 or inflicting cruel or inhuman  
3 treatment on an inmate or  
4 offender on community  
5 supervision, resulting in great  
6 bodily harm.  
7 944.40 2nd Escapes.  
8 944.46 3rd Harboring, concealing, aiding  
9 escaped prisoners.  
10 944.47(1)(a)5. 2nd Introduction of contraband  
11 (firearm, weapon, or explosive)  
12 into correctional facility.  
13 951.22(1) 3rd Intoxicating drug, firearm, or  
14 weapon introduced into county  
15 facility.

16 Section 4. This act shall take effect October 1, 2007.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19 COMMITTEE SUBSTITUTE FOR  
20 SB 1644

21 Provides that it is a second degree felony for a person to  
22 individually, or in concert with one or more other persons,  
23 coordinate the activities of one or more persons in committing  
24 theft where the stolen property has a value in excess of  
25 \$3,000.  
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