

1 A bill to be entitled
 2 An act relating to retail theft; amending s. 812.015,
 3 F.S.; providing enhanced penalties for retail theft
 4 exceeding a specified amount for persons who individually,
 5 or in concert with others, coordinate the activities of
 6 one or more persons in committing the offense; amending s.
 7 921.0022, F.S.; conforming the Criminal Punishment Code
 8 offense severity ranking chart; providing an effective
 9 date.

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

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13 Section 1. Subsections (8) and (9) of section 812.015,
 14 Florida Statutes, are amended to read:

15 812.015 Retail and farm theft; transit fare evasion;
 16 mandatory fine; alternative punishment; detention and arrest;
 17 exemption from liability for false arrest; resisting arrest;
 18 penalties.--

19 (8) Except as provided in subsection (9), ~~if~~ a person who
 20 commits retail theft commits ~~, it is~~ a felony of the third
 21 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 22 775.084, if the property stolen is valued at \$300 or more, and
 23 the person:

24 (a) Individually, or in concert with one or more other
 25 persons, coordinates the activities of one or more individuals
 26 in committing the offense, in which case the amount of each
 27 individual theft is aggregated to determine the value of the
 28 property stolen;

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

32 (c) Acts in concert with one or more other individuals
 33 within one or more establishments to distract the merchant,
 34 merchant's employee, or law enforcement officer in order to
 35 carry out the offense, or acts in other ways to coordinate
 36 efforts to carry out the offense; or

37 (d) Commits the offense through the purchase of
 38 merchandise in a package or box that contains merchandise other
 39 than, or in addition to, the merchandise purported to be
 40 contained in the package or box.

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

44 (a) who ~~Violates~~ subsection (8) and ~~who~~ has previously
 45 been convicted of a violation of subsection (8); or

46 (b) Individually, or in concert with one or more other
 47 persons, coordinates the activities of one or more persons in
 48 committing the offense of retail theft where the stolen property
 49 has a value in excess of \$3,000 ~~commits a felony of the second~~
 50 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
 51 ~~775.084.~~

52 Section 2. Paragraph (f) of subsection (3) of section
 53 921.0022, Florida Statutes, is amended to read:

54 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	Description
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	Statute	Degree	
55			(f) LEVEL 6
56	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
57	499.0051 (3)	2nd	Forgery of pedigree papers.
58	499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
59	499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
60	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
61	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
62	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
63	784.041	3rd	Felony battery.
64	784.048 (3)	3rd	Aggravated stalking; credible threat.
65	784.048 (5)	3rd	Aggravated stalking of person under 16.

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66	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
67	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
68	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
69	784.081(2)	2nd	Aggravated assault on specified official or employee.
70	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
71	784.083(2)	2nd	Aggravated assault on code inspector.
72	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
73	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
74	790.161(2)	2nd	Make, possess, or throw destructive device with intent

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			to do bodily harm or damage property.
75	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
76	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
77	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
78	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
79	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
80	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
81	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other

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			person.
82	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
83	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
84	812.015 (9) <u>(a)</u>	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
85	<u>812.015 (9) (b)</u>	<u>2nd</u>	<u>Retail theft; property stolen \$3,000 or more; coordination of others.</u>
86	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
87	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
88	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
89	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
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91	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
92	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
93	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
94	827.03 (1)	3rd	Abuse of a child.
95	827.03 (3) (c)	3rd	Neglect of a child.
96	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
97	836.05	2nd	Threats; extortion.
98	836.10	2nd	Written threats to kill or do bodily injury.
99	843.12	3rd	Aids or assists person to escape.
100	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

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101	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
102	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.
103	944.40	2nd	Escapes.
104	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
105	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
106	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
107	Section 3. This act shall take effect October 1, 2007.		