

By Senator Baxley

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1 A bill to be entitled
2 An act relating to retail theft; amending s. 812.015,
3 F.S.; revising requirements for aggregation of retail
4 thefts that constitute a higher degree of offense;
5 amending s. 812.019, F.S.; prohibiting specified acts
6 involving merchandise or a stored value card obtained
7 from a fraudulent return; reenacting s.
8 921.0022(3)(e), F.S., relating to level 5 of the
9 offense severity ranking chart; providing an effective
10 date.

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

13
14 Section 1. Subsection (8) of section 812.015, Florida
15 Statutes, is amended, and subsection (9) of that section is
16 republished, to read:

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

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

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

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30 property stolen;

31 (b) Individually, or in concert with one or more other
32 persons, commits theft of any merchandise from one or more
33 locations over a 90-day period with an aggregate value of more
34 than \$1,000 ~~Commits theft from more than one location within a~~
35 ~~48-hour period, in which case the amount of each individual~~
36 ~~theft is aggregated to determine the value of the property~~
37 ~~stolen;~~

38 (c) Acts in concert with one or more other individuals
39 within one or more establishments to distract the merchant,
40 merchant's employee, or law enforcement officer in order to
41 carry out the offense, or acts in other ways to coordinate
42 efforts to carry out the offense; or

43 (d) Commits the offense through the purchase of merchandise
44 in a package or box that contains merchandise other than, or in
45 addition to, the merchandise purported to be contained in the
46 package or box.

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

50 (a) Violates subsection (8) and has previously been
51 convicted of a violation of subsection (8); or

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

56 Section 2. Subsection (3) is added to section 812.019,
57 Florida Statutes, to read:

58 812.019 Dealing in stolen property.—

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59 (3) Any person who receives, possesses, or purchases any
 60 merchandise or stored value card obtained from a fraudulent
 61 return with the knowledge that the merchandise or stored value
 62 card was obtained in violation of s. 812.015 commits a felony of
 63 the third degree, punishable as provided in ss. 775.082,
 64 775.083, and 775.084.

65 Section 3. For the purpose of incorporating the amendment
 66 made by this act to section 812.015, Florida Statutes, in a
 67 reference thereto, paragraph (e) of subsection (3) of section
 68 921.0022, Florida Statutes, is reenacted to read:

69 921.0022 Criminal Punishment Code; offense severity ranking
 70 chart.—

71 (3) OFFENSE SEVERITY RANKING CHART

72 (e) LEVEL 5

73

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel

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77

322.34 (6)

3rd

fraudulently.

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

78

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

79

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

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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.

80

379.367(4)

3rd

Willful molestation of a
 commercial harvester's
 spiny lobster trap,
 line, or buoy.

81

379.407(5)(b)3.

3rd

Possession of 100 or
 more undersized spiny
 lobsters.

82

381.0041(11)(b)

3rd

Donate blood, plasma, or
 organs knowing HIV
 positive.

83

440.10(1)(g)

2nd

Failure to obtain
 workers' compensation
 coverage.

84

440.105(5)

2nd

Unlawful solicitation
 for the purpose of

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85
86
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90

440.381 (2)

2nd

making workers' compensation claims.

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

624.401 (4) (b) 2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

790.01 (2)

3rd

Carrying a concealed firearm.

790.162

2nd

Threat to throw or discharge destructive device.

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91	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
92	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
93	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
94	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
95	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
96	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any

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structure or property.

97

812.0145(2)(b)

2nd

Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

98

812.015(8)

3rd

Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

99

812.019(1)

2nd

Stolen property; dealing in or trafficking in.

100

812.131(2)(b)

3rd

Robbery by sudden snatching.

101

812.16(2)

3rd

Owning, operating, or conducting a chop shop.

102

817.034(4)(a)2.

2nd

Communications fraud, value \$20,000 to \$50,000.

103

817.234(11)(b)

2nd

Insurance fraud; property value \$20,000 or more but less than \$100,000.

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104

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.

105

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.

106

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

107

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of

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108

scanning device,
skimming device, or
reencoder.

825.1025 (4)

3rd

Lewd or lascivious
exhibition in the
presence of an elderly
person or disabled
adult.

109

827.071 (4)

2nd

Possess with intent to
promote any photographic
material, motion
picture, etc., which
includes sexual conduct
by a child.

110

827.071 (5)

3rd

Possess, control, or
intentionally view any
photographic material,
motion picture, etc.,
which includes sexual
conduct by a child.

111

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.

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112

843.01 3rd Resist officer with violence to person; resist arrest with violence.

113

847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

114

847.0137 (2) & (3) 3rd Transmission of pornography by electronic device or equipment.

115

847.0138 (2) & (3) 3rd Transmission of material harmful to minors to a minor by electronic device or equipment.

116

874.05 (1) (b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

117

874.05 (2) (a) 2nd Encouraging or recruiting person under

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13 years of age to join
a criminal gang.

118

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)4.
drugs).

119

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)5.,
(2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (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.

120

893.13(1)(d)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),

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(1) (b), (1) (d), (2) (a),
 (2) (b), or (2) (c) 4.
 drugs) within 1,000 feet
 of university.

121

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) 5.,
 (2) (c) 6., (2) (c) 7.,
 (2) (c) 8., (2) (c) 9., (3),
 or (4) within 1,000 feet
 of property used for
 religious services or a
 specified business site.

122

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) 4. drugs) within
 1,000 feet of public
 housing facility.

123

893.13 (4) (b)

2nd

Use or hire of minor;
 deliver to minor other

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controlled substance.

124

893.1351(1)

3rd

Ownership, lease, or
rental for trafficking
in or manufacturing of
controlled substance.

125

126

Section 4. This act shall take effect July 1, 2018.