



646052

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/08/2019	.	
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Appropriations Subcommittee on Criminal and Civil Justice  
(Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 154 - 219  
and insert:

(8) The Office of Program Policy Analysis and Government  
Accountability shall perform a study every 5 years to determine  
the appropriateness of the threshold amounts included in this  
section. The study's scope must include, but need not be limited  
to, the crime trends related to theft offenses, the theft  
threshold amounts of other states in effect at the time of the



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11 study, the fiscal impact of any modifications to this state's  
12 threshold amounts, and the effect on economic factors, such as  
13 inflation. The study must include options for amending the  
14 threshold amounts if the study finds that such amounts are  
15 inconsistent with current trends. In conducting the study,  
16 OPPAGA shall consult with the Office of Economic and Demographic  
17 Research in addition to other interested entities. OPPAGA shall  
18 submit a report to the Governor, the President of the Senate,  
19 and the Speaker of the House of Representatives by September 1  
20 of each fifth year.

21 Section 2. Subsections (8) and (9) of section 812.015,  
22 Florida Statutes, are amended, and paragraph (n) of subsection  
23 (1) and subsection (10) are added to that section, to read:

24 812.015 Retail and farm theft; transit fare evasion;  
25 mandatory fine; alternative punishment; detention and arrest;  
26 exemption from liability for false arrest; resisting arrest;  
27 penalties.—

28 (1) As used in this section:

29 (n) "Value" means the fair market value of the property  
30 taken in violation of this section at the time the taking  
31 occurred.

32 (8) Except as provided in subsection (9), a person who  
33 commits retail theft commits a felony of the third degree,  
34 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
35 if the property stolen is valued at \$1,500 ~~\$300~~ or more, and the  
36 person:

37 (a) Individually, or in concert with one or more other  
38 persons, coordinates the activities of one or more individuals  
39 in committing the offense, in which case the amount of each



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40 individual theft is aggregated to determine the value of the  
41 property stolen;

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

45 (c) Acts in concert with one or more other individuals  
46 within one or more establishments to distract the merchant,  
47 merchant's employee, or law enforcement officer in order to  
48 carry out the offense, or acts in other ways to coordinate  
49 efforts to carry out the offense; or

50 (d) Commits the offense through the purchase of merchandise  
51 in a package or box that contains merchandise other than, or in  
52 addition to, the merchandise purported to be contained in the  
53 package or box.

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

57 (a) Violates subsection (8) as an adult and has previously  
58 been convicted of a violation of subsection (8) within 3 years  
59 after the expiration of his or her sentence for the conviction;  
60 or

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

65 (10) The Office of Program Policy Analysis and Government  
66 Accountability shall perform a study every 5 years to determine  
67 the appropriateness of the threshold amounts included in this  
68 section. The study's scope must include, but need not be limited



69 to, the crime trends related to theft offenses, the theft  
70 threshold amounts of other states in effect at the time of the  
71 study, the fiscal impact of any modifications to this state's  
72 threshold amounts, and the effect on economic factors, such as  
73 inflation. The study must include options for amending the  
74 threshold amounts if the study finds that such amounts are  
75 inconsistent with current trends. In conducting the study,  
76 OPPAGA shall consult with the Office of Economic and Demographic  
77 Research in addition to other interested entities. OPPAGA shall  
78 submit a report to the Governor, the President of the Senate,  
79 and the Speaker of the House of Representatives by September 1  
80 of each fifth year.

81  
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete lines 8 - 19

85 and insert:

86 Office of Program Policy and Analysis (OPPAGA) to  
87 perform a study about certain threshold amounts on a  
88 specified schedule; providing study requirements;  
89 requiring OPPAGA to consult with the Office of  
90 Economic and Demographic Research and other interested  
91 entities; requiring OPPAGA to submit a report to the  
92 Governor and the Legislature by a certain date and on  
93 a specified basis; amending s. 812.015, F.S.; defining  
94 the term "value"; increasing threshold amounts for a  
95 certain theft offense; revising the circumstances  
96 under which an offense of retail theft constitutes a  
97 felony of the second degree; requiring the Office of



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98 Program Policy and Analysis (OPPAGA) to perform a  
99 study about certain threshold amounts on a specified  
100 schedule; providing study requirements; requiring  
101 OPPAGA to consult with the Office of Economic and  
102 Demographic Research and other interested entities;  
103 requiring OPPAGA to submit a report to the Governor  
104 and the Legislature by a certain date and on a  
105 specified basis; amending s. 921.0022, F.S.;