House



LEGISLATIVE ACTION

Senate . Comm: RCS . 03/08/2019 . .

Appropriations Subcommittee on Criminal and Civil Justice (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 154 - 219

and insert:

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(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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| 12threshold amounts, and the effect on economic factors, such as13inflation. The study must include options for amending the14threshold amounts if the study finds that such amounts are15inconsistent with current trends. In conducting the study,16OPPAGA shall consult with the Office of Economic and Demographic17Research in addition to other interested entities. OPPAGA shall18submit a report to the Governor, the President of the Senate,19and the Speaker of the House of Representatives by September 120of each fifth year.21Section 2. Subsections (8) and (9) of section 812.015,22Florida Statutes, are amended, and paragraph (n) of subsection23(1) and subsection (10) are added to that section, to read:24812.015 Retail and farm theft; transit fare evasion;25mandatory fine; alternative punishment; detention and arrest;26exemption from liability for false arrest; resisting arrest;27penalties28(1) As used in this section:29(a) Tvilue" means the fair market value of the property31taken in violation of this section at the time the taking32occurred.33(a) Individually, or in concert with one or more, and the34person:35(a) Individually, or in concert with one or more other36persons, coordinates the activities of one or more individuals39in committing the offense, in which case the amount of each   | 11 | study, the fiscal impact of any modifications to this state's              |
|--|----|--|
| <ul> <li>threshold amounts if the study finds that such amounts are</li> <li>inconsistent with current trends. In conducting the study,</li> <li>OPPAGA shall consult with the Office of Economic and Demographic</li> <li>Research in addition to other interested entities. OPPAGA shall</li> <li>submit a report to the Governor, the President of the Senate,</li> <li>and the Speaker of the House of Representatives by September 1</li> <li>of each fifth year.</li> <li>Section 2. Subsections (8) and (9) of section 812.015,</li> <li>Florida Statutes, are amended, and paragraph (n) of subsection</li> <li>(1) and subsection (10) are added to that section, to read:</li> <li>812.015 Retail and farm theft; transit fare evasion;</li> <li>mandatory fine; alternative punishment; detention and arrest;</li> <li>exemption from liability for false arrest; resisting arrest;</li> <li>penalties</li> <li>(1) As used in this section:</li> <li>(n) "Value" means the fair market value of the property</li> <li>taken in violation of this section (9), a person who</li> <li>commits retail theft commits a felony of the third degree,</li> <li>punishable as provided in s. 775.082, s. 775.083, or s. 775.084,</li> <li>if the property stolen is valued at <u>\$1,500</u> <del>\$360</del> or more, and the</li> <li>person:</li> <li>(a) Individually, or in concert with one or more other</li> <li>persons, coordinates the activities of one or more individuals</li> </ul> | 12 | threshold amounts, and the effect on economic factors, such as             |
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| 38 persons, coordinates the activities of one or more individuals  | 36 | person:  |
|  | 37 | (a) Individually, or in concert with one or more other                     |
| 39 in committing the offense, in which case the amount of each   | 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;

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

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

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

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

(a) Violates subsection (8) as an adult and has previously been convicted of a violation of subsection (8) within 3 years after the expiration of his or her sentence for the conviction; 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 section. The study's scope must include, but need not be limited 68

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| 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             |
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| 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                      |
|    |   |

COMMITTEE AMENDMENT

Florida Senate - 2019 Bill No. SB 406



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