

1                                   A bill to be entitled  
 2           An act relating to theft offenses; amending s.  
 3           812.014, F.S.; increasing threshold amounts for  
 4           certain theft offenses; revising the list of items the  
 5           theft of which constitutes a felony of the third  
 6           degree; amending s. 812.015, F.S.; increasing  
 7           threshold amounts for certain theft offenses; revising  
 8           circumstances under which an offense of retail theft  
 9           by a person with a prior conviction of retail theft  
 10          constitutes a felony of the second degree; amending s.  
 11          921.0022, F.S.; conforming provisions of the offense  
 12          severity ranking chart of the Criminal Punishment Code  
 13          to changes made by the act; providing an effective  
 14          date.

15  
 16 Be It Enacted by the Legislature of the State of Florida:

17  
 18           Section 1. Paragraphs (c), (d), and (e) of subsection (2)  
 19           and paragraph (c) of subsection (3) of section 812.014, Florida  
 20           Statutes, are amended, and paragraphs s (a) and (b) of  
 21           subsection (3) of that section are republished, to read:

22           812.014 Theft.—  
 23           (2)  
 24           (c) It is grand theft of the third degree and a felony of  
 25           the third degree, punishable as provided in s. 775.082, s.

26 | 775.083, or s. 775.084, if the property stolen is:

27 |       1. Valued at \$1,000 ~~\$300~~ or more, but less than \$5,000.

28 |       2. Valued at \$5,000 or more, but less than \$10,000.

29 |       3. Valued at \$10,000 or more, but less than \$20,000.

30 |       ~~4. A will, codicil, or other testamentary instrument.~~

31 |       4.5. A firearm.

32 |       ~~5.6.~~ A motor vehicle, except as provided in paragraph (a).

33 |       ~~6.7.~~ Any commercially farmed animal, including any animal

34 | of the equine, avian, bovine, or swine class or other grazing

35 | animal; a bee colony of a registered beekeeper; and aquaculture

36 | species raised at a certified aquaculture facility. If the

37 | property stolen is a commercially farmed animal, including an

38 | animal of the equine, avian, bovine, or swine class or other

39 | grazing animal; a bee colony of a registered beekeeper; or an

40 | aquaculture species raised at a certified aquaculture facility,

41 | a \$10,000 fine shall be imposed.

42 |       ~~8. Any fire extinguisher.~~

43 |       ~~7.9.~~ Any amount of citrus fruit consisting of 2,000 or

44 | more individual pieces of fruit.

45 |       ~~10. Taken from a designated construction site identified~~

46 | ~~by the posting of a sign as provided for in s. 810.09(2)(d).~~

47 |       ~~11. Any stop sign.~~

48 |       ~~8.12.~~ Anhydrous ammonia.

49 |       ~~9.13.~~ Any amount of a controlled substance as defined in

50 | s. 893.02. Notwithstanding any other law, separate judgments and

51 sentences for theft of a controlled substance under this  
52 subparagraph and for any applicable possession of controlled  
53 substance offense under s. 893.13 or trafficking in controlled  
54 substance offense under s. 893.135 may be imposed when all such  
55 offenses involve the same amount or amounts of a controlled  
56 substance.

57 10. A utility service under s. 812.14.

58  
59 However, if the property is stolen within a county that is  
60 subject to a state of emergency declared by the Governor under  
61 chapter 252, the property is stolen after the declaration of  
62 emergency is made, and the perpetration of the theft is  
63 facilitated by conditions arising from the emergency, the  
64 offender commits a felony of the second degree, punishable as  
65 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
66 property is valued at \$5,000 or more, but less than \$10,000, as  
67 provided under subparagraph 2., or if the property is valued at  
68 \$10,000 or more, but less than \$20,000, as provided under  
69 subparagraph 3. As used in this paragraph, the term "conditions  
70 arising from the emergency" means civil unrest, power outages,  
71 curfews, voluntary or mandatory evacuations, or a reduction in  
72 the presence of or the response time for first responders or  
73 homeland security personnel. For purposes of sentencing under  
74 chapter 921, a felony offense that is reclassified under this  
75 paragraph is ranked one level above the ranking under s.

76 | 921.0022 or s. 921.0023 of the offense committed.

77 | (d) It is grand theft of the third degree and a felony of  
 78 | the third degree, punishable as provided in s. 775.082, s.  
 79 | 775.083, or s. 775.084, if the property stolen is valued at  
 80 | \$1,000 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken  
 81 | from a dwelling as defined in s. 810.011(2) or from the  
 82 | unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

83 | (e) Except as provided in paragraph (d), if the property  
 84 | stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,000  
 85 | ~~\$300~~, the offender commits petit theft of the first degree,  
 86 | punishable as a misdemeanor of the first degree, as provided in  
 87 | s. 775.082 or s. 775.083.

88 | (3) (a) Theft of any property not specified in subsection  
 89 | (2) is petit theft of the second degree and a misdemeanor of the  
 90 | second degree, punishable as provided in s. 775.082 or s.  
 91 | 775.083, and as provided in subsection (5), as applicable.

92 | (b) A person who commits petit theft and who has  
 93 | previously been convicted of any theft commits a misdemeanor of  
 94 | the first degree, punishable as provided in s. 775.082 or s.  
 95 | 775.083.

96 | (c) A person who commits petit theft in the first degree,  
 97 | ~~and~~ who has previously been convicted two or more times as an  
 98 | adult of any theft, and if the third or subsequent petit theft  
 99 | offense occurred within 3 years of the expiration of his or her  
 100 | sentence for the most recent theft conviction, commits a felony

101 of the third degree, punishable as provided in s. 775.082 or s.  
 102 775.083.

103 Section 2. Subsections (8) and (9) of section 812.015,  
 104 Florida Statutes, are amended to read:

105 812.015 Retail and farm theft; transit fare evasion;  
 106 mandatory fine; alternative punishment; detention and arrest;  
 107 exemption from liability for false arrest; resisting arrest;  
 108 penalties.—

109 (8) Except as provided in subsection (9), a person who  
 110 commits retail theft commits a felony of the third degree,  
 111 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 112 if the property stolen is valued at \$1,000 ~~\$300~~ or more, and the  
 113 person:

114 (a) Individually, or in concert with one or more other  
 115 persons, coordinates the activities of one or more individuals  
 116 in committing the offense, in which case the amount of each  
 117 individual theft is aggregated to determine the value of the  
 118 property stolen;

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

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

126 | efforts to carry out the offense; or

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

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

134 |       (a) Violates subsection (8) as an adult and has previously  
 135 | been convicted of a violation of subsection (8) within 3 years  
 136 | of the expiration of his or her sentence for the conviction; or

137 |       (b) Individually, or in concert with one or more other  
 138 | persons, coordinates the activities of one or more persons in  
 139 | committing the offense of retail theft where the stolen property  
 140 | has a value in excess of \$3,000.

141 |       Section 3. Paragraphs (b) and (f) of subsection (3) of  
 142 | section 921.0022, Florida Statutes, are amended to read:

143 |       921.0022 Criminal Punishment Code; offense severity  
 144 | ranking chart.—

145 |       (3) OFFENSE SEVERITY RANKING CHART

146 |       (b) LEVEL 2

147 |

Florida	Felony	
Statute	Degree	Description

148 |

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149	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
150	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
151	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
152	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
153	590.28 (1)	3rd	Intentional burning of lands.
	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

154	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
155	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
156	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
157	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
158	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; <u>\$1,000</u> <del>\$300</del> or more but less than \$5,000.
159	812.014 (2) (d)	3rd	Grand theft, 3rd degree; <u>\$1,000</u> <del>\$100</del> or more but less than



\$5,000 ~~\$300~~, taken from  
unenclosed curtilage of  
dwelling.

160

812.015(7) 3rd Possession, use, or attempted  
use of an antishoplifting or  
inventory control device  
countermeasure.

161

817.234(1)(a)2. 3rd False statement in support of  
insurance claim.

162

817.481(3)(a) 3rd Obtain credit or purchase with  
false, expired, counterfeit,  
etc., credit card, value over  
\$300.

163

817.52(3) 3rd Failure to redeliver hired  
vehicle.

164

817.54 3rd With intent to defraud, obtain  
mortgage note, etc., by false  
representation.

165

817.60(5) 3rd Dealing in credit cards of

another.

166

817.60 (6) (a) 3rd Forgery; purchase goods,  
services with false card.

167

817.61 3rd Fraudulent use of credit cards  
over \$100 or more within 6  
months.

168

826.04 3rd Knowingly marries or has sexual  
intercourse with person to whom  
related.

169

831.01 3rd Forgery.

170

831.02 3rd Uttering forged instrument;  
utters or publishes alteration  
with intent to defraud.

171

831.07 3rd Forging bank bills, checks,  
drafts, or promissory notes.

172

831.08 3rd Possessing 10 or more forged  
notes, bills, checks, or  
drafts.

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173	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
174	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
175	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
176	843.08	3rd	False personation.
177	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs other than cannabis.
178	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
179			
180	(f) LEVEL 6		

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181	Florida	Felony	Description
182	Statute	Degree	Description
182	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
183	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
184	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
185	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
186	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
187	499.0051 (4)	2nd	Knowing sale or transfer of

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prescription drug to  
unauthorized person.

188

775.0875 (1) 3rd Taking firearm from law  
enforcement officer.

189

784.021 (1) (a) 3rd Aggravated assault; deadly  
weapon without intent to kill.

190

784.021 (1) (b) 3rd Aggravated assault; intent to  
commit felony.

191

784.041 3rd Felony battery; domestic  
battery by strangulation.

192

784.048 (3) 3rd Aggravated stalking; credible  
threat.

193

784.048 (5) 3rd Aggravated stalking of person  
under 16.

194

784.07 (2) (c) 2nd Aggravated assault on law  
enforcement officer.

195

784.074 (1) (b) 2nd Aggravated assault on sexually

violent predators facility  
staff.

196

784.08 (2) (b) 2nd Aggravated assault on a person  
65 years of age or older.

197

784.081 (2) 2nd Aggravated assault on specified  
official or employee.

198

784.082 (2) 2nd Aggravated assault by detained  
person on visitor or other  
detainee.

199

784.083 (2) 2nd Aggravated assault on code  
inspector.

200

787.02 (2) 3rd False imprisonment; restraining  
with purpose other than those  
in s. 787.01.

201

790.115 (2) (d) 2nd Discharging firearm or weapon  
on school property.

202

790.161 (2) 2nd Make, possess, or throw  
destructive device with intent

to do bodily harm or damage  
property.

203

790.164 (1)                      2nd      False report concerning bomb,  
explosive, weapon of mass  
destruction, act of arson or  
violence to state property, or  
use of firearms in violent  
manner.

204

790.19                              2nd      Shooting or throwing deadly  
missiles into dwellings,  
vessels, or vehicles.

205

794.011 (8) (a)                      3rd      Solicitation of minor to  
participate in sexual activity  
by custodial adult.

206

794.05 (1)                              2nd      Unlawful sexual activity with  
specified minor.

207

800.04 (5) (d)                      3rd      Lewd or lascivious molestation;  
victim 12 years of age or older  
but less than 16 years of age;  
offender less than 18 years.

208	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
209	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
210	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
211	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
212	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
213	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
214	812.015 (9) (a)	2nd	Retail theft; property stolen



\$1,000 ~~\$300~~ or more; second or subsequent adult conviction in specified period.

215	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
216	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
217	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
218	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
219	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
220	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
221	825.1025 (3)	3rd	Lewd or lascivious molestation

of an elderly person or  
disabled adult.

222

825.103 (3) (c) 3rd Exploiting an elderly person or  
disabled adult and property is  
valued at less than \$10,000.

223

827.03 (2) (c) 3rd Abuse of a child.

224

827.03 (2) (d) 3rd Neglect of a child.

225

827.071 (2) & (3) 2nd Use or induce a child in a  
sexual performance, or promote  
or direct such performance.

226

836.05 2nd Threats; extortion.

227

836.10 2nd Written threats to kill, do  
bodily injury, or conduct a  
mass shooting or an act of  
terrorism.

228

843.12 3rd Aids or assists person to  
escape.

229

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230	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
231	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
232	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
233	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
234	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.
	944.40	2nd	Escapes.

235  
236  
237  
238  
239

944.46 3rd Harboring, concealing, aiding  
escaped prisoners.

944.47(1)(a)5. 2nd Introduction of contraband  
(firearm, weapon, or explosive)  
into correctional facility.

951.22(1) 3rd Intoxicating drug, firearm, or  
weapon introduced into county  
facility.

Section 4. This act shall take effect July 1, 2019.