

By Senator Boyd

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1                   A bill to be entitled  
2           An act relating to retail theft; amending s. 812.015,  
3           F.S.; prohibiting certain retail theft at multiple  
4           locations within a specified timeframe; providing  
5           exceptions; providing criminal penalties; amending s.  
6           921.0022, F.S.; ranking offenses for purposes of the  
7           offense severity ranking chart of the Criminal  
8           Punishment Code; providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Subsections (8) and (9) of section 812.015,  
13   Florida Statutes, are amended to read:

14           812.015 Retail and farm theft; transit fare evasion;  
15   mandatory fine; alternative punishment; detention and arrest;  
16   exemption from liability for false arrest; resisting arrest;  
17   penalties.—

18           (8) Except as provided in subsection (9), a person who  
19   commits retail theft commits a felony of the third degree,  
20   punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
21   if ~~the property stolen is valued at \$750 or more, and the~~  
22   person:

23           (a) Individually ~~commits retail theft~~, or in concert with  
24   one or more other persons, coordinates the activities of one or  
25   more individuals in committing the offense, which may occur  
26   through multiple acts of retail theft, in which the amount of  
27   each individual theft is aggregated within a 30-day period to  
28   determine the value of the property stolen and such value is  
29   \$750 or more;

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30 (b) Conspires with another person to commit retail theft  
31 with the intent to sell the stolen property for monetary or  
32 other gain, and subsequently takes or causes such property to be  
33 placed in the control of another person in exchange for  
34 consideration, in which the stolen property taken or placed  
35 within a 30-day period is aggregated to determine the value of  
36 the stolen property and such value is \$750 or more;

37 (c) Individually, or in concert with one or more other  
38 persons, commits theft from more than one location within a 30-  
39 day period, in which the amount of each individual theft is  
40 aggregated to determine the value of the property stolen and  
41 such value is \$750 or more;

42 (d) Acts in concert with one or more other individuals  
43 within one or more establishments to distract the merchant,  
44 merchant's employee, or law enforcement officer in order to  
45 carry out the offense, or acts in other ways to coordinate  
46 efforts to carry out the offense and such value is \$750 or more;  
47 ~~or~~

48 (e) Commits the offense through the purchase of merchandise  
49 in a package or box that contains merchandise other than, or in  
50 addition to, the merchandise purported to be contained in the  
51 package or box and such value is \$750 or more; or

52 (f) Individually, or in concert with one or more other  
53 persons, commits five or more retail thefts within a 30-day  
54 period and in committing such thefts obtains or uses 10 or more  
55 items of merchandise, and the number of items stolen during each  
56 theft is aggregated within the 30-day period to determine the  
57 total number of items stolen, regardless of the value of such  
58 merchandise, and two or more of the thefts occur at different

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59 physical merchant locations. A person's theft of one or more  
60 food items with the intent to consume such items for the  
61 sustenance of himself or herself or another person under his or  
62 her care is not a theft violation for purposes of this  
63 paragraph.

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

67 (a) Violates subsection (8) and has previously been  
68 convicted of a violation of subsection (8) or of this  
69 subsection;

70 (b) Individually, or in concert with one or more other  
71 persons, coordinates the activities of one or more persons in  
72 committing the offense of retail theft, in which the amount of  
73 each individual theft within a 30-day period is aggregated to  
74 determine the value of the stolen property and such value is in  
75 excess of \$3,000; ~~or~~

76 (c) Conspires with another person to commit retail theft  
77 with the intent to sell the stolen property for monetary or  
78 other gain, and subsequently takes or causes such property to be  
79 placed in control of another person in exchange for  
80 consideration, in which the stolen property taken or placed  
81 within a 30-day period is aggregated to have a value in excess  
82 of \$3,000; or

83 (d) Individually, or in concert with one or more other  
84 persons, commits five or more retail thefts within a 30-day  
85 period and in committing such thefts obtains or uses 20 or more  
86 items of merchandise, and the number of items stolen during each  
87 theft is aggregated within the 30-day period to determine the

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88 total number of items stolen, regardless of the value of such  
 89 merchandise, and two or more of the thefts occur at a different  
 90 physical retail merchant location. A person's theft of one or  
 91 more food items with the intent to consume such items for the  
 92 sustenance of himself or herself or another person under his or  
 93 her care is not a theft violation for purposes of this  
 94 paragraph.

95 Section 2. Paragraphs (e) and (f) of subsection (3) of  
 96 section 921.0022, Florida Statutes, are amended to read:

97 921.0022 Criminal Punishment Code; offense severity ranking  
 98 chart.-

99 (3) OFFENSE SEVERITY RANKING CHART

100 (e) LEVEL 5

101

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 fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license,

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resulting in death or serious  
bodily injury.

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327.30 (5)                    3rd    Vessel accidents involving  
personal injury; leaving scene.

107

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 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.

108

379.367 (4)                    3rd    Willful molestation of a  
commercial harvester's spiny  
lobster trap, line, or buoy.

109

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110	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
111	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
112	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
113	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
114	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
115	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
116	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
117	790.01(2)	3rd	Carrying a concealed firearm.

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118	790.162	2nd	Threat to throw or discharge destructive device.
119	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
120	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
121	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
122	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
123	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
124	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 structure or

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property.

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812.0145(2)(b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

126

812.015 3rd Retail theft; property stolen (8)(a) & (c)-(e) is valued at \$750 or more and one or more specified acts.

127

812.015(8)(f) 3rd Retail theft; multiple thefts within specified period.

128

812.019(1) 2nd Stolen property; dealing in or trafficking in.

129

812.081(3) 2nd Trafficking in trade secrets.

130

812.131(2)(b) 3rd Robbery by sudden snatching.

131

812.16(2) 3rd Owning, operating, or conducting a chop shop.

132

817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to \$50,000.

133

817.234(11)(b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.



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817.2341(1), 3rd Filing false financial  
 (2) (a) & (3) (a) statements, making false  
 entries of material fact or  
 false statements regarding  
 property values relating to the  
 solvency of an insuring entity.

135

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.

136

817.611(2) (a) 2nd Traffic in or possess 5 to 14  
 counterfeit credit cards or  
 related documents.

137

817.625(2) (b) 2nd Second or subsequent fraudulent  
 use of scanning device,  
 skimming device, or reencoder.

138

825.1025(4) 3rd Lewd or lascivious exhibition  
 in the presence of an elderly  
 person or disabled adult.

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827.071(4)                      2nd      Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

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827.071(5)                      3rd      Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

141

828.12(2)                      3rd      Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

142

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.

143

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

144

847.0135(5)(b)                      2nd      Lewd or lascivious exhibition

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using computer; offender 18  
years or older.

145

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

146

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

147

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

148

874.05(2)(a)               2nd      Encouraging or recruiting  
person under 13 years of age to  
join a criminal gang.

149

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)5.  
drugs).

150

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)6.,

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(2) (c) 7., (2) (c) 8., (2) (c) 9.,  
 (2) (c) 10., (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.

151

893.13(1)(d)1.            1st    Sell, manufacture, or deliver  
 cocaine (or other s.  
 893.03(1)(a), (1)(b), (1)(d),  
 (2)(a), (2)(b), or (2)(c) 5.  
 drugs) within 1,000 feet of  
 university.

152

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) 6.,  
 (2)(c) 7., (2)(c) 8., (2)(c) 9.,  
 (2)(c) 10., (3), or (4) within  
 1,000 feet of property used for  
 religious services or a  
 specified business site.

153

893.13(1)(f)1.            1st    Sell, manufacture, or deliver  
 cocaine (or other s.

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893.03(1)(a), (1)(b), (1)(d),  
 or (2)(a), (2)(b), or (2)(c)5.  
 drugs) within 1,000 feet of  
 public housing facility.

154

893.13(4)(b)                      2nd      Use or hire of minor; deliver  
 to minor other controlled  
 substance.

155

893.1351(1)                      3rd      Ownership, lease, or rental for  
 trafficking in or manufacturing  
 of controlled substance.

156

157                      (f) LEVEL 6

158

Florida	Felony	
Statute	Degree	Description

159

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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160

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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161

400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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168

499.0051 (2)

2nd

Knowing forgery of transaction history, transaction information, or transaction statement.

499.0051 (3)

2nd

Knowing purchase or receipt of prescription drug from unauthorized person.

499.0051 (4)

2nd

Knowing sale or transfer of prescription drug to unauthorized person.

775.0875 (1)

3rd

Taking firearm from law enforcement officer.

784.021 (1) (a)

3rd

Aggravated assault; deadly weapon without intent to kill.

784.021 (1) (b)

3rd

Aggravated assault; intent to commit felony.

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169	784.041	3rd	Felony battery; domestic battery by strangulation.
170	784.048 (3)	3rd	Aggravated stalking; credible threat.
171	784.048 (5)	3rd	Aggravated stalking of person under 16.
172	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
173	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
174	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
175	784.081 (2)	2nd	Aggravated assault on specified official or employee.
	784.082 (2)	2nd	Aggravated assault by detained person on

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176	784.083 (2)	2nd	visitor or other detainee.
177	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
178	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
179	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
180	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.



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181

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

182

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

183

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

184

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.

185

800.04 (6) (b) 2nd Lewd or lascivious  
conduct; offender 18  
years of age or older.

186

806.031 (2) 2nd Arson resulting in  
great bodily harm to  
firefighter or any

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187

other person.

810.02 (3) (c)

2nd

Burglary of occupied structure; unarmed; no assault or battery.

188

810.145 (8) (b)

2nd

Video voyeurism; certain minor victims; 2nd or subsequent offense.

189

812.014 (2) (b) 1.

2nd

Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

190

812.014 (6)

2nd

Theft; property stolen \$3,000 or more; coordination of others.

191

812.015 (9) (a)

2nd

Retail theft; property stolen \$750 or more; second or subsequent conviction.

192

812.015 (9) (b)

2nd

Retail theft; aggregated property

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stolen within 30 days  
is \$3,000 or more;  
coordination of  
others.

193

812.015 (9) (d)

2nd

Retail theft; multiple  
thefts within  
specified period.

194

812.13 (2) (c)

2nd

Robbery, no firearm or  
other weapon (strong-  
arm robbery).

195

817.4821 (5)

2nd

Possess cloning  
paraphernalia with  
intent to create  
cloned cellular  
telephones.

196

817.49 (2) (b) 2.

2nd

Willful making of a  
false report of a  
crime resulting in  
death.

197

817.505 (4) (b)

2nd

Patient brokering; 10  
or more patients.

198

825.102 (1)

3rd

Abuse of an elderly  
person or disabled

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			adult.
825.102 (3) (c)	3rd		Neglect of an elderly person or disabled adult.
825.1025 (3)	3rd		Lewd or lascivious molestation of an elderly person or disabled adult.
825.103 (3) (c)	3rd		Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
827.03 (2) (c)	3rd		Abuse of a child.
827.03 (2) (d)	3rd		Neglect of a child.
827.071 (2) & (3)	2nd		Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd		Threats; extortion.

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	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
207	843.12	3rd	Aids or assists person to escape.
208	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
209	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
210	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
211			

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212	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
213	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.
214	944.40	2nd	Escapes.
215	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
216	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
216	951.22 (1) (i)	3rd	Firearm or weapon introduced into county detention facility.

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Section 3. This act shall take effect October 1, 2022.