

By the Committee on Criminal Justice; and Senators Boyd, Diaz,
and Garcia

591-02276-22

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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 criminal penalties; amending s. 921.0022, F.S.;
6 ranking offenses for purposes of the offense severity
7 ranking chart of the Criminal Punishment Code;
8 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.

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

63 (a) Violates subsection (8) and has previously been
64 convicted of a violation of subsection (8) or of this
65 subsection;

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

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

79 (d) Individually, or in concert with one or more other
80 persons, commits five or more retail thefts within a 30-day
81 period and in committing such thefts obtains or uses 20 or more
82 items of merchandise, and the number of items stolen during each
83 theft is aggregated within the 30-day period to determine the
84 total number of items stolen, regardless of the value of such
85 merchandise, and two or more of the thefts occur at a different
86 physical retail merchant location.

87 Section 2. Paragraphs (e) and (f) of subsection (3) of

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88 section 921.0022, Florida Statutes, are amended to read:

89 921.0022 Criminal Punishment Code; offense severity ranking
 90 chart.—

91 (3) OFFENSE SEVERITY RANKING CHART

92 (e) LEVEL 5

93

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, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone

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104

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

105

440.381(2) 3rd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

106

624.401(4)(b)2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

107

626.902(1)(c) 2nd Representing an unauthorized insurer; repeat offender.

108

790.01(2) 3rd Carrying a concealed firearm.

109

790.162 2nd Threat to throw or discharge destructive device.

110

790.163(1) 2nd False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

111

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112

790.221 (1) 2nd Possession of short-barreled
shotgun or machine gun.

113

790.23 2nd Felons in possession of
firearms, ammunition, or
electronic weapons or devices.

114

796.05 (1) 2nd Live on earnings of a
prostitute; 1st offense.

115

800.04 (6) (c) 3rd Lewd or lascivious conduct;
offender less than 18 years of
age.

116

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

117

806.111 (1) 3rd Possess, manufacture, or
dispense fire bomb with intent
to damage any structure or
property.

118

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

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

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(e)

one or more specified acts.

119

812.015 (8) (f)

3rd

Retail theft; multiple thefts
within specified period.

120

812.019 (1)

2nd

Stolen property; dealing in or
trafficking in.

121

812.081 (3)

2nd

Trafficking in trade secrets.

122

812.131 (2) (b)

3rd

Robbery by sudden snatching.

123

812.16 (2)

3rd

Owning, operating, or
conducting a chop shop.

124

817.034 (4) (a) 2.

2nd

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

125

817.234 (11) (b)

2nd

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

126

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.

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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.

128

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

129

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

130

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

131

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

132

827.071 (5) 3rd Possess, control, or

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

133

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

134

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.

135

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

136

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

137

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

138

847.0138 3rd Transmission of material
 (2) & (3) harmful to minors to a minor by

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electronic device or equipment.

139

874.05 (1) (b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

140

874.05 (2) (a)

2nd

Encouraging or recruiting person under 13 years of age to join a criminal gang.

141

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).

142

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., (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.

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143

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.

144

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.

145

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

146

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

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147

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

148

149 (f) LEVEL 6

150

Florida	Felony	
Statute	Degree	Description

151

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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152

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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153

400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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154

499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
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155

499.0051(3)	2nd	Knowing purchase or
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156

receipt of
prescription drug from
unauthorized person.

499.0051 (4)

2nd

Knowing sale or
transfer of
prescription drug to
unauthorized person.

157

775.0875 (1)

3rd

Taking firearm from
law enforcement
officer.

158

784.021 (1) (a)

3rd

Aggravated assault;
deadly weapon without
intent to kill.

159

784.021 (1) (b)

3rd

Aggravated assault;
intent to commit
felony.

160

784.041

3rd

Felony battery;
domestic battery by
strangulation.

161

784.048 (3)

3rd

Aggravated stalking;
credible threat.

162

784.048 (5)

3rd

Aggravated stalking of

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163

person under 16.

784.07 (2) (c)

2nd

Aggravated assault on law enforcement officer.

164

784.074 (1) (b)

2nd

Aggravated assault on sexually violent predators facility staff.

165

784.08 (2) (b)

2nd

Aggravated assault on a person 65 years of age or older.

166

784.081 (2)

2nd

Aggravated assault on specified official or employee.

167

784.082 (2)

2nd

Aggravated assault by detained person on visitor or other detainee.

168

784.083 (2)

2nd

Aggravated assault on code inspector.

169

787.02 (2)

3rd

False imprisonment; restraining with

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170

purpose other than those in s. 787.01.

790.115 (2) (d)

2nd

Discharging firearm or weapon on school property.

171

790.161 (2)

2nd

Make, possess, or throw destructive device with intent to do bodily harm or damage property.

172

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.

173

790.19

2nd

Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

174

794.011 (8) (a)

3rd

Solicitation of minor to participate in

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			sexual activity by custodial adult.
175	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
176	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.
177	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
178	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
179	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
180	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims;

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181

2nd or subsequent
offense.

812.014 (2) (b) 1.

2nd

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

182

812.014 (6)

2nd

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

183

812.015 (9) (a)

2nd

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

184

812.015 (9) (b)

2nd

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

185

812.015 (9) (d)

2nd

Retail theft; multiple
thefts within
specified period.

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186

812.13 (2) (c)

2nd

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

187

817.4821 (5)

2nd

Possess cloning paraphernalia with intent to create cloned cellular telephones.

188

817.49 (2) (b) 2.

2nd

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

189

817.505 (4) (b)

2nd

Patient brokering; 10 or more patients.

190

825.102 (1)

3rd

Abuse of an elderly person or disabled adult.

191

825.102 (3) (c)

3rd

Neglect of an elderly person or disabled adult.

192

825.1025 (3)

3rd

Lewd or lascivious molestation of an

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193

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.

194

827.03 (2) (c)

3rd

Abuse of a child.

195

827.03 (2) (d)

3rd

Neglect of a child.

196

827.071 (2) & (3)

2nd

Use or induce a child
in a sexual
performance, or
promote or direct such
performance.

197

836.05

2nd

Threats; extortion.

198

836.10

2nd

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

199

843.12

3rd

Aids or assists person

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200

847.011

3rd

to escape.

Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

201

847.012

3rd

Knowingly using a minor in the production of materials harmful to minors.

202

847.0135 (2)

3rd

Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

203

914.23

2nd

Retaliation against a witness, victim, or informant, with bodily injury.

204

944.35 (3) (a) 2.

3rd

Committing malicious battery upon or inflicting cruel or

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inhuman treatment on
 an inmate or offender
 on community
 supervision, resulting
 in great bodily harm.

205

944.40

2nd

Escapes.

206

944.46

3rd

Harboring, concealing,
 aiding escaped
 prisoners.

207

944.47 (1) (a) 5.

2nd

Introduction of
 contraband (firearm,
 weapon, or explosive)
 into correctional
 facility.

208

951.22 (1) (i)

3rd

Firearm or weapon
 introduced into county
 detention facility.

209

210

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