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1
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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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.

100

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

101

379.407(5)(b)3. 3rd Possession of 100 or more
undersized spiny lobsters.

102

381.0041(11)(b) 3rd Donate blood, plasma, or organs
knowing HIV positive.

103

440.10(1)(g) 2nd Failure to obtain workers'
compensation coverage.

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

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119	(e)		one or more specified acts.
	<u>812.015(8)(f)</u>	<u>3rd</u>	<u>Retail theft; multiple thefts</u> <u>within specified period.</u>
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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128	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.
129	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
130	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
131	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
132	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
	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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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.
152			
	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
153			
	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
154			
	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
155			
	499.0051(3)	2nd	Knowing purchase or

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156	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

784.07 (2) (c)

2nd

person under 16.

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	790.115 (2) (d)	2nd	purpose other than those in s. 787.01.
171	790.161 (2)	2nd	Discharging firearm or weapon on school property.
172	790.164 (1)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
173	790.19	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.
174	794.011 (8) (a)	3rd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
			Solicitation of minor to participate in

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175			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

812.014 (2) (b) 1.

2nd

2nd or subsequent
offense.

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.
193	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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205			inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
206	944.40	2nd	Escapes.
207	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
208	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
209	951.22 (1) (i)	3rd	Firearm or weapon introduced into county detention facility.
210	Section 3. This act shall take effect October 1, 2022.		