

By Senator Ingoglia

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1                   A bill to be entitled  
2       An act relating to retail theft; amending s. 812.015,  
3       F.S.; defining the term "social media platform";  
4       revising the minimum number of thefts required within  
5       a specified aggregation period required to commit a  
6       specified violation for retail theft; prohibiting a  
7       person from committing retail theft with a specified  
8       number of other persons for a specified purpose;  
9       providing criminal penalties; revising the number of  
10      thefts required within a specified aggregation period  
11      required to commit a specified violation for retail  
12      theft; prohibiting a person from committing retail  
13      theft with a specific number of other persons for a  
14      specified purpose when such person uses a social media  
15      platform to solicit the participation of other  
16      persons; providing criminal penalties; requiring a  
17      court to order a person convicted of retail theft to  
18      pay specified restitution; amending s. 784.07, F.S.;  
19      correcting a cross-reference; amending s. 921.0022,  
20      F.S.; ranking offenses on the offense severity ranking  
21      chart of the Criminal Punishment Code; providing an  
22      effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Present subsection (11) of section 812.015,  
27       Florida Statutes, is renumbered as subsection (12), subsection  
28       (1) is amended, paragraphs (e) and (f) of subsection (8) and  
29       paragraphs (c) and (d) of subsection (9) are amended, paragraph

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30 (g) is added to subsection (8) and paragraph (e) is added to  
31 subsection (9), and a new subsection (11) is added to that  
32 section, to read:

33 812.015 Retail and farm theft; transit fare evasion;  
34 mandatory fine; alternative punishment; detention and arrest;  
35 exemption from liability for false arrest; resisting arrest;  
36 penalties.—

37 (1) As used in this section, the term:

38 (g)~~(a)~~ "Merchandise" means any personal property, capable  
39 of manual delivery, displayed, held, or offered for retail sale  
40 by a merchant.

41 (h)~~(b)~~ "Merchant" means an owner or operator, or the agent,  
42 consignee, employee, lessee, or officer of an owner or operator,  
43 of any premises or apparatus used for retail purchase or sale of  
44 any merchandise.

45 (n)~~(e)~~ "Value of merchandise" means the sale price of the  
46 merchandise at the time it was stolen or otherwise removed,  
47 depriving the owner of her or his lawful right to ownership and  
48 sale of said item.

49 (i)~~(d)~~ "Retail theft" means the taking possession of or  
50 carrying away of merchandise, property, money, or negotiable  
51 documents; altering or removing a label, universal product code,  
52 or price tag; transferring merchandise from one container to  
53 another; or removing a shopping cart, with intent to deprive the  
54 merchant of possession, use, benefit, or full retail value.

55 (d)~~(e)~~ "Farm produce" means livestock or any item grown,  
56 produced, or manufactured by a person owning, renting, or  
57 leasing land for the purpose of growing, producing, or  
58 manufacturing items for sale or personal use, either part time

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59 or full time.

60 (c)~~(f)~~ "Farmer" means a person who is engaging in the  
61 growing or producing of farm produce, milk products, honey,  
62 eggs, or meat, either part time or full time, for personal  
63 consumption or for sale and who is the owner or lessee of the  
64 land or a person designated in writing by the owner or lessee to  
65 act as her or his agent. No person defined as a farm labor  
66 contractor pursuant to s. 450.28 shall be designated to act as  
67 an agent for purposes of this section.

68 (e)~~(g)~~ "Farm theft" means the unlawful taking possession of  
69 any items that are grown or produced on land owned, rented, or  
70 leased by another person. The term includes the unlawful taking  
71 possession of equipment and associated materials used to grow or  
72 produce farm products as defined in s. 823.14(3)(e).

73 (a)~~(h)~~ "Antishoplifting or inventory control device" means  
74 a mechanism or other device designed and operated for the  
75 purpose of detecting the removal from a mercantile establishment  
76 or similar enclosure, or from a protected area within such an  
77 enclosure, of specially marked or tagged merchandise. The term  
78 includes any electronic or digital imaging or any video  
79 recording or other film used for security purposes and the cash  
80 register tape or other record made of the register receipt.

81 (b)~~(i)~~ "Antishoplifting or inventory control device  
82 countermeasure" means any item or device which is designed,  
83 manufactured, modified, or altered to defeat any antishoplifting  
84 or inventory control device.

85 (l)~~(j)~~ "Transit fare evasion" means the unlawful refusal to  
86 pay the appropriate fare for transportation upon a mass transit  
87 vehicle, or to evade the payment of such fare, or to enter any

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88 mass transit vehicle or facility by any door, passageway, or  
 89 gate, except as provided for the entry of fare-paying  
 90 passengers, and shall constitute petit theft as proscribed by  
 91 this chapter.

92 (f) ~~(k)~~ "Mass transit vehicle" means buses, rail cars, or  
 93 fixed-guideway mover systems operated by, or under contract to,  
 94 state agencies, political subdivisions of the state, or  
 95 municipalities for the transportation of fare-paying passengers.

96 (k) ~~(l)~~ "Transit agency" means any state agency, political  
 97 subdivision of the state, or municipality which operates mass  
 98 transit vehicles.

99 (m) "Trespass" means the violation as described in s.  
 100 810.08.

101 (j) "Social media platform" has the same meaning as in s.  
 102 501.2041(1).

103 (8) Except as provided in subsection (9), a person who  
 104 commits retail theft commits a felony of the third degree,  
 105 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 106 if the person:

107 (e) Commits the offense through the purchase of merchandise  
 108 in a package or box that contains merchandise other than, or in  
 109 addition to, the merchandise purported to be contained in the  
 110 package or box and such value is \$750 or more; ~~or~~

111 (f) Individually, or in concert with 1 or more other  
 112 persons, commits 3 ~~5~~ or more retail thefts within a 365-day ~~30-~~  
 113 ~~day~~ period and in committing such thefts obtains or uses 10 or  
 114 more items of merchandise, and the number of items stolen during  
 115 each theft is aggregated within the 365-day ~~30-day~~ period to  
 116 determine the total number of items stolen, regardless of the

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117 value of such merchandise, and 2 or more of the thefts occur at  
118 different physical merchant locations; or

119 (g) Acts in concert with five or more other persons within  
120 one or more establishments for the purpose of overwhelming the  
121 response of a merchant, a merchant's employee, or a law  
122 enforcement officer in order to carry out the offense or avoid  
123 detection or apprehension for the offense.

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

127 (c) Conspires with another person to commit retail theft  
128 with the intent to sell the stolen property for monetary or  
129 other gain, and subsequently takes or causes such property to be  
130 placed in control of another person in exchange for  
131 consideration, in which the stolen property taken or placed  
132 within a 30-day period is aggregated to have a value in excess  
133 of \$3,000; ~~or~~

134 (d) Individually, or in concert with 1 or more other  
135 persons, commits 3 ~~5~~ or more retail thefts within a 365-day ~~30-~~  
136 ~~day~~ period and in committing such thefts obtains or uses 20 or  
137 more items of merchandise, and the number of items stolen during  
138 each theft is aggregated within the 365-day ~~30-day~~ period to  
139 determine the total number of items stolen, regardless of the  
140 value of such merchandise, and 2 or more of the thefts occur at  
141 a different physical retail merchant location; or

142 (e) Acts in concert with five or more other persons within  
143 one or more establishments for the purpose of overwhelming the  
144 response of a merchant, a merchant's employee, or a law  
145 enforcement officer in order to carry out the offense or avoid

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146 detection or apprehension for the offense and, in the course of  
 147 organizing or committing the offense, solicits the participation  
 148 of another person in the offense through the use of a social  
 149 media platform.

150 (11) A court must order a person convicted of violating  
 151 this section to pay restitution, which must include the value of  
 152 merchandise that was damaged or stolen and the cost of repairing  
 153 or replacing any other property that was damaged in the course  
 154 of committing the offense.

155 Section 2. Paragraph (f) of subsection (1) of section  
 156 784.07, Florida Statutes, is amended to read:

157 784.07 Assault or battery of law enforcement officers and  
 158 other specified personnel; reclassification of offenses; minimum  
 159 sentences.—

160 (1) As used in this section, the term:

161 (f) "Public transit employees or agents" means bus  
 162 operators, train operators, revenue collectors, security  
 163 personnel, equipment maintenance personnel, or field  
 164 supervisors, who are employees or agents of a transit agency as  
 165 described in s. 812.015(1) ~~s. 812.015(1)(1)~~.

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

168 921.0022 Criminal Punishment Code; offense severity ranking  
 169 chart.—

170 (3) OFFENSE SEVERITY RANKING CHART

171 (e) LEVEL 5

172

Florida	Felony	Description
Statute	Degree	

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173

316.027(2) (a) 3rd Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.

174

316.1935(4) (a) 2nd Aggravated fleeing or eluding.

175

316.80(2) 2nd Unlawful conveyance of fuel; obtaining fuel fraudulently.

176

322.34(6) 3rd Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

177

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

178

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,

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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.

179

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

180

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

181

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

182

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

183

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

184

440.381(2) 3rd Submission of false, misleading, or incomplete information with the purpose of



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193	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
194	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
195	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
196	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
197	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
198	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
199	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
	<u>812.015 (8) (g)</u>	<u>3rd</u>	<u>Retail theft; committed with specified number of other</u>

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persons.

200

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

201

812.081(3) 2nd Trafficking in trade secrets.

202

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

203

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

204

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

205

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

206

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.

207

817.568(2)(b) 2nd Fraudulent use of personal identification information; value of benefit, services

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received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

208

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

209

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

210

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

211

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

212

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

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213

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

214

836.14 (4) 2nd Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.

215

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.

216

843.01 (1) 3rd Resist officer with violence to person; resist arrest with violence.

217

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

218

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

219

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847.0138  
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by electronic device or equipment.

220

874.05(1)(b)

2nd

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

221

874.05(2)(a)

2nd

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

222

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).

223

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

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recreational facility or  
community center.

224

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.

225

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.

226

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.

227

893.13(4)(b)                2nd    Use or hire of minor; deliver

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to minor other controlled  
substance.

228

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

229

230                    (f) LEVEL 6

231

Florida Statute	Felony Degree	Description
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232

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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233

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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234

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

235

499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
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236

499.0051(3)	2nd	Knowing purchase or receipt of
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prescription drug from  
unauthorized person.

237

499.0051 (4)                      2nd      Knowing sale or transfer of  
prescription drug to  
unauthorized person.

238

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

239

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

240

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

241

784.041                              3rd      Felony battery; domestic  
battery by strangulation.

242

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

243

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

244

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

245

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

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violent predators facility  
staff.

246

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

247

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

248

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

249

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

250

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

251

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

252

790.161 (2)                    2nd    Make, possess, or throw  
destructive device with intent  
to do bodily harm or damage  
property.

253

790.164 (1)                    2nd    False report concerning bomb,



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260

810.02 (3) (c) 2nd Burglary of occupied structure;  
unarmed; no assault or battery.

261

810.145 (8) (b) 2nd Video voyeurism; certain minor  
victims; 2nd or subsequent  
offense.

262

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or  
more, but less than \$100,000,  
grand theft in 2nd degree.

263

812.014 (2) (c) 5. 3rd Grand theft; third degree;  
firearm.

264

812.014 (6) 2nd Theft; property stolen \$3,000  
or more; coordination of  
others.

265

812.015 (9) (a) 2nd Retail theft; property stolen  
\$750 or more; second or  
subsequent conviction.

266

812.015 (9) (b) 2nd Retail theft; aggregated  
property stolen within 30 days  
is \$3,000 or more; coordination  
of others.

267

812.015 (9) (d) 2nd Retail theft; multiple thefts

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within specified period.

268

812.015 (9) (e)                      2nd      Retail theft; committed with  
specified number of other  
persons and use of social media  
platform.

269

812.13 (2) (c)                      2nd      Robbery, no firearm or other  
 weapon (strong-arm robbery).

270

817.4821 (5)                      2nd      Possess cloning paraphernalia  
 with intent to create cloned  
 cellular telephones.

271

817.49 (2) (b) 2.                      2nd      Willful making of a false  
 report of a crime resulting in  
 death.

272

817.505 (4) (b)                      2nd      Patient brokering; 10 or more  
 patients.

273

817.5695 (3) (b)                      2nd      Exploitation of person 65 years  
 of age or older, value \$10,000  
 or more, but less than \$50,000.

274

825.102 (1)                      3rd      Abuse of an elderly person or  
 disabled adult.

275

825.102 (3) (c)                      3rd      Neglect of an elderly person or

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disabled adult.

276

825.1025(3)

3rd

Lewd or lascivious molestation of an elderly person or disabled adult.

277

825.103(3)(c)

3rd

Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

278

827.03(2)(c)

3rd

Abuse of a child.

279

827.03(2)(d)

3rd

Neglect of a child.

280

827.071(2) & (3)

2nd

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

281

828.126(3)

3rd

Sexual activities involving animals.

282

836.05

2nd

Threats; extortion.

283

836.10

2nd

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

284

843.12

3rd

Aids or assists person to

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escape.

285

847.011

3rd

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

286

847.012

3rd

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

287

847.0135(2)

3rd

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

288

893.131

2nd

Distribution of controlled substances resulting in overdose or serious bodily injury.

289

914.23

2nd

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

290

918.13(2)(b)

2nd

Tampering with or fabricating physical evidence relating to a capital felony.

291

944.35(3)(a)2.

3rd

Committing malicious battery

