

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;

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
 49 | merchandise in a package or box that contains merchandise other
 50 | than, or in addition to, the merchandise purported to be

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51 contained in the package or box and such value is \$750 or more;
52 or

53 (f) Individually, or in concert with one or more other
54 persons, commits five or more retail thefts within a 30-day
55 period and in committing such thefts obtains or uses 10 or more
56 items of merchandise, and the number of items stolen during each
57 theft is aggregated within the 30-day period to determine the
58 total number of items stolen, regardless of the value of such
59 merchandise, and two or more of the thefts occur at different
60 physical merchant locations. A person's theft of one or more
61 food items with the intent to consume such items for the
62 sustenance of himself or herself or another person under his or
63 her care is not a theft violation for purposes of this
64 paragraph.

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

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

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

76 | excess of \$3,000; ~~or~~

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

84 | (d) Individually, or in concert with one or more other
 85 | persons, commits five or more retail thefts within a 30-day
 86 | period and in committing such thefts obtains or uses 20 or more
 87 | items of merchandise, and the number of items stolen during each
 88 | theft is aggregated within the 30-day period to determine the
 89 | total number of items stolen, regardless of the value of such
 90 | merchandise, and two or more of the thefts occur at a different
 91 | physical retail merchant location. A person's theft of one or
 92 | more food items with the intent to consume such items for the
 93 | sustenance of himself or herself or another person under his or
 94 | her care is not a theft violation for purposes of this
 95 | paragraph.

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

98 | 921.0022 Criminal Punishment Code; offense severity
 99 | ranking chart.—

100 | (3) OFFENSE SEVERITY RANKING CHART

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101 102	(e) LEVEL 5	Florida Statute	Felony Degree	Description
103	316.027 (2) (a)		3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
104	316.1935 (4) (a)		2nd	Aggravated fleeing or eluding.
105	316.80 (2)		2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
106	322.34 (6)		3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
107	327.30 (5)		3rd	Vessel accidents involving personal injury; leaving scene.
108	379.365 (2) (c) 1.		3rd	Violation of rules relating to: willful molestation of stone

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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.

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

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125	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
126	812.0145(2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
127	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
128	<u>812.015 (8) (f)</u>	<u>3rd</u>	<u>Retail theft; multiple thefts within specified period.</u>
129	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
130	812.081 (3)	2nd	Trafficking in trade secrets.
131	812.131 (2) (b)	3rd	Robbery by sudden snatching.
132	812.16 (2)	3rd	Owning, operating, or conducting

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a chop shop.

133

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

134

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

135

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

136

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.

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137	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
138	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
139	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
140	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
141	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
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143	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
144	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.
145	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
146	847.0135(5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
147	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
148	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.

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149	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
150	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
151	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).
	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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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.

153

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.

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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.

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155	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
156	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
157			
158	(f) LEVEL 6		
159	Florida Statute	Felony Degree	Description
160	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
161	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
162	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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164	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
165	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
166	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
167	775.0875(1)	3rd	Taking firearm from law enforcement officer.
168	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
169	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
170	784.041	3rd	Felony battery; domestic battery by strangulation.

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171	784.048 (3)	3rd	Aggravated stalking; credible threat.
172	784.048 (5)	3rd	Aggravated stalking of person under 16.
173	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
174	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
175	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
176	784.081 (2)	2nd	Aggravated assault on specified official or employee.
177	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
	784.083 (2)	2nd	Aggravated assault on code inspector.

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178	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
179	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
180	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
181	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.
182	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
183	794.011(8)(a)	3rd	Solicitation of minor to

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participate in sexual activity
by custodial adult.

184

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

185

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.

186

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

187

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

188

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

189

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

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190	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
191	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
192	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
193	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
194	<u>812.015 (9) (d)</u>	<u>2nd</u>	<u>Retail theft; multiple thefts within specified period.</u>
195	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
196	817.4821 (5)	2nd	Possess cloning paraphernalia

with intent to create cloned
cellular telephones.

197

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

198

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

199

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

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

201

825.1025(3) 3rd Lewd or lascivious molestation
of an elderly person or
disabled adult.

202

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

203

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

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204	827.03(2)(d)	3rd	Neglect of a child.
205	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
206	836.05	2nd	Threats; extortion.
207	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
208	843.12	3rd	Aids or assists person to escape.
209	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
210	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.

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211	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
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.
217			

