

HB 1511 – Retail Theft

This bill amends s. 812.015(8), F.S., adding a **Level 5, 3rd degree felony** under the following language: “Individually, or in concert with one or more other persons, commits five or more retail thefts within a 30-day period and in committing such thefts obtains or uses 10 or more items of merchandise, and the number of items stolen during each theft is aggregated within the 30-day period to determine the total number of items stolen, regardless of the value of such merchandise, and two or more of the thefts occur at different physical merchant locations. A person’s theft of one or more food items with the intent to consume such items for the sustenance of himself or herself or another person under his or her care is not a theft violation for purposes of this paragraph.” This bill also amends s. 812.015(9), F.S., adding a **Level 6, 2nd degree felony** under similar language, with the exception being that the threshold to be met is 20 or more items of merchandise. Finally, this bill amends the language under s. 812.015(9)(a), F.S. where violating s. 812.015(8), F.S. after a prior conviction under subsection (8) results in a Level 6, 2nd degree felony, adding that a prior conviction under subsection (9) would also result in the elevated felony when violating subsection (8).

Existing retail theft felonies require that stolen property is worth \$750 or more (over a thirty day period), whereas these new felonies only require a specific number of items stolen (over a thirty day period), with at least two thefts occurring at different physical merchant locations. Retail theft is currently defined as “taking possession of or carrying away of merchandise, property, money, or negotiable documents; altering or removing a label, universal product code, or price tag; transferring merchandise from one container to another; or removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.”

Per DOC, in FY 18-19, there was 40 new commitments for retail theft as it is currently defined. There were 23 new commitments in FY 19-20 and 22 new commitments in FY 20-21. It is not known how many of these offenders committed offenses defined under this new language, nor is it known how many additional offenders there will be that have committed offenses as defined under this language with property valued under the \$750 threshold.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House