

# Five-Year Review of Florida's Felony Theft Threshold Dollar Amounts

Report 24-05

September 2024



# OPPAGA

Office of Program Policy Analysis and Government Accountability

# Scope and Methodology

## SCOPE

As directed by Ch. [2019-167](#), *Laws of Florida*, OPPAGA reviewed statutory threshold dollar amounts for felony thefts (s. [812.014](#), *Florida Statutes*), and retail thefts (s. [812.015](#), *Florida Statutes*), to determine the appropriateness of the threshold amounts. This review includes an examination of (1) prior changes to Florida’s theft threshold amounts; (2) current felony theft threshold amounts in other states; (3) trends related to theft arrests and dispositions in Florida; (4) the effect of inflation on theft thresholds; and (5) options for the Legislature to consider if it wishes to amend the statutory theft threshold amounts.

## METHODOLOGY

This review, to be conducted every five years, used multiple sources of data and information, including the following.



Academic literature and reports from research institutions, governmental agencies, and non-profit organizations



Arrest and case disposition data from the Florida Department of Law Enforcement (FDLE) and national data on arrests from the Federal Bureau of Investigation (FBI)



Theft offense statutes from all 50 states

# Background

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Section [812.014](#), *Florida Statutes*, defines theft as the knowing obtainment or use, or endeavor to obtain or use, of the property of another with intent to, temporarily or permanently

- deprive the other person of a right to the property or a benefit from the property
- appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.
- Statutes also delineate theft types, including the types under review—grand theft, petit theft, retail theft, farm theft, and theft from persons 65 years of age or older.

## Property

- Anything of value, including real, tangible, or intangible property, or services

## Property of Another

- Property individuals cannot infringe upon without consent, regardless of interest

## Services

- Anything of value that results from a person's physical or mental labor or skill or that results from the use, possession, or presence of property

Source: Section [812.012](#), *F.S.*

# Background

Section [812.014](#), *Florida Statutes*, defines two general theft offense categories.

**Petit thefts:** Misdemeanor offenses that are punishable by a term of imprisonment in a county correctional facility, such as a jail, up to one year.<sup>1</sup>



**Grand thefts:** Felony offenses that are punishable by imprisonment in state correctional facilities for a sentence that exceeds one year.

The **felony theft threshold** is the value of the item taken that delineates a misdemeanor versus a felony. Section [812.014](#), *Florida Statutes*, specifies the following offense levels for theft crimes based on value of the taken property. In Florida, the felony theft threshold is \$750.

	Property Value	Offense Level
Petit Theft	Less than \$100	Second Degree Misdemeanor
	\$100 or more, but less than \$750	First Degree Misdemeanor
Grand Theft	\$750 or more, but less than \$20,000	Third Degree Felony
	\$20,000 or more, but less than \$100,000	Second Degree Felony
	\$100,000 or more	First Degree Felony

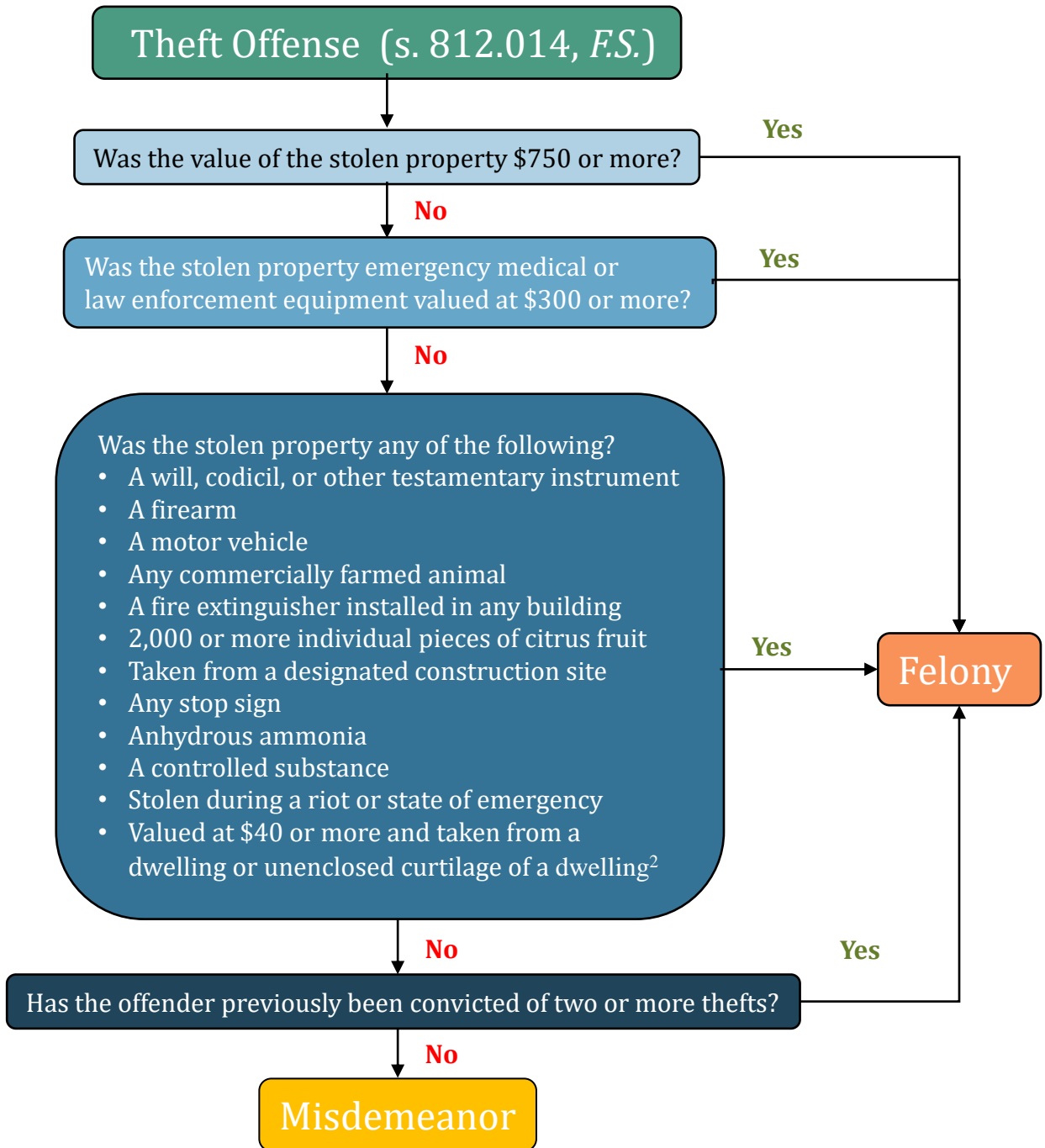
Note: Other factors specified in statute may lower the felony theft threshold. For example, property valued \$40 or more taken from a dwelling or unenclosed curtilage of a dwelling is a felony offense.

Additional non-monetary factors of a theft offense may increase the offense level, including the type of property, type of victim, location of the offense, and criminal history of the offender.

<sup>1</sup> Sections [775.08](#), *F.S.*, and [775.082](#), *F.S.*, define categories of criminal offenses and related sanctions for misdemeanors and felonies. Misdemeanors are divided into two categories (second and first) and felonies are divided into five categories (third, second, first, life, and capital). Additionally, offenders may be sentenced to pay a fine associated with criminal violations as outlined in s. [775.083](#), *F.S.*

# Theft

This flowchart presents the statutory criteria for categorizing a theft offense as a misdemeanor or felony.<sup>1</sup>



<sup>1</sup> For simplicity, this chart does not include offense degrees. The chart represents criteria to be enacted October 1, 2024.

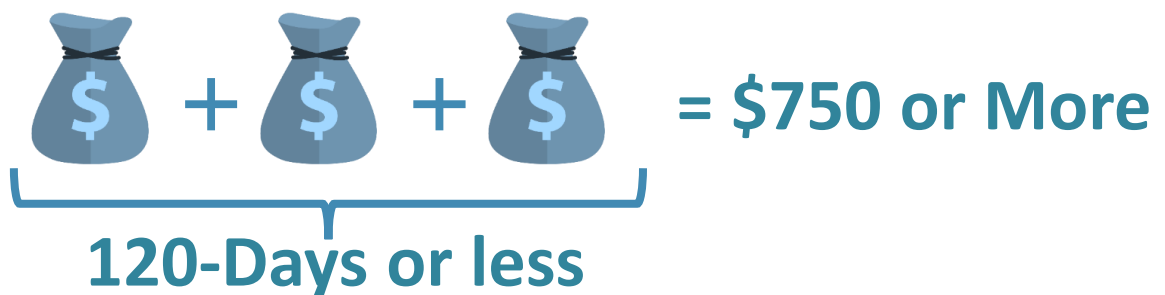
<sup>2</sup> The term unenclosed curtilage means the unenclosed land or grounds, and any outbuildings, that are directly and intimately adjacent to and connected with the dwelling and necessary, convenient, and habitually used in connection with that dwelling.

Source: Section [812.014, F.S.](#)

# Retail Theft

Section [812.015](#), *Florida Statutes*, defines retail theft as the 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. Additionally, this statute specifies the conditions when retail theft is categorized as a felony.<sup>1</sup> Broadly, a retail theft is a felony when multiple thefts occur over a limited period of time or the theft involves multiple individuals working in coordination to commit retail theft.

## Examples of Felony Retail Theft



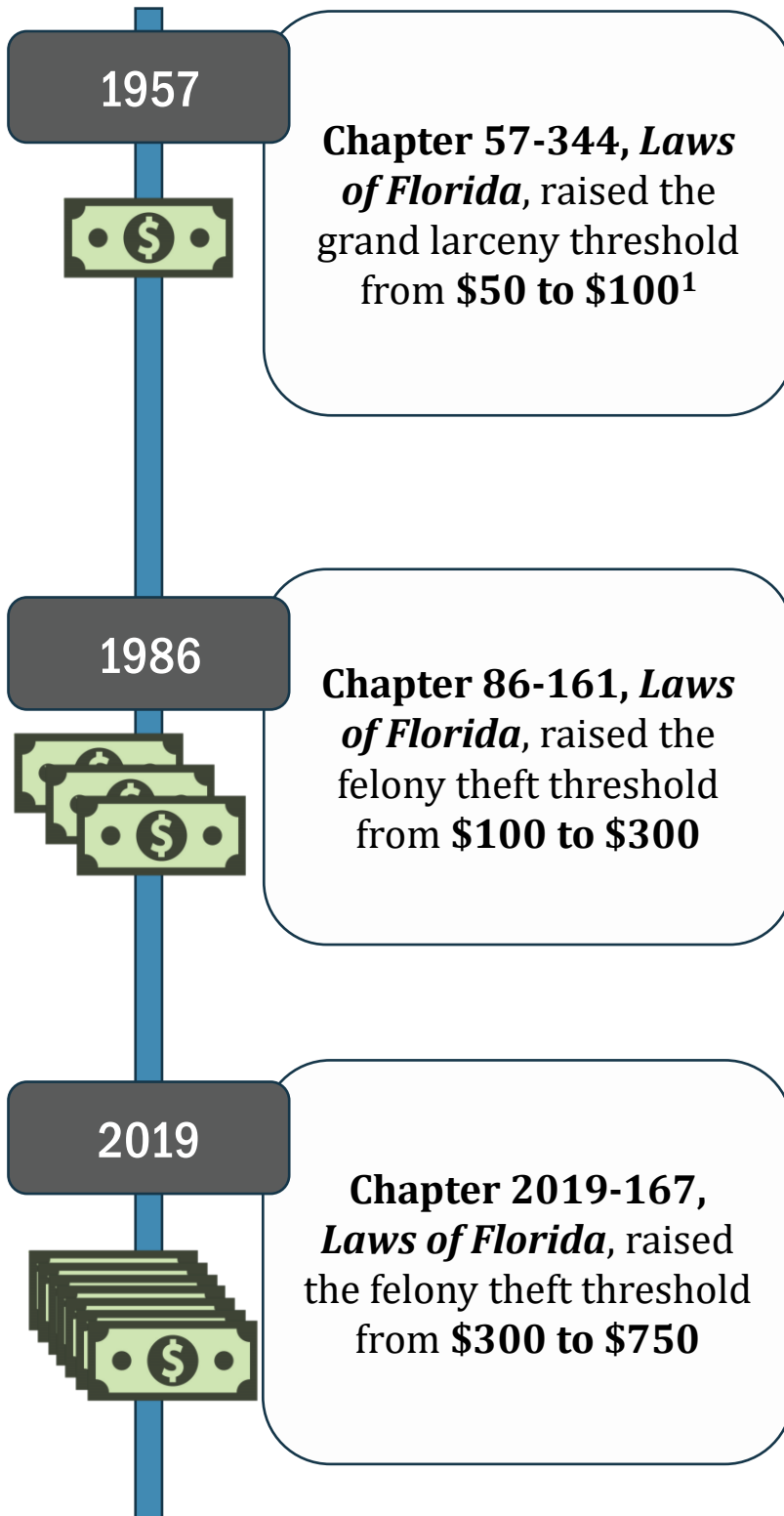
Section 812.015(8)(c), *F.S.*, states that a person who commits retail theft commits a felony of the third degree, if the person individually, or in concert with one or more other persons, commits theft from more than one location within a 120-day period, in which the amount of each individual theft is aggregated to determine the value of the property stolen and such value is \$750 or more.



Section 812.015(8)(d), *F.S.*, states that a person who commits retail theft commits a felony of the third degree, if the person acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense, or acts in other ways to coordinate efforts to carry out the offense and such value is \$750 or more.

<sup>1</sup> There is not a misdemeanor retail theft or shoplifting offense in s. [812.015](#), *F.S.* Individuals who commit theft from a merchant may still be in violation of petit or grand theft in s. [812.014](#), *F.S.*

# Changes in Florida's Felony Theft Threshold Laws: 1957-2019



<sup>1</sup> In 1957, the equivalent to the felony theft threshold was the difference between grand larceny and petit larceny. Grand larceny was punishable by imprisonment in a state correctional facility for up to five years and a fine up to \$1,000. Petit larceny was punishable by imprisonment in a county jail for up to six months and a fine up to \$300.

# Recent Changes in Florida's Felony Theft Threshold Laws

In 2022 and 2024, the Legislature amended the retail theft statute, s. [812.015](#), *Florida Statutes*, expanding the timeframe that retail theft offenses may be grouped together (i.e., aggregated) to reach felony threshold amounts. Additionally, in 2024 the Legislature amended s. [812.014](#), *Florida Statutes*, lowering the felony threshold amount from \$100 to \$40 for thefts where the property stolen was taken from a dwelling or unenclosed curtilage of a dwelling.

2022

**Chapter 2022-192, *Laws of Florida***, amended the retail theft statute, to create new third degree felony and second degree felony retail theft crimes based on multiple retail thefts occurring in a 30-day period in different merchant locations.

Specifically, if an individual, or individuals, commits five or more retail thefts within a 30-day period and in committing such thefts obtains or uses 20 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 a different physical retail merchant location commits a second degree felony.

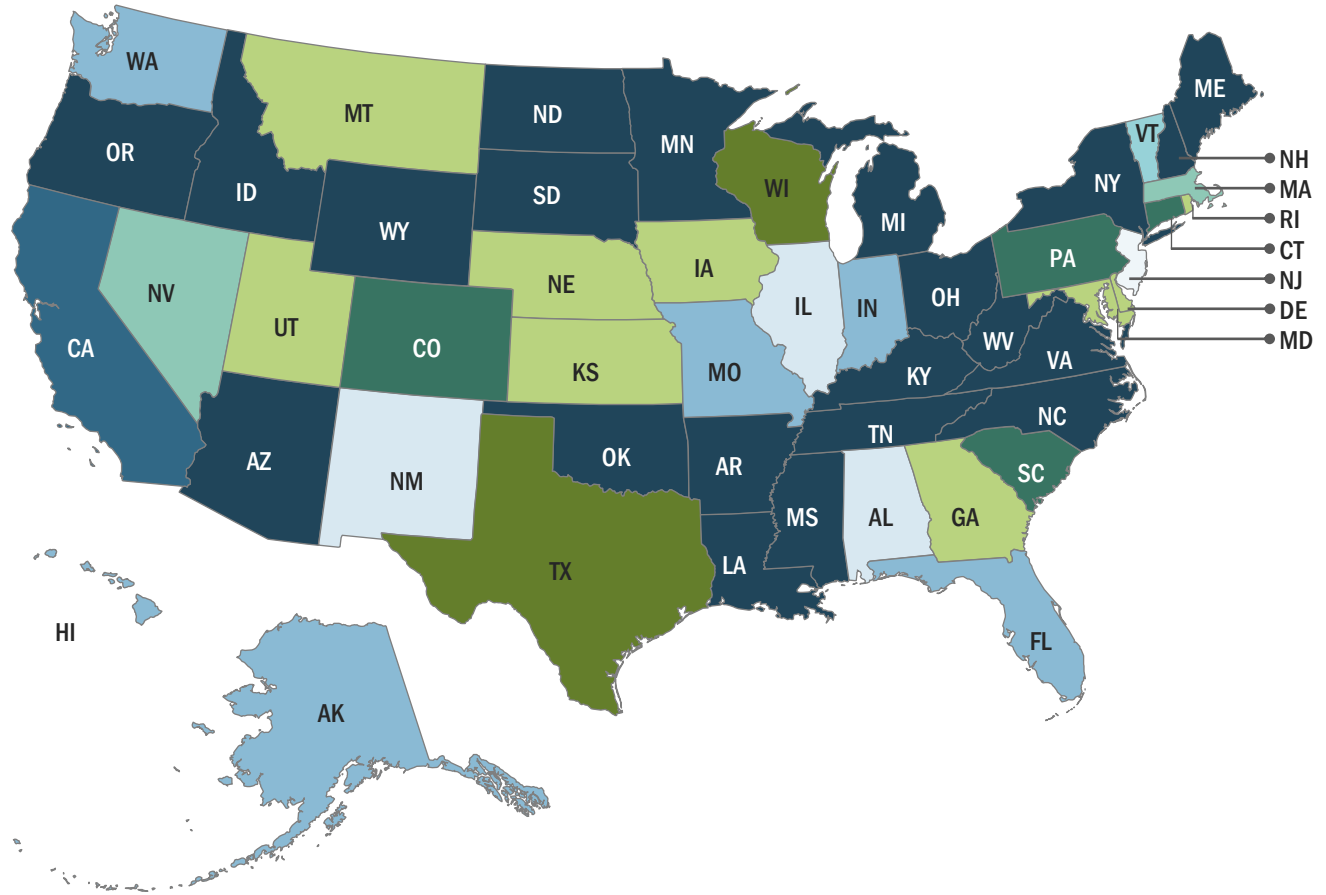
2024

**Chapter 2024-69, *Laws of Florida***, lowered the felony threshold amount to \$40 (from \$100) if the property stolen was taken from a dwelling or unenclosed curtilage of a dwelling. The bill also expanded the number of days, from 30 days to 120 days, that the aggregated value of multiple retail thefts could be combined to determine the felony theft threshold. These changes will take effect October 1, 2024.

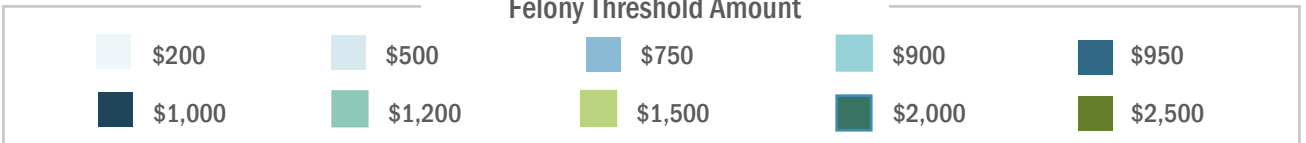


# Felony Theft Threshold Amounts in the United States

Florida is one of 12 states with felony thresholds under \$1,000; 38 states have felony theft thresholds of \$1,000 or more. Texas and Wisconsin have the highest felony threshold amounts (\$2,500 or more).



Felony Threshold Amount



Note: Thresholds were rounded to the nearest \$50. For example, ten states had statutory felony thresholds of more than \$1,000 and 11 states had thresholds of \$1,000 or more. This map legend lists both groups as \$1,000 or more. See the table on the next page for specific differences between states.

# Felony Theft Threshold Amounts in the United States

State	Felony Threshold Amount	Offense Level/Classification
New Jersey	\$200 or more	Crime of the Fourth Degree
Alabama	More than \$500	Class D Felony
Illinois	More than \$500	Class 3 Felony
New Mexico	More than \$500	Fourth Degree Felony
Hawaii	More than \$750	Theft in the Second Degree; Class C Felony
Washington	More than \$750	Class C Felony
Alaska	\$750 or more	Class C Felony
Florida	\$750 or more	Grand Theft, Third Degree Felony
Indiana	\$750 or more	Level 6 Felony
Missouri	\$750 or more	Class D Felony
Vermont	More than \$900	Grand Larceny
California	More than \$950	Grand Theft
Arkansas	More than \$1,000	Class D Felony
Idaho	More than \$1,000	Grand Theft
Maine	More than \$1,000	Class C Crime
Minnesota	More than \$1,000	Imprisonment for Not More Than Five Years
New Hampshire	More than \$1,000	Class B Felony
New York	More than \$1,000	Class E Felony
North Carolina	More than \$1,000	Class H Felony
North Dakota	More than \$1,000	Class C Felony
South Dakota	More than \$1,000	Class 6 Felony
Tennessee	More than \$1,000	Class E Felony

Source: OPPAGA review of statutes in all 50 states.

# Felony Theft Threshold Amounts in the United States

State	Felony Threshold Amount	Degree/Classification
Arizona	\$1,000 or more	Class 6 Felony
Kentucky	\$1,000 or more	Class D Felony
Louisiana	\$1,000 or more	Imprisonment for Not More Than Five Years
Michigan	\$1,000 or more	Felony
Mississippi	\$1,000 or more	Grand Larceny
Ohio	\$1,000 or more	Felony of the Fifth Degree
Oklahoma	\$1,000 or more	Felony
Oregon	\$1,000 or more	Class C Felony
Virginia	\$1,000 or more	Grand Larceny
West Virginia	\$1,000 or more	Grand Larceny
Wyoming	\$1,000 or more	Felony
Massachusetts	More than \$1,200	Larceny
Nevada	\$1,200 or more	Category D Felony
Kansas	At least \$1,500	Severity Level 9 Nonperson Felony
Maryland	At least \$1,500	Felony
Georgia	At least \$1,500.01	Felony Theft
Iowa	More than \$1,500	Class D Felony
Montana	More than \$1,500	Theft of Property
Rhode Island	More than \$1,500	Larceny
Delaware	\$1,500 or more	Class G Felony
Nebraska	\$1,500 or more	Class IV Felony
Utah	\$1,500 or more	Third Degree Felony
Connecticut	More than \$2,000	Class D Felony
South Carolina	More than \$2,000	Grand Larceny
Colorado	\$2,000 or more	Class 6 Felony
Texas	\$2,500 or more	State Jail Felony
Wisconsin	\$2,500 or more	Class I Felony
Pennsylvania	More than \$1,000/ \$2,000 <sup>1</sup>	Felony of the Third Degree

<sup>1</sup> Pennsylvania's felony theft threshold is \$1,000 for retail theft and \$2,000 for general theft.

Source: OPPAGA review of statutes in all 50 states.

# Felony Theft Threshold Amount Updates

The table below lists the year each state’s felony theft threshold was most recently updated. The most recent update year varies by state, ranging from 1972 in Pennsylvania to 2024 in New York. Since 2019, seven states, including Florida, have updated felony theft thresholds.

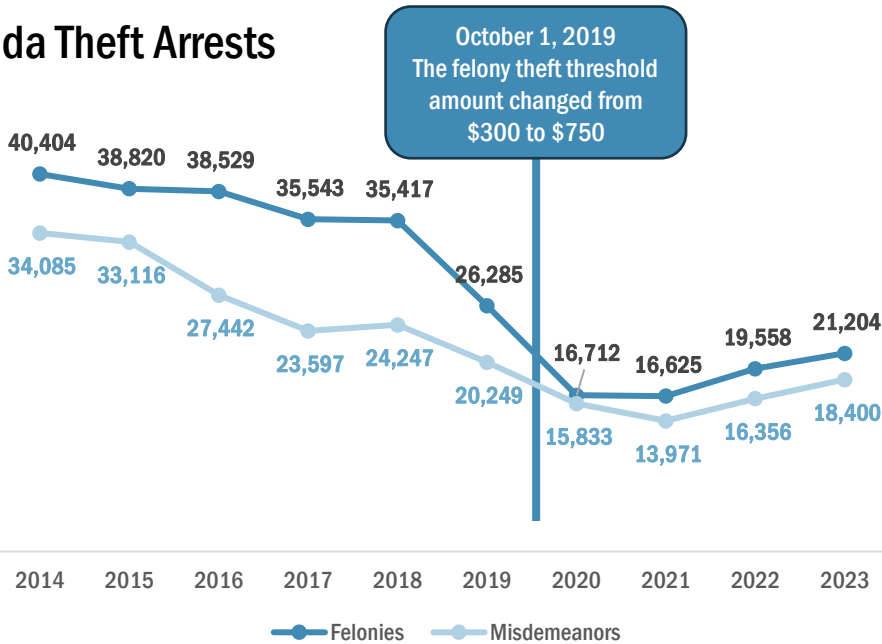
Most Recent Threshold Update	State	Total Number of States
1972	Pennsylvania	1
1978	New Jersey	1
1991	North Carolina	1
1994	West Virginia	1
1998	Idaho	1
2001	Maine	1
2002	Wisconsin	1
2004	Wyoming	1
2005	South Dakota, Vermont	2
2006	Arizona, New Mexico	2
2007	Minnesota	1
2009	Connecticut, Delaware, Michigan, Montana, Washington	5
2010	California, New Hampshire, Oregon, South Carolina	4
2011	Arkansas, Illinois, Ohio	3
2012	Georgia, Rhode Island	2
2013	Colorado, North Dakota	2
2014	Indiana, Mississippi	2
2015	Nebraska, Texas	2
2016	Alabama, Alaska, Hawaii, Kansas, Maryland, Tennessee	6
2017	Louisiana, Missouri	2
2018	Massachusetts, Oklahoma	2
2019	Florida, Iowa	2
2020	Nevada, Virginia	2
2021	Kentucky	1
2023	Utah	1
2024	New York	1

Source: OPPAGA review of other state statutes.

# Trends in Theft Arrests

Since 2014, state and national trends in larceny theft arrests have followed a similar pattern. A significant decline in theft offenses, reaching a low point in 2021, was followed by a slight increase in 2022. These findings are similar to other measures of criminal offending, which show declines in criminal offending in 2020 and 2021. Moreover, both misdemeanor and felony arrests for thefts follow this same trend pattern—a decline in arrests from 2014 to 2022, followed by a slight increase in arrests.

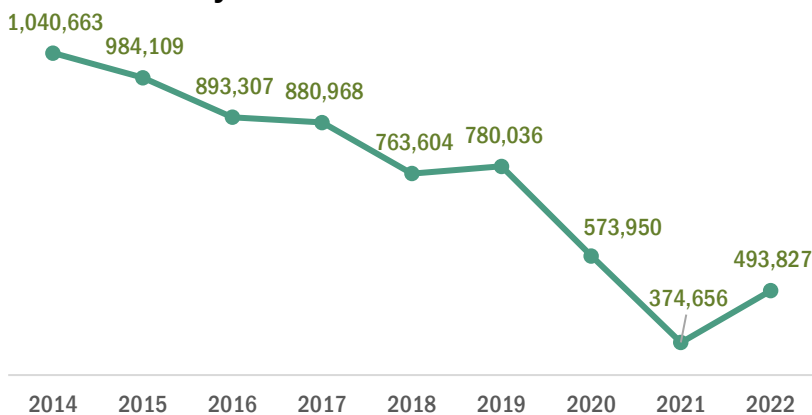
## Florida Theft Arrests



Note: Analysis of Florida theft arrests excluded arrests for motor vehicle theft, s. [812.014\(2\)\(c\)6, F.S.](#), and arrests for resisting efforts to recover or cause an individual to pay for stolen property s. [812.015\(6\), F.S.](#)

Source: OPPAGA analysis of Florida Department of Law Enforcement arrest and disposition criminal history data.

## National Larceny Arrests



Note: The FBI defines larceny-theft as the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. The definition excludes motor vehicle theft. Arrest data for 2023 is currently unavailable.

Source: Federal Bureau of Investigation, Crime Data Explorer.

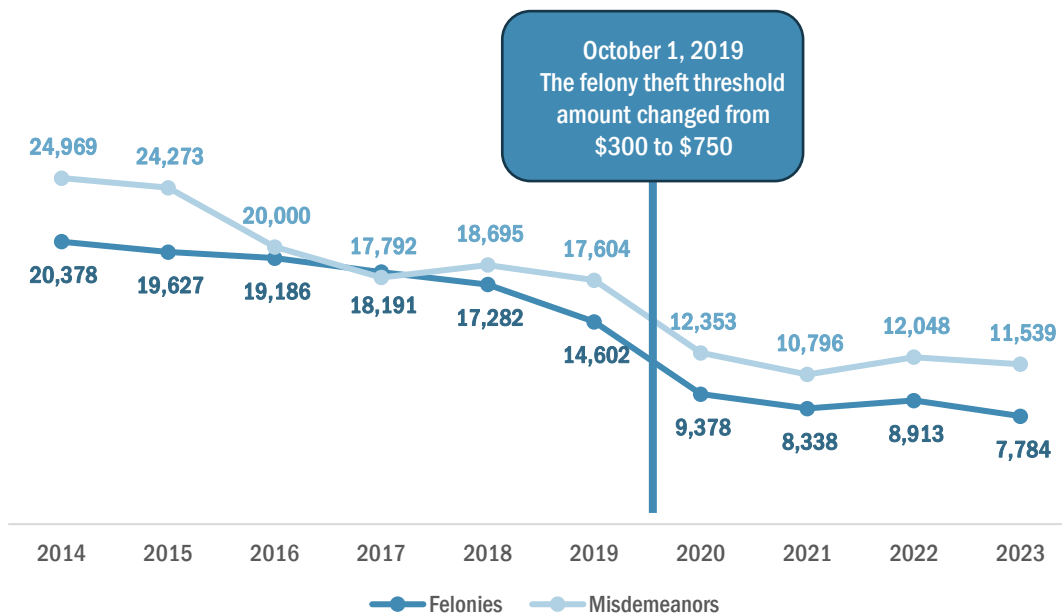
# Trends in Theft Convictions

Court dispositions for theft cases (convictions, delinquent adjudications, and adjudication withheld) follow a similar pattern to arrests—declining until 2021 with a slight increase in 2022.

The 2019 increase in the felony theft threshold amount from \$300 to \$750 would have the expected outcome of increasing misdemeanor thefts and decreasing felony thefts. However, trends in the number of annual theft arrests and theft convictions show steady declines in both misdemeanors and felonies.

To determine if there were any detectable impacts on the theft offenses most impacted by an increase to the felony threshold (first-degree misdemeanors and third-degree felony theft offenses), OPPAGA analyzed these offenses separately and found a similar pattern to the prior analyses presented in this review.

## Florida Theft Convictions



Note: Analysis of Florida theft court outcomes excluded dispositions for motor vehicle theft, s. [812.014\(2\)\(c\)6](#), F.S., and arrests for resisting efforts to recover or cause an individual to pay for stolen property s. [812.015\(6\)](#), F.S.

Source: OPPAGA analysis of Florida Department of Law Enforcement arrest and disposition criminal history data.

# Options for Legislative Consideration

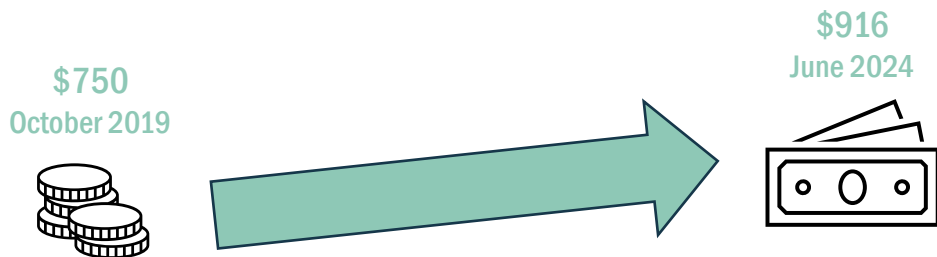
OPPAGA's research indicates that Florida's \$750 felony theft threshold amount is currently lower than 40 other states, but trends in felony arrests in Florida are similar to national trends. Analysis of arrests in Florida over the last 10 years shows similar trends for misdemeanor and felony theft arrests. This suggests that the 2019 change in the felony threshold did not result in a substantial number of felonies being reclassified as misdemeanors. Statute directs OPPAGA to present the Legislature with options for amending threshold amounts if the amounts are inconsistent with current trends.



**Take no action on the felony theft threshold amounts.** The Legislature could consider keeping the current felony theft thresholds at \$750. Inflation effects many aspects of the criminal justice system. However, adjustments to the felony theft thresholds may have limited impact on overall crime trends. Recent trends in theft arrests and convictions indicate an overall decline in both misdemeanors and felonies.



**Increase the felony theft threshold to account for inflation.** OPPAGA's analysis considered economic factors, such as inflation, for any modifications to the theft threshold amounts. The Consumer Price Index (CPI) is a measure calculated by the U.S. Bureau of Labor Statistics of the average change over time in the prices paid by urban consumers for goods and services. The CPI is one of the most widely used measures of inflation and deflation. Using the CPI rate of inflation from the enactment date of the most recent change to Florida's felony theft threshold of \$750 in October 2019 to the most recently available CPI data in June 2024, the estimated consumer price adjustment would be an additional \$166. The Legislature could consider increasing the felony theft threshold to match the CPI rate of inflation, increasing the threshold from \$750 to \$900.




Source: U.S. Bureau of Labor Statistics Consumer Price Index Inflation Calculator.

# Contact Information

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