

By Senator Constantine

9-577-02

1 A bill to be entitled
2 An act relating to robbery; amending s. 812.13,
3 F.S.; providing that certain enhanced penalties
4 apply to the offense of robbery if, in the
5 course of committing robbery, the offender used
6 a firearm, deadly weapon, or other weapon;
7 providing that robbery is a second-degree
8 felony if a firearm, deadly weapon, or other
9 weapon is not used in the course of committing
10 the robbery; reenacting s. 921.0022(3)(f) and
11 (i), relating to the offense severity ranking
12 chart of the Criminal Punishment Code, to
13 incorporate the amendments to s. 812.13, F.S.,
14 in references thereto; providing an effective
15 date.

17 Be It Enacted by the Legislature of the State of Florida:

19 Section 1. Subsections (1) and (2) of section 812.13,
20 Florida Statutes, are amended to read:

21 812.13 Robbery.--

22 (1) "Robbery" means the taking of money or other
23 property that ~~which~~ may be the subject of larceny from the
24 person or custody of another, with intent to either
25 permanently or temporarily deprive the person or the owner of
26 the money or other property, when in the course of the taking
27 there is the use of force, violence, assault, or putting in
28 fear.

29 (2)(a) If in the course of committing the robbery the
30 offender carried or used a firearm or other deadly weapon,
31 then the robbery is a felony of the first degree, punishable

1 by imprisonment for a term of years not exceeding life
2 imprisonment or as provided in s. 775.082, s. 775.083, or s.
3 775.084.

4 (b) If in the course of committing the robbery the
5 offender carried or used a weapon, then the robbery is a
6 felony of the first degree, punishable as provided in s.
7 775.082, s. 775.083, or s. 775.084.

8 (c) If in the course of committing the robbery the
9 offender carried or used no firearm, deadly weapon, or other
10 weapon, then the robbery is a felony of the second degree,
11 punishable as provided in s. 775.082, s. 775.083, or s.
12 775.084.

13 Section 2. For the purpose of incorporating the
14 amendments made by this act to section 812.13, Florida
15 Statutes, in references thereto, paragraphs (f) and (i) of
16 subsection (3) of section 921.0022, Florida Statutes, are
17 reenacted to read:

18 921.0022 Criminal Punishment Code; offense severity
19 ranking chart.--

20 (3) OFFENSE SEVERITY RANKING CHART

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22 Florida	Felony	
23 Statute	Degree	Description
		(f) LEVEL 6
27 316.027(1)(b)	2nd	Accident involving death, failure 28 to stop; leaving scene.
29 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent 30 conviction.

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1	775.0875(1)	3rd	Taking firearm from law
2			enforcement officer.
3	775.21(10)	3rd	Sexual predators; failure to
4			register; failure to renew
5			driver's license or
6			identification card.
7	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
8			without intent to kill.
9	784.021(1)(b)	3rd	Aggravated assault; intent to
10			commit felony.
11	784.041	3rd	Felony battery.
12	784.048(3)	3rd	Aggravated stalking; credible
13			threat.
14	784.048(5)	3rd	Aggravated stalking of person
15			under 16.
16	784.07(2)(c)	2nd	Aggravated assault on law
17			enforcement officer.
18	784.074(1)(b)	2nd	Aggravated assault on sexually
19			violent predators facility staff.
20	784.08(2)(b)	2nd	Aggravated assault on a person 65
21			years of age or older.
22	784.081(2)	2nd	Aggravated assault on specified
23			official or employee.
24	784.082(2)	2nd	Aggravated assault by detained
25			person on visitor or other
26			detainee.
27	784.083(2)	2nd	Aggravated assault on code
28			inspector.
29	787.02(2)	3rd	False imprisonment; restraining
30			with purpose other than those in
31			s. 787.01.

1	790.115(2)(d)	2nd	Discharging firearm or weapon on
2			school property.
3	790.161(2)	2nd	Make, possess, or throw
4			destructive device with intent to
5			do bodily harm or damage
6			property.
7	790.164(1)	2nd	False report of deadly explosive
8			or act of arson or violence to
9			state property.
10	790.19	2nd	Shooting or throwing deadly
11			missiles into dwellings, vessels,
12			or vehicles.
13	794.011(8)(a)	3rd	Solicitation of minor to
14			participate in sexual activity by
15			custodial adult.
16	794.05(1)	2nd	Unlawful sexual activity with
17			specified minor.
18	800.04(5)(d)	3rd	Lewd or lascivious molestation;
19			victim 12 years of age or older
20			but less than 16 years; offender
21			less than 18 years.
22	800.04(6)(b)	2nd	Lewd or lascivious conduct;
23			offender 18 years of age or
24			older.
25	806.031(2)	2nd	Arson resulting in great bodily
26			harm to firefighter or any other
27			person.
28	810.02(3)(c)	2nd	Burglary of occupied structure;
29			unarmed; no assault or battery.
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1	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
2			but less than \$100,000, grand
3			theft in 2nd degree.
4	812.014(2)(b)2.	2nd	Property stolen cargo valued at
5			less than \$50,000, grand theft in
6			2nd degree.
7	812.015(9)	2nd	Retail theft; property stolen
8			\$300 or more; second or
9			subsequent conviction.
10	812.13(2)(c)	2nd	Robbery, no firearm or other
11			weapon (strong-arm robbery).
12	817.034(4)(a)1.	1st	Communications fraud, value
13			greater than \$50,000.
14	817.4821(5)	2nd	Possess cloning paraphernalia
15			with intent to create cloned
16			cellular telephones.
17	825.102(1)	3rd	Abuse of an elderly person or
18			disabled adult.
19	825.102(3)(c)	3rd	Neglect of an elderly person or
20			disabled adult.
21	825.1025(3)	3rd	Lewd or lascivious molestation of
22			an elderly person or disabled
23			adult.
24	825.103(2)(c)	3rd	Exploiting an elderly person or
25			disabled adult and property is
26			valued at less than \$20,000.
27	827.03(1)	3rd	Abuse of a child.
28	827.03(3)(c)	3rd	Neglect of a child.
29	827.071(2)&(3)	2nd	Use or induce a child in a sexual
30			performance, or promote or direct
31			such performance.

1	836.05	2nd	Threats; extortion.
2	836.10	2nd	Written threats to kill or do
3			bodily injury.
4	843.12	3rd	Aids or assists person to escape.
5	847.0135(3)	3rd	Solicitation of a child, via a
6			computer service, to commit an
7			unlawful sex act.
8	914.23	2nd	Retaliation against a witness,
9			victim, or informant, with bodily
10			injury.
11	943.0435(9)	3rd	Sex offenders; failure to comply
12			with reporting requirements.
13	944.35(3)(a)2.	3rd	Committing malicious battery upon
14			or inflicting cruel or inhuman
15			treatment on an inmate or
16			offender on community
17			supervision, resulting in great
18			bodily harm.
19	944.40	2nd	Escapes.
20	944.46	3rd	Harboring, concealing, aiding
21			escaped prisoners.
22	944.47(1)(a)5.	2nd	Introduction of contraband
23			(firearm, weapon, or explosive)
24			into correctional facility.
25	951.22(1)	3rd	Intoxicating drug, firearm, or
26			weapon introduced into county
27			facility.
28			(i) LEVEL 9
29	316.193		
30	(3)(c)3.b.	1st	DUI manslaughter; failing to
31			render aid or give information.

1	560.123(8)(b)3.	1st	Failure to report currency or
2			payment instruments totaling or
3			exceeding \$100,000 by money
4			transmitter.
5	560.125(5)(c)	1st	Money transmitter business by
6			unauthorized person, currency, or
7			payment instruments totaling or
8			exceeding \$100,000.
9	655.50(10)(b)3.	1st	Failure to report financial
10			transactions totaling or
11			exceeding \$100,000 by financial
12			institution.
13	755.0844	1st	Aggravated white collar crime.
14	782.04(1)	1st	Attempt, conspire, or solicit to
15			commit premeditated murder.
16	782.04(3)	1st,PBL	Accomplice to murder in
17			connection with arson, sexual
18			battery, robbery, burglary, and
19			other specified felonies.
20	782.051(1)	1st	Attempted felony murder while
21			perpetrating or attempting to
22			perpetrate a felony enumerated in
23			s. 782.04(3).
24	782.07(2)	1st	Aggravated manslaughter of an
25			elderly person or disabled adult.
26	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
27			reward or as a shield or hostage.
28	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
29			or facilitate commission of any
30			felony.
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1	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
2			interfere with performance of any
3			governmental or political
4			function.
5	787.02(3)(a)	1st	False imprisonment; child under
6			age 13; perpetrator also commits
7			aggravated child abuse, sexual
8			battery, or lewd or lascivious
9			battery, molestation, conduct, or
10			exhibition.
11	790.161	1st	Attempted capital destructive
12			device offense.
13	790.166(2)	1st,PBL	Possessing, selling, using, or
14			attempting to use a weapon of
15			mass destruction.
16	794.011(2)	1st	Attempted sexual battery; victim
17			less than 12 years of age.
18	794.011(2)	Life	Sexual battery; offender younger
19			than 18 years and commits sexual
20			battery on a person less than 12
21			years.
22	794.011(4)	1st	Sexual battery; victim 12 years
23			or older, certain circumstances.
24	794.011(8)(b)	1st	Sexual battery; engage in sexual
25			conduct with minor 12 to 18 years
26			by person in familial or
27			custodial authority.
28	800.04(5)(b)	1st	Lewd or lascivious molestation;
29			victim less than 12 years;
30			offender 18 years or older.
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1	812.13(2)(a)	1st,PBL	Robbery with firearm or other
2			deadly weapon.
3	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
4			deadly weapon.
5	827.03(2)	1st	Aggravated child abuse.
6	847.0145(1)	1st	Selling, or otherwise
7			transferring custody or control,
8			of a minor.
9	847.0145(2)	1st	Purchasing, or otherwise
10			obtaining custody or control, of
11			a minor.
12	859.01	1st	Poisoning food, drink, medicine,
13			or water with intent to kill or
14			injure another person.
15	893.135	1st	Attempted capital trafficking
16			offense.
17	893.135(1)(a)3.	1st	Trafficking in cannabis, more
18			than 10,000 lbs.
19	893.135		
20	(1)(b)1.c.	1st	Trafficking in cocaine, more than
21			400 grams, less than 150
22			kilograms.
23	893.135		
24	(1)(c)1.c.	1st	Trafficking in illegal drugs,
25			more than 28 grams, less than 30
26			kilograms.
27	893.135		
28	(1)(d)1.c.	1st	Trafficking in phencyclidine,
29			more than 400 grams.
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1 893.135
2 (1)(e)1.c. 1st Trafficking in methaqualone, more
3 than 25 kilograms.
4 893.135
5 (1)(f)1.c. 1st Trafficking in amphetamine, more
6 than 200 grams.
7 893.135
8 (1)(h)1.c. 1st Trafficking in
9 gamma-hydroxybutyric acid (GHB),
10 10 kilograms or more.
11 893.135
12 (1)(i)1.c. 1st Trafficking in 1,4-Butanediol, 10
13 kilograms or more.
14 893.135
15 (1)(j)2.c. 1st Trafficking in Phenethylamines,
16 400 grams or more.
17 896.101(5)(c) 1st Money laundering, financial
18 instruments totaling or exceeding
19 \$100,000.
20 896.104(4)(a)3. 1st Structuring transactions to evade
21 reporting or registration
22 requirements, financial
23 transactions totaling or
24 exceeding \$100,000.
25 Section 3. This act shall take effect July 1, 2001.
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SENATE SUMMARY

Revises the elements of the offense of robbery to provide that robbery is a first-degree felony, punishable by life imprisonment if, in the course of committing a robbery, the offender used a firearm or deadly weapon. Provides that robbery is a first-degree felony if the offender used a weapon. Provides that robbery is a second-degree felony if the offender did not use a firearm, deadly weapon, or other weapon.