



HB 0483

2003
CS

CHAMBER ACTION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Committee on Public Safety & Crime Prevention recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to home-invasion robbery; amending s. 812.135, F.S.; providing additional offense classifications and revising the penalties for home-invasion robbery; providing that it is a first degree felony punishable by a term of imprisonment not exceeding life imprisonment to commit a home-invasion robbery in the course of which a firearm or other deadly weapon is carried; providing penalties; reenacting s. 943.325(1), F.S., relating to blood specimen testing for DNA analysis, to incorporate the amendment made to s. 812.135, F.S., by this act in a reference thereto; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, to conform; providing an effective date.

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



HB 0483

2003
CS

29 Section 1. Section 812.135, Florida Statutes, is amended
30 to read:

31 812.135 Home-invasion robbery.--

32 (1) "Home-invasion robbery" means any robbery that occurs
33 when the offender enters a dwelling with the intent to commit a
34 robbery, and does commit a robbery of the occupants therein.

35 (2)(a) If in the course of committing the home-invasion
36 robbery the person carries a firearm or other deadly weapon, the
37 person commits a felony of the first degree, punishable by
38 imprisonment for a term of years not exceeding life imprisonment
39 as provided in s. 775.082, s. 775.083, or s. 775.084.

40 (b) If in the course of committing the home-invasion
41 robbery the person carries a weapon, the person commits a felony
42 of the first degree, punishable as provided in s. 775.082, s.
43 775.083, or s. 775.084.

44 (c) If in the course of committing the home-invasion
45 robbery the person carries no firearm, deadly weapon, or other
46 weapon, the person commits a felony of the first degree,
47 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

48 ~~(2) A person who commits a home-invasion robbery is guilty~~
49 ~~of a felony of the first degree, punishable as provided in s.~~
50 ~~775.082, s. 775.083, or s. 775.084.~~

51 Section 2. For the purpose of incorporating the amendment
52 to section 812.135, Florida Statutes, in a reference thereto,
53 subsection (1) of section 943.325, Florida Statutes, is
54 reenacted to read:

55 943.325 Blood or other biological specimen testing for DNA
56 analysis.--



HB 0483

2003
CS

57 | (1)(a) Any person who is convicted or was previously
58 | convicted in this state for any offense or attempted offense
59 | enumerated in paragraph (b), and any person who is transferred
60 | to this state under Article VII of the Interstate Compact on
61 | Juveniles, part V of chapter 985, who has committed or attempted
62 | to commit an offense similarly defined by the transferring
63 | state, who is either:

- 64 | 1. Still incarcerated, or
65 | 2. No longer incarcerated, or has never been incarcerated,
66 | yet is within the confines of the legal state boundaries and is
67 | on probation, community control, parole, conditional release,
68 | control release, or any other type of court-ordered supervision,
69 |

70 | shall be required to submit two specimens of blood or other
71 | biological specimens approved by the Department of Law
72 | Enforcement to a Department of Law Enforcement designated
73 | testing facility as directed by the department.

74 | (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045, s.
75 | 810.02, s. 812.133, or s. 812.135.

76 | 2. Effective July 1, 2002, and contingent upon specific
77 | appropriation, s. 812.13 or s. 812.131.

78 | 3. Effective July 1, 2003, and contingent upon specific
79 | appropriation, chapter 787 or s. 782.07.

80 | 4. Effective July 1, 2004, and contingent upon specific
81 | appropriation, any forcible felony, as described in s. 776.08,
82 | aggravated child abuse, as described in s. 827.03(2), aggravated
83 | abuse of an elderly person or a disabled adult, as described in



HB 0483

2003
CS

84 s. 825.102(2), or any felony violation of chapter 790 involving
85 the use or possession of a firearm.

86 5. Effective July 1, 2005, and contingent upon specific
87 appropriation, any felony offense.

88 (c) As used in this section, the term "any person"
89 includes both juveniles and adults committed to a county jail or
90 committed to or under the supervision of the Department of
91 Corrections or the Department of Juvenile Justice, including
92 persons incarcerated in a private correctional institution
93 operated under contract pursuant to s. 944.105 or s. 957.03.

94 (d) Effective July 1, 2001, any person who was previously
95 convicted in this state for any offense or attempted offense
96 enumerated in subparagraph (b)1., subparagraph (b)2., or
97 subparagraph (b)3. and who is still incarcerated or in the
98 custody of the Department of Juvenile Justice must submit, not
99 less than 45 days before his or her presumptive date of release
100 from such incarceration or commitment, two specimens of blood as
101 directed by the Department of Law Enforcement to a testing
102 facility designated by the department.

103 Section 3. Paragraphs (h), (i), and (j) of subsection (3)
104 of section 921.0022, Florida Statutes, are amended to read:

105 921.0022 Criminal Punishment Code; offense severity
106 ranking chart.--

107 (3) OFFENSE SEVERITY RANKING CHART

| | | |
|---------|--------|-------------|
| Florida | Felony | |
| Statute | Degree | Description |

108

(h) LEVEL 8



HB 0483

2003
CS

| | | | |
|-----|-------------------|-----|---------------------------------------------------------------------------------------------------------------------------------------------|
| 109 | 316.193(3)(c)3.a. | 2nd | DUI manslaughter. |
| 110 | 327.35(3)(c)3. | 2nd | Vessel BUI manslaughter. |
| 111 | 560.123(8)(b)2. | 2nd | Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter. |
| 112 | 560.125(5)(b) | 2nd | Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000. |
| 113 | 655.50(10)(b)2. | 2nd | Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions. |
| 114 | 777.03(2)(a) | 1st | Accessory after the fact, capital felony. |
| 115 | 782.04(4) | 2nd | Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, |



HB 0483

2003
CS

burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.

116 782.051(2) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).

117 782.071(1)(b) 1st Committing vehicular homicide and failing to render aid or give information.

118 782.072(2) 1st Committing vessel homicide and failing to render aid or give information.

119 790.161(3) 1st Discharging a destructive device which results in bodily harm or property damage.

120 794.011(5) 2nd Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

121 800.04(4) 2nd Lewd or lascivious battery.

122 806.01(1) 1st Maliciously damage dwelling or structure by fire or explosive,



HB 0483

2003
CS

| | | | |
|-----|---------------|---------|---------------------------------------------------------------------------------------------------|
| | | | believing person in structure. |
| 123 | 810.02(2)(a) | 1st,PBL | Burglary with assault or battery. |
| 124 | 810.02(2)(b) | 1st,PBL | Burglary; armed with explosives or dangerous weapon. |
| 125 | 810.02(2)(c) | 1st | Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage. |
| 126 | 812.13(2)(b) | 1st | Robbery with a weapon. |
| 127 | 812.135(2)(c) | 1st | Home-invasion robbery, <u>no firearm, deadly weapon, or other weapon.</u> |
| 128 | 825.102(2) | 2nd | Aggravated abuse of an elderly person or disabled adult. |
| 129 | 825.1025(2) | 2nd | Lewd or lascivious battery upon an elderly person or disabled adult. |
| 130 | 825.103(2)(a) | 1st | Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more. |
| 131 | 837.02(2) | 2nd | Perjury in official proceedings |



HB 0483

2003
CS

| | | | |
|-----|-----------------|-----|------------------------------------------------------------------------------------------------------|
| | | | relating to prosecution of a capital felony. |
| 132 | 837.021(2) | 2nd | Making contradictory statements in official proceedings relating to prosecution of a capital felony. |
| 133 | 860.121(2)(c) | 1st | Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm. |
| 134 | 860.16 | 1st | Aircraft piracy. |
| 135 | 893.13(1)(b) | 1st | Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b). |
| 136 | 893.13(2)(b) | 1st | Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b). |
| 137 | 893.13(6)(c) | 1st | Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b). |
| 138 | 893.135(1)(a)2. | 1st | Trafficking in cannabis, more than 2,000 lbs., less than |



HB 0483

2003
CS

| | | | |
|-----|-------------------|-----|----------------------------------------------------------------------------------------------|
| | | | 10,000 lbs. |
| 139 | 893.135(1)(b)1.b. | 1st | Trafficking in cocaine, more than 200 grams, less than 400 grams. |
| 140 | 893.135(1)(c)1.b. | 1st | Trafficking in illegal drugs, more than 14 grams, less than 28 grams. |
| 141 | 893.135(1)(d)1.b. | 1st | Trafficking in phencyclidine, more than 200 grams, less than 400 grams. |
| 142 | 893.135(1)(e)1.b. | 1st | Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms. |
| 143 | 893.135(1)(f)1.b. | 1st | Trafficking in amphetamine, more than 28 grams, less than 200 grams. |
| 144 | 893.135(1)(g)1.b. | 1st | Trafficking in flunitrazepam, 14 grams or more, less than 28 grams. |
| 145 | 893.135(1)(h)1.b. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms. |



HB 0483

2003
CS

| | | | |
|-----|-------------------|-----|------------------------------------------------------------------------------------------------------------------|
| 146 | 893.135(1)(j)1.b. | 1st | Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms. |
| 147 | 893.135(1)(k)2.b. | 1st | Trafficking in Phenethylamines, 200 grams or more, less than 400 grams. |
| 148 | 895.03(1) | 1st | Use or invest proceeds derived from pattern of racketeering activity. |
| 149 | 895.03(2) | 1st | Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property. |
| 150 | 895.03(3) | 1st | Conduct or participate in any enterprise through pattern of racketeering activity. |
| 151 | 896.101(5)(b) | 2nd | Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000. |
| 152 | 896.104(4)(a)2. | 2nd | Structuring transactions to evade reporting or registration requirements, financial |



HB 0483

2003
CS

| | | | |
|-----|-------------------|-----|----------------------------------------------------------------------------------------------------------------------|
| | | | transactions totaling or exceeding \$20,000 but less than \$100,000. |
| 153 | | | (i) LEVEL 9 |
| 154 | 316.193(3)(c)3.b. | 1st | DUI manslaughter; failing to render aid or give information. |
| 155 | 327.35(3)(c)3.b. | 1st | BUI manslaughter; failing to render aid or give information. |
| 156 | 560.123(8)(b)3. | 1st | Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter. |
| 157 | 560.125(5)(c) | 1st | Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000. |
| 158 | 655.50(10)(b)3. | 1st | Failure to report financial transactions totaling or exceeding \$100,000 by financial institution. |
| 159 | 775.0844 | 1st | Aggravated white collar crime. |
| 160 | 782.04(1) | 1st | Attempt, conspire, or solicit |



HB 0483

2003
CS

| | | | |
|-----|----------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| 161 | 782.04(3) | 1st,PBL | to commit premeditated murder. Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies. |
| 162 | 782.051(1) | 1st | Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3). |
| 163 | 782.07(2) | 1st | Aggravated manslaughter of an elderly person or disabled adult. |
| 164 | 787.01(1)(a)1. | 1st,PBL | Kidnapping; hold for ransom or reward or as a shield or hostage. |
| 165 | 787.01(1)(a)2. | 1st,PBL | Kidnapping with intent to commit or facilitate commission of any felony. |
| 166 | 787.01(1)(a)4. | 1st,PBL | Kidnapping with intent to interfere with performance of any governmental or political function. |
| 167 | 787.02(3)(a) | 1st | False imprisonment; child under |



HB 0483

2003
CS

| | | | |
|-----|---------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------|
| | | | age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition. |
| 168 | 790.161 | 1st | Attempted capital destructive device offense. |
| 169 | 790.166(2) | 1st,PBL | Possessing, selling, using, or attempting to use a weapon of mass destruction. |
| 170 | 794.011(2) | 1st | Attempted sexual battery; victim less than 12 years of age. |
| 171 | 794.011(2) | Life | Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years. |
| 172 | 794.011(4) | 1st | Sexual battery; victim 12 years or older, certain circumstances. |
| 173 | 794.011(8)(b) | 1st | Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial |



HB 0483

2003
CS

| | | | |
|-----|----------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | or custodial authority. |
| 174 | 800.04(5)(b) | 1st | Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older. |
| 175 | 812.13(2)(a) | 1st,PBL | Robbery with firearm or other deadly weapon. |
| 176 | 812.133(2)(a) | 1st,PBL | Carjacking; firearm or other deadly weapon. |
| 177 | <u>812.135(2)(b)</u> | <u>1st</u> | <u>Home invasion robbery with weapon.</u> |
| 178 | 827.03(2) | 1st | Aggravated child abuse. |
| 179 | 847.0145(1) | 1st | Selling, or otherwise transferring custody or control, of a minor. |
| 180 | 847.0145(2) | 1st | Purchasing, or otherwise obtaining custody or control, of a minor. |
| 181 | 859.01 | 1st | Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent |



HB 0483

2003
CS

| | | | |
|-----|-------------------|-----|---------------------------------------------------------------------------|
| | | | to kill or injure another person. |
| 182 | 893.135 | 1st | Attempted capital trafficking offense. |
| 183 | 893.135(1)(a)3. | 1st | Trafficking in cannabis, more than 10,000 lbs. |
| 184 | 893.135(1)(b)1.c. | 1st | Trafficking in cocaine, more than 400 grams, less than 150 kilograms. |
| 185 | 893.135(1)(c)1.c. | 1st | Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms. |
| 186 | 893.135(1)(d)1.c. | 1st | Trafficking in phencyclidine, more than 400 grams. |
| 187 | 893.135(1)(e)1.c. | 1st | Trafficking in methaqualone, more than 25 kilograms. |
| 188 | 893.135(1)(f)1.c. | 1st | Trafficking in amphetamine, more than 200 grams. |
| 189 | 893.135(1)(h)1.c. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more. |
| 190 | 893.135(1)(j)1.c. | 1st | Trafficking in 1,4-Butanediol, |



HB 0483

2003
CS

| | | | |
|-----|-------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 191 | | | 10 kilograms or more. |
| | 893.135(1)(k)2.c. | 1st | Trafficking in Phenethylamines, 400 grams or more. |
| 192 | | | |
| | 896.101(5)(c) | 1st | Money laundering, financial instruments totaling or exceeding \$100,000. |
| 193 | | | |
| | 896.104(4)(a)3. | 1st | Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000. |
| 194 | | | (j) LEVEL 10 |
| 195 | | | |
| | 782.04(2) | 1st,PBL | Unlawful killing of human; act is homicide, unpremeditated. |
| 196 | | | |
| | 787.01(1)(a)3. | 1st,PBL | Kidnapping; inflict bodily harm upon or terrorize victim. |
| 197 | | | |
| | 787.01(3)(a) | Life | Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition. |
| 198 | | | |



HB 0483

2003
CS

| | | | |
|-----|------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------|
| 199 | 782.07(3) | 1st | Aggravated manslaughter of a child. |
| 200 | 794.011(3) | Life | Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury. |
| 201 | <u>812.135(2)(a)</u> | <u>1st,PBL</u> | <u>Home invasion robbery with firearm or other deadly weapon.</u> |
| 202 | 876.32 | 1st | Treason against the state. |
| 203 | Section 4. This act shall take effect upon becoming a law. | | |