



1 A bill to be entitled
2 An act relating to home-invasion robbery; amending s.
3 812.135, F.S.; providing additional offense
4 classifications and revising the penalties for home-
5 invasion robbery; providing that it is a first degree
6 felony punishable by a term of imprisonment not exceeding
7 life imprisonment to commit a home-invasion robbery in the
8 course of which a firearm or other deadly weapon is
9 carried; providing penalties; reenacting s. 943.325(1),
10 F.S., relating to blood specimen testing for DNA analysis,
11 to incorporate the amendment made to s. 812.135, F.S., by
12 this act in a reference thereto; amending s. 921.0022,
13 F.S., relating to the Criminal Punishment Code offense
14 severity ranking chart, to conform; providing an effective
15 date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 812.135, Florida Statutes, is amended
20 to read:

21 812.135 Home-invasion robbery.--

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

25 (2)(a) If in the course of committing the home-invasion
26 robbery the person carries a firearm or other deadly weapon, the
27 person commits a felony of the first degree, punishable by



28 imprisonment for a term of years not exceeding life imprisonment
29 as provided in s. 775.082, s. 775.083, or s. 775.084.

30 (b) If in the course of committing the home-invasion
31 robbery the person carries a weapon, the person commits a felony
32 of the first degree, punishable as provided in s. 775.082, s.
33 775.083, or s. 775.084.

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

38 ~~(2) A person who commits a home-invasion robbery is guilty~~
39 ~~of a felony of the first degree, punishable as provided in s.~~
40 ~~775.082, s. 775.083, or s. 775.084.~~

41 Section 2. For the purpose of incorporating the amendment
42 to section 812.135, Florida Statutes, in a reference thereto,
43 subsection (1) of section 943.325, Florida Statutes, is
44 reenacted to read:

45 943.325 Blood or other biological specimen testing for DNA
46 analysis.--

47 (1)(a) Any person who is convicted or was previously
48 convicted in this state for any offense or attempted offense
49 enumerated in paragraph (b), and any person who is transferred
50 to this state under Article VII of the Interstate Compact on
51 Juveniles, part V of chapter 985, who has committed or attempted
52 to commit an offense similarly defined by the transferring
53 state, who is either:

54 1. Still incarcerated, or



55 2. No longer incarcerated, or has never been incarcerated,
56 yet is within the confines of the legal state boundaries and is
57 on probation, community control, parole, conditional release,
58 control release, or any other type of court-ordered supervision,
59
60 shall be required to submit two specimens of blood or other
61 biological specimens approved by the Department of Law
62 Enforcement to a Department of Law Enforcement designated
63 testing facility as directed by the department.

64 (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045, s.
65 810.02, s. 812.133, or s. 812.135.

66 2. Effective July 1, 2002, and contingent upon specific
67 appropriation, s. 812.13 or s. 812.131.

68 3. Effective July 1, 2003, and contingent upon specific
69 appropriation, chapter 787 or s. 782.07.

70 4. Effective July 1, 2004, and contingent upon specific
71 appropriation, any forcible felony, as described in s. 776.08,
72 aggravated child abuse, as described in s. 827.03(2), aggravated
73 abuse of an elderly person or a disabled adult, as described in
74 s. 825.102(2), or any felony violation of chapter 790 involving
75 the use or possession of a firearm.

76 5. Effective July 1, 2005, and contingent upon specific
77 appropriation, any felony offense.

78 (c) As used in this section, the term "any person"
79 includes both juveniles and adults committed to a county jail or
80 committed to or under the supervision of the Department of
81 Corrections or the Department of Juvenile Justice, including



82 persons incarcerated in a private correctional institution
 83 operated under contract pursuant to s. 944.105 or s. 957.03.

84 (d) Effective July 1, 2001, any person who was previously
 85 convicted in this state for any offense or attempted offense
 86 enumerated in subparagraph (b)1., subparagraph (b)2., or
 87 subparagraph (b)3. and who is still incarcerated or in the
 88 custody of the Department of Juvenile Justice must submit, not
 89 less than 45 days before his or her presumptive date of release
 90 from such incarceration or commitment, two specimens of blood as
 91 directed by the Department of Law Enforcement to a testing
 92 facility designated by the department.

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

95 921.0022 Criminal Punishment Code; offense severity
 96 ranking chart.--

97 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
	(h) LEVEL 8	
316.193(3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
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



102	560.125(5)(b)	2nd	transmitter. Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
103	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
104	777.03(2)(a)	1st	Accessory after the fact, capital felony.
105	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
106	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
107			



108	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
109	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
110	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
111	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
112	800.04(4)	2nd	Lewd or lascivious battery.
113	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
114	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
115	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
	810.02(2)(c)	1st	Burglary of a dwelling or



			structure causing structural damage or \$1,000 or more property damage.
116	812.13(2)(b)	1st	Robbery with a weapon.
117	812.135(2)(<u>c</u>)	1st	Home-invasion robbery, <u>no firearm, deadly weapon, or other weapon.</u>
118	825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
119	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
120	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
121	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
122	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
123			



	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
124	860.16	1st	Aircraft piracy.
125	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).
126	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
127	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
128	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
129	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
130	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than



131	893.135(1)(d)1.b.	1st	28 grams. Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
132	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
133	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
134	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
135	893.135(1)(h)1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
136	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
137	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.



138	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
139	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
140	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
141	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
142	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
143			(i) LEVEL 9
144	316.193(3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.



145	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
146	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
147	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
148	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
149	775.0844	1st	Aggravated white collar crime.
150	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
151	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
152	782.051(1)	1st	Attempted felony murder while



perpetrating or attempting to
perpetrate a felony enumerated
in s. 782.04(3).

153

782.07(2) 1st Aggravated manslaughter of an
elderly person or disabled
adult.

154

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or
reward or as a shield or
hostage.

155

787.01(1)(a)2. 1st,PBL Kidnapping with intent to
commit or facilitate commission
of any felony.

156

787.01(1)(a)4. 1st,PBL Kidnapping with intent to
interfere with performance of
any governmental or political
function.

157

787.02(3)(a) 1st False imprisonment; child under
age 13; perpetrator also
commits aggravated child abuse,
sexual battery, or lewd or
lascivious battery,
molestation, conduct, or
exhibition.

158

790.161 1st Attempted capital destructive



159	790.166(2)	1st,PBL	device offense. Possessing, selling, using, or attempting to use a weapon of mass destruction.
160	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
161	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
162	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
163	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
164	800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
165	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.



166	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
167	<u>812.135(2)(b)</u>	<u>1st</u>	<u>Home invasion robbery with weapon.</u>
168	827.03(2)	1st	Aggravated child abuse.
169	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
170	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
171	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
172	893.135	1st	Attempted capital trafficking offense.
173	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
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175	893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
176	893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
177	893.135(1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
178	893.135(1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
179	893.135(1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
180	893.135(1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
181	893.135(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
182	893.135(1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
183	896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.



184	896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
185			(j) LEVEL 10
186	782.04(2)	1st,PBL	Unlawful killing of human; act is homicide, unpremeditated.
187	787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
188	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.
189	782.07(3)	1st	Aggravated manslaughter of a child.
190	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.



HB 0483, Engrossed 1

2003

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812.135(2)(a) 1st,PBL Home invasion robbery with
firearm or other deadly weapon.

876.32 1st Treason against the state.

Section 4. This act shall take effect upon becoming a law.