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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, with respect to home-invasion robberies; providing an effective date.

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

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

812.135 Home-invasion robbery.--

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

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

(b) If in the course of committing the home-invasion

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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,  
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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) Any person who was previously convicted in this state  
85 for any offense or attempted offense enumerated in subparagraph  
86 (b)1., subparagraph (b)2., or subparagraph (b)3. and who is  
87 still incarcerated or in the custody of the Department of  
88 Juvenile Justice must submit, not less than 45 days before his  
89 or her presumptive date of release from such incarceration or

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90 commitment, two specimens of blood or other approved biological  
 91 specimens as directed by the Department of Law Enforcement to a  
 92 testing 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.
499.0051(7)	1st	Forgery of prescription or legend drug labels.
499.0052	1st	Trafficking in contraband legend drugs.
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.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than

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\$100,000.

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- 655.50(10)(b)2. 2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
- 777.03(2)(a) 1st Accessory after the fact, capital felony.
- 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.
- 782.051(2) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
- 782.071(1)(b) 1st Committing vehicular homicide and failing to render aid or give information.
- 782.072(2) 1st Committing vessel homicide and failing to render aid or give information.
- 790.161(3) 1st Discharging a destructive device which results in bodily harm or property damage.

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113	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
114	800.04(4)	2nd	Lewd or lascivious battery.
115	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
116	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
117	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
118	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
119	812.13(2)(b)	1st	Robbery with a weapon.
120	812.135(2)(c)	1st	Home-invasion robbery, <u>no firearm, deadly weapon, or other weapon.</u>
121	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
122	825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
123	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.

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124	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
125	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
126	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
127	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
128	860.16	1st	Aircraft piracy.
129	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).
130	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
131	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
132	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

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133	893.135(1)(b)1. b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
134	893.135(1)(c)1. b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
135	893.135(1)(d)1. b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
136	893.135(1)(e)1. b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
137	893.135(1)(f)1. b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
138	893.135(1)(g)1. b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
139	893.135(1)(h)1. b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
140	893.135(1)(j)1. b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
141	893.135(1)(k)2. b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
142	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in



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or control of any enterprise or real property.

143

895.03(3) 1st

Conduct or participate in any enterprise through pattern of racketeering activity.

144

896.101(5)(b) 2nd

Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

145

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.

146

(i) LEVEL 9

147

316.193(3)(c)3. 1st

b.

DUI manslaughter; failing to render aid or give information.

148

327.35(3)(c)3.b 1st

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BUI manslaughter; failing to render aid or give information.

149

499.0053 1st

Sale or purchase of contraband legend drugs resulting in great bodily harm.

150

560.123(8)(b)3. 1st

Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

151

560.125(5)(c) 1st

Money transmitter business by

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unauthorized person, currency, or  
payment instruments totaling or  
exceeding \$100,000.

152

655.50(10)(b)3. 1st Failure to report financial  
transactions totaling or exceeding  
\$100,000 by financial institution.

153

775.0844 1st Aggravated white collar crime.

154

782.04(1) 1st Attempt, conspire, or solicit to  
commit premeditated murder.

155

782.04(3) 1st,PBL Accomplice to murder in connection  
with arson, sexual battery, robbery,  
burglary, and other specified  
felonies.

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782.051(1) 1st Attempted felony murder while  
perpetrating or attempting to  
perpetrate a felony enumerated in s.  
782.04(3).

157

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

158

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

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

160

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere

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with performance of any governmental or political function.

161	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.
162	790.161	1st	Attempted capital destructive device offense.
163	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
164	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
165	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
166	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
167	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
168	800.04(5)(b)	1st	Lewd or lascivious molestation; victim

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			less than 12 years; offender 18 years or older.
169	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
170	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
171	<u>812.135(2)(b)</u>	<u>1st</u>	<u>Home-invasion robbery with weapon.</u>
172	817.568(7)	2nd,PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
173	827.03(2)	1st	Aggravated child abuse.
174	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
175	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
176	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.
177	893.135	1st	Attempted capital trafficking offense.
178	893.135(1)(a)3.	1st	Trafficking in cannabis, more than

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10,000 lbs.

179

893.135(1)(b)1. 1st  
c.

Trafficking in cocaine, more than 400  
grams, less than 150 kilograms.

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893.135(1)(c)1. 1st  
c.

Trafficking in illegal drugs, more  
than 28 grams, less than 30 kilograms.

181

893.135(1)(d)1. 1st  
c.

Trafficking in phencyclidine, more  
than 400 grams.

182

893.135(1)(e)1. 1st  
c.

Trafficking in methaqualone, more than  
25 kilograms.

183

893.135(1)(f)1. 1st  
c.

Trafficking in amphetamine, more than  
200 grams.

184

893.135(1)(h)1. 1st  
c.

Trafficking in gamma-hydroxybutyric  
acid (GHB), 10 kilograms or more.

185

893.135(1)(j)1. 1st  
c.

Trafficking in 1,4-Butanediol, 10  
kilograms or more.

186

893.135(1)(k)2. 1st  
c.

Trafficking in Phenethylamines, 400  
grams or more.

187

896.101(5)(c) 1st

Money laundering, financial  
instruments totaling or exceeding  
\$100,000.

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896.104(4)(a)3. 1st

Structuring transactions to evade  
reporting or registration  
requirements, financial transactions  
totaling or exceeding \$100,000.

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(j) LEVEL 10

499.0054            1st            Sale or purchase of contraband legend drugs resulting in death.

782.04(2)            1st,PBL        Unlawful killing of human; act is homicide, unpremeditated.

787.01(1)(a)3.      1st,PBL        Kidnapping; inflict bodily harm upon or terrorize victim.

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.

782.07(3)            1st            Aggravated manslaughter of a child.

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.

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.