

1 A bill to be entitled
 2 An act relating to dwelling and structure burglaries
 3 during a declared state of emergency; amending s. 810.02,
 4 F.S.; providing that it is a felony of the first degree to
 5 commit a burglary of a dwelling during a state of
 6 emergency; providing that it is a felony of the second
 7 degree to commit a burglary of a structure during a state
 8 of emergency and, in the course of that burglary, commit
 9 the crime of grand theft from that structure in an amount
 10 of \$300 or more; providing penalties; providing that a
 11 person who is arrested for any such felony shall be held
 12 in custody until brought before the court for admittance
 13 to bail; amending s. 921.0022, F.S.; ranking the offense
 14 severity level of such felonies in the Criminal Punishment
 15 Code; providing an effective date.

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

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 19 Section 1. Subsection (5) is added to section 810.02,
 20 Florida Statutes, to read:

21 810.02 Burglary.--

22 (5)(a) Burglary of a dwelling during the time of a state
 23 of emergency, declared by executive order or proclamation of the
 24 Governor under chapter 252, within the area covered by such
 25 executive order or proclamation is a felony of the first degree,
 26 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

27 (b) Burglary of a structure during the time of a state of
 28 emergency, declared by executive order or proclamation of the

29 Governor under chapter 252, within the area covered by such
 30 executive order or proclamation is a felony of the second
 31 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 32 775.084, if, in the course of that burglary, the offender also
 33 commits the offense of grand theft from that structure of
 34 property valued at \$300 or more.

35 (c) A person who is arrested for a violation of paragraph
 36 (a) or paragraph (b) shall be held in custody until brought
 37 before the court for admittance to bail in accordance with
 38 chapter 903.

39 Section 2. Paragraphs (g) and (h) of subsection (3) of
 40 section 921.0022, Florida Statutes, are amended to read:

41 921.0022 Criminal Punishment Code; offense severity
 42 ranking chart.--

43 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
316.027(1)(b)	2nd	(g) LEVEL 7 Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.

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316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent
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disability, or
death.

51

409.920(2) 3rd

Medicaid provider
fraud.

52

456.065(2) 3rd

Practicing a health
care profession
without a license.

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456.065(2) 2nd

Practicing a health
care profession
without a license
which results in
serious bodily
injury.

54

458.327(1) 3rd

Practicing medicine
without a license.

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459.013(1) 3rd

Practicing
osteopathic medicine
without a license.

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460.411(1) 3rd

Practicing
chiropractic
medicine without a
license.

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461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a

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65	483.828(1)	3rd	license.
66	483.901(9)	3rd	Practicing as clinical laboratory personnel without a license.
67	484.013(1)(c)	3rd	Practicing medical physics without a license.
68	484.053	3rd	Preparing or dispensing optical devices without a prescription.
69	494.0018(2)	1st	Dispensing hearing aids without a license. Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or

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70	560.123(8)(b)1.	3rd	<p>more victims.</p> <p>Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.</p>
71	560.125(5)(a)	3rd	<p>Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.</p>
72	655.50(10)(b)1.	3rd	<p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
73	782.051(3)	2nd	<p>Attempted felony murder of a person by a person other</p>

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74	782.07(1)	2nd	<p>than the perpetrator or the perpetrator of an attempted felony.</p>
75	782.071	2nd	<p>Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).</p>
76	782.072	2nd	<p>Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).</p>
77			<p>Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).</p>

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78	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
79	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
80	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
81	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
82	784.048(7)	3rd	Aggravated stalking; violation of court order.
83	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
	784.074(1)(a)	1st	Aggravated battery on sexually violent

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84	784.08(2)(a)	1st	predators facility staff.
85	784.081(1)	1st	Aggravated battery on a person 65 years of age or older.
86	784.082(1)	1st	Aggravated battery on specified official or employee.
87	784.083(1)	1st	Aggravated battery by detained person on visitor or other detainee.
88	790.07(4)	1st	Aggravated battery on code inspector. Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
89	790.16(1)	1st	Discharge of a machine gun under

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specified
circumstances.

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790.165(2) 2nd

Manufacture, sell,
possess, or deliver
hoax bomb.

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790.165(3) 2nd

Possessing,
displaying, or
threatening to use
any hoax bomb while
committing or
attempting to commit
a felony.

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790.166(3) 2nd

Possessing, selling,
using, or attempting
to use a hoax weapon
of mass destruction.

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790.166(4) 2nd

Possessing,
displaying, or
threatening to use a
hoax weapon of mass
destruction while
committing or
attempting to commit
a felony.

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94	796.03	2nd	Procuring any person under 16 years for prostitution.
95	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
96	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
97	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
98	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
99	810.02(3)(b)	2nd	Burglary of

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100	810.02(3)(d)	2nd	unoccupied dwelling; unarmed; no assault or battery.
101	<u>810.02(5)(b)</u>	<u>2nd</u>	Burglary of occupied conveyance; unarmed; no assault or battery.
102	812.014(2)(a)1.	1st	<u>Burglary of a structure during time of a declared state of emergency and grand theft of property valued at \$300 or more.</u>
103	812.014(2)(b)2.	2nd	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
			Property stolen, cargo valued at less than \$50,000, grand

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104	812.014(2)(b)3.	2nd	theft in 2nd degree. Property stolen, emergency medical equipment; 2nd degree grand theft.
105	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
106	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
107	812.131(2)(a)	2nd	Robbery by sudden snatching.
108	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
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817.234(8)(a)

2nd

Solicitation of motor vehicle accident victims with intent to defraud.

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817.234(9)

2nd

Organizing, planning, or participating in an intentional motor vehicle collision.

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817.234(11)(c)

1st

Insurance fraud; property value \$100,000 or more.

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817.2341(2)(b) & (3)(b)

1st

Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

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114	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
115	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
116	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
117	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
117	837.05(2)	3rd	Giving false information about

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118			alleged capital felony to a law enforcement officer.
119	838.015	2nd	Bribery.
120	838.016	2nd	Unlawful compensation or reward for official behavior.
121	838.021(3)(a)	2nd	Unlawful harm to a public servant.
122	838.22	2nd	Bid tampering.
123	872.06	2nd	Abuse of a dead human body.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a

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124

893.13(1)(e)1. 1st

child care facility,
 school, or state,
 county, or municipal
 park or publicly
 owned recreational
 facility or
 community center.

Sell, manufacture,
 or deliver cocaine
 or other drug
 prohibited under s.
 893.03(1)(a),
 (1)(b), (1)(d),
 (2)(a), (2)(b), or
 (2)(c)4., within
 1,000 feet of
 property used for
 religious services
 or a specified
 business site.

125

893.13(4)(a) 1st

Deliver to minor
 cocaine (or other s.
 893.03(1)(a),
 (1)(b), (1)(d),
 (2)(a), (2)(b), or
 (2)(c)4. drugs).

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893.135(1)(a)1. 1st Trafficking in
cannabis, more than
25 lbs., less than
2,000 lbs.

127

893.135(1)(b)1.a. 1st Trafficking in
cocaine, more than
28 grams, less than
200 grams.

128

893.135(1)(c)1.a. 1st Trafficking in
illegal drugs, more
than 4 grams, less
than 14 grams.

129

893.135(1)(d)1. 1st Trafficking in
phencyclidine, more
than 28 grams, less
than 200 grams.

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893.135(1)(e)1. 1st Trafficking in
methaqualone, more
than 200 grams, less
than 5 kilograms.

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893.135(1)(f)1. 1st Trafficking in
amphetamine, more

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132	893.135(1)(g)1.a.	1st	than 14 grams, less than 28 grams.
133	893.135(1)(h)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
134	893.135(1)(j)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
135	893.135(1)(k)2.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
136	896.101(5)(a)	3rd	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. Money laundering, financial

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			transactions exceeding \$300 but less than \$20,000.
137	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
138			(h) LEVEL 8
139	316.193(3)(c)3.a.	2nd	DUI manslaughter.
140	316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
141	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
142	499.0051(7)	1st	Forgery of prescription or

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143	499.0052	1st	legend drug labels.
144	499.0052	1st	Trafficking in contraband legend drugs.
145	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.
146	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.
146	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000,

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147	777.03(2)(a)	1st	but less than \$100,000 by financial institutions.
148	782.04(4)	2nd	Accessory after the fact, capital felony.
149	782.051(2)	1st	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. Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s.

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150	782.071(1)(b)	1st	782.04(3). Committing vehicular homicide and failing to render aid or give information.
151	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
152	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
153	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
154	800.04(4)	2nd	Lewd or lascivious battery.

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155	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
156	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
157	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
158	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
159	<u>810.02(5)(a)</u>	<u>1st</u>	<u>Burglary of a dwelling during time of a declared state of emergency.</u>
160	812.014(2)(a)2.	1st	Property stolen; cargo valued at

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161	812.13(2)(b)	1st	\$50,000 or more, grand theft in 1st degree.
162	812.135(2)(c)	1st	Robbery with a weapon.
163	817.568(6)	2nd	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
164	825.102(2)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
165	825.1025(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
166			Lewd or lascivious battery upon an elderly person or disabled adult.

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167	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
168	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
169	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
170	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
171	860.16	1st	Aircraft piracy.
	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams

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172	893.13(2)(b)	1st	of any substance specified in s. 893.03(1)(a) or (b).
173	893.13(6)(c)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
174	893.135(1)(a)2.	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
175	893.135(1)(b)1.b.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
176	893.135(1)(c)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
			Trafficking in illegal drugs, more

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177	893.135(1)(d)1.b.	1st	than 14 grams, less than 28 grams.
178	893.135(1)(e)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
179	893.135(1)(f)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
180	893.135(1)(g)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
181	893.135(1)(h)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams. Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more,

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182	893.135(1)(j)1.b.	1st	less than 10 kilograms.
183	893.135(1)(k)2.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
184	895.03(1)	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
185	895.03(2)	1st	Use or invest proceeds derived from pattern of racketeering activity.
186			Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

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187 895.03(3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.

188 896.101(5)(b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

189 896.104(4)(a)2. 2nd Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

190 Section 3. This act shall take effect July 1, 2005.