

By Senator Garcia

40-472A-05

1                                   A bill to be entitled

2           An act relating to burglary; amending s.

3           810.02, F.S.; providing enhanced criminal

4           penalties for the offense of burglary of a

5           dwelling, structure, or conveyance within the

6           area covered by and during the time of a state

7           of emergency declared by executive order or

8           proclamation; directing that any person who is

9           arrested for burglary in the area covered by

10          the executive order or proclamation be held in

11          custody until brought before the court for

12          admittance to bail; amending s. 921.0022, F.S.;

13          placing the offenses of burglary of a dwelling,

14          structure, or conveyance within the area

15          covered by and during the time of a state of

16          emergency declared by executive order or

17          proclamation within the offense severity

18          ranking chart of the Criminal Punishment Code;

19          providing an effective date.

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

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

25           810.02 Burglary.--

26           (5)(a) It is a felony of the first degree, punishable

27 as provided in s. 775.082, s. 775.083, or s. 775.084, for any

28 person to commit a burglary of a dwelling within the area

29 covered by and during the time of a state of emergency

30 declared by executive order or proclamation of the Governor

31 under chapter 252.

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1           (b) It is a felony of the second degree, punishable as  
2 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
3 person to commit a burglary of a structure or conveyance  
4 within the area covered by and during the time of a state of  
5 emergency declared by executive order or proclamation of the  
6 Governor under chapter 252 and, during the course of the  
7 burglary, to commit grand theft by stealing property valued at  
8 \$300 or more.

9           (c) Any person who is arrested for a violation of  
10 paragraph (a) or paragraph (b) shall be held in custody until  
11 brought before the court for admittance to bail in accordance  
12 with chapter 903.

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

15           921.0022 Criminal Punishment Code; offense severity  
16 ranking chart.--

17           (3) OFFENSE SEVERITY RANKING CHART

18

| 19 Florida         | Felony |   |
|--------------------|--------|---|
| 20 Statute         | Degree | Description   |
|                    |        | (g) LEVEL 7   |
| 23 316.027(1)(b)   | 2nd    | Accident involving death, failure<br>24 to stop; leaving scene. |
| 25 316.193(3)(c)2. | 3rd    | DUI resulting in serious bodily<br>26 injury.                   |

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|    |                |     |                                   |
|----|----------------|-----|-----------------------------------|
| 1  | 316.1935(3)(b) | 1st | Causing serious bodily injury or  |
| 2  |                |     | death to another person; driving  |
| 3  |                |     | at high speed or with wanton      |
| 4  |                |     | disregard for safety while        |
| 5  |                |     | fleeing or attempting to elude    |
| 6  |                |     | law enforcement officer who is in |
| 7  |                |     | a patrol vehicle with siren and   |
| 8  |                |     | lights activated.                 |
| 9  | 327.35(3)(c)2. | 3rd | Vessel BUI resulting in serious   |
| 10 |                |     | bodily injury.                    |
| 11 | 402.319(2)     | 2nd | Misrepresentation and negligence  |
| 12 |                |     | or intentional act resulting in   |
| 13 |                |     | great bodily harm, permanent      |
| 14 |                |     | disfiguration, permanent          |
| 15 |                |     | disability, or death.             |
| 16 | 409.920(2)     | 3rd | Medicaid provider fraud.          |
| 17 | 456.065(2)     | 3rd | Practicing a health care          |
| 18 |                |     | profession without a license.     |
| 19 | 456.065(2)     | 2nd | Practicing a health care          |
| 20 |                |     | profession without a license      |
| 21 |                |     | which results in serious bodily   |
| 22 |                |     | injury.                           |
| 23 | 458.327(1)     | 3rd | Practicing medicine without a     |
| 24 |                |     | license.                          |
| 25 | 459.013(1)     | 3rd | Practicing osteopathic medicine   |
| 26 |                |     | without a license.                |
| 27 | 460.411(1)     | 3rd | Practicing chiropractic medicine  |
| 28 |                |     | without a license.                |
| 29 | 461.012(1)     | 3rd | Practicing podiatric medicine     |
| 30 |                |     | without a license.                |
| 31 |                |     |                                   |

|    |               |     |                                   |
|----|---------------|-----|-----------------------------------|
| 1  | 462.17        | 3rd | Practicing naturopathy without a  |
| 2  |               |     | license.                          |
| 3  | 463.015(1)    | 3rd | Practicing optometry without a    |
| 4  |               |     | license.                          |
| 5  | 464.016(1)    | 3rd | Practicing nursing without a      |
| 6  |               |     | license.                          |
| 7  | 465.015(2)    | 3rd | Practicing pharmacy without a     |
| 8  |               |     | license.                          |
| 9  | 466.026(1)    | 3rd | Practicing dentistry or dental    |
| 10 |               |     | hygiene without a license.        |
| 11 | 467.201       | 3rd | Practicing midwifery without a    |
| 12 |               |     | license.                          |
| 13 | 468.366       | 3rd | Delivering respiratory care       |
| 14 |               |     | services without a license.       |
| 15 | 483.828(1)    | 3rd | Practicing as clinical laboratory |
| 16 |               |     | personnel without a license.      |
| 17 | 483.901(9)    | 3rd | Practicing medical physics        |
| 18 |               |     | without a license.                |
| 19 | 484.013(1)(c) | 3rd | Preparing or dispensing optical   |
| 20 |               |     | devices without a prescription.   |
| 21 | 484.053       | 3rd | Dispensing hearing aids without a |
| 22 |               |     | license.                          |
| 23 | 494.0018(2)   | 1st | Conviction of any violation of    |
| 24 |               |     | ss. 494.001-494.0077 in which the |
| 25 |               |     | total money and property          |
| 26 |               |     | unlawfully obtained exceeded      |
| 27 |               |     | \$50,000 and there were five or   |
| 28 |               |     | more victims.                     |
| 29 |               |     |                                   |
| 30 |               |     |                                   |
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|----|-----------------|-----|-----------------------------------|
| 1  | 560.123(8)(b)1. | 3rd | Failure to report currency or     |
| 2  |                 |     | payment instruments exceeding     |
| 3  |                 |     | \$300 but less than \$20,000 by   |
| 4  |                 |     | money transmitter.                |
| 5  | 560.125(5)(a)   | 3rd | Money transmitter business by     |
| 6  |                 |     | unauthorized person, currency or  |
| 7  |                 |     | payment instruments exceeding     |
| 8  |                 |     | \$300 but less than \$20,000.     |
| 9  | 655.50(10)(b)1. | 3rd | Failure to report financial       |
| 10 |                 |     | transactions exceeding \$300 but  |
| 11 |                 |     | less than \$20,000 by financial   |
| 12 |                 |     | institution.                      |
| 13 | 782.051(3)      | 2nd | Attempted felony murder of a      |
| 14 |                 |     | person by a person other than the |
| 15 |                 |     | perpetrator or the perpetrator of |
| 16 |                 |     | an attempted felony.              |
| 17 | 782.07(1)       | 2nd | Killing of a human being by the   |
| 18 |                 |     | act, procurement, or culpable     |
| 19 |                 |     | negligence of another             |
| 20 |                 |     | (manslaughter).                   |
| 21 | 782.071         | 2nd | Killing of human being or viable  |
| 22 |                 |     | fetus by the operation of a motor |
| 23 |                 |     | vehicle in a reckless manner      |
| 24 |                 |     | (vehicular homicide).             |
| 25 | 782.072         | 2nd | Killing of a human being by the   |
| 26 |                 |     | operation of a vessel in a        |
| 27 |                 |     | reckless manner (vessel           |
| 28 |                 |     | homicide).                        |
| 29 | 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally |
| 30 |                 |     | causing great bodily harm or      |
| 31 |                 |     | disfigurement.                    |

|    |                 |     |                                   |
|----|-----------------|-----|-----------------------------------|
| 1  | 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly  |
| 2  |                 |     | weapon.                           |
| 3  | 784.045(1)(b)   | 2nd | Aggravated battery; perpetrator   |
| 4  |                 |     | aware victim pregnant.            |
| 5  | 784.048(4)      | 3rd | Aggravated stalking; violation of |
| 6  |                 |     | injunction or court order.        |
| 7  | 784.048(7)      | 3rd | Aggravated stalking; violation of |
| 8  |                 |     | court order.                      |
| 9  | 784.07(2)(d)    | 1st | Aggravated battery on law         |
| 10 |                 |     | enforcement officer.              |
| 11 | 784.074(1)(a)   | 1st | Aggravated battery on sexually    |
| 12 |                 |     | violent predators facility staff. |
| 13 | 784.08(2)(a)    | 1st | Aggravated battery on a person 65 |
| 14 |                 |     | years of age or older.            |
| 15 | 784.081(1)      | 1st | Aggravated battery on specified   |
| 16 |                 |     | official or employee.             |
| 17 | 784.082(1)      | 1st | Aggravated battery by detained    |
| 18 |                 |     | person on visitor or other        |
| 19 |                 |     | detainee.                         |
| 20 | 784.083(1)      | 1st | Aggravated battery on code        |
| 21 |                 |     | inspector.                        |
| 22 | 790.07(4)       | 1st | Specified weapons violation       |
| 23 |                 |     | subsequent to previous conviction |
| 24 |                 |     | of s. 790.07(1) or (2).           |
| 25 | 790.16(1)       | 1st | Discharge of a machine gun under  |
| 26 |                 |     | specified circumstances.          |
| 27 | 790.165(2)      | 2nd | Manufacture, sell, possess, or    |
| 28 |                 |     | deliver hoax bomb.                |
| 29 |                 |     |                                   |
| 30 |                 |     |                                   |
| 31 |                 |     |                                   |

|    |                |     |                                   |
|----|----------------|-----|-----------------------------------|
| 1  | 790.165(3)     | 2nd | Possessing, displaying, or        |
| 2  |                |     | threatening to use any hoax bomb  |
| 3  |                |     | while committing or attempting to |
| 4  |                |     | commit a felony.                  |
| 5  | 790.166(3)     | 2nd | Possessing, selling, using, or    |
| 6  |                |     | attempting to use a hoax weapon   |
| 7  |                |     | of mass destruction.              |
| 8  | 790.166(4)     | 2nd | Possessing, displaying, or        |
| 9  |                |     | threatening to use a hoax weapon  |
| 10 |                |     | of mass destruction while         |
| 11 |                |     | committing or attempting to       |
| 12 |                |     | commit a felony.                  |
| 13 | 796.03         | 2nd | Procuring any person under 16     |
| 14 |                |     | years for prostitution.           |
| 15 | 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation;   |
| 16 |                |     | victim less than 12 years of age; |
| 17 |                |     | offender less than 18 years.      |
| 18 | 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation;   |
| 19 |                |     | victim 12 years of age or older   |
| 20 |                |     | but less than 16 years; offender  |
| 21 |                |     | 18 years or older.                |
| 22 | 806.01(2)      | 2nd | Maliciously damage structure by   |
| 23 |                |     | fire or explosive.                |
| 24 | 810.02(3)(a)   | 2nd | Burglary of occupied dwelling;    |
| 25 |                |     | unarmed; no assault or battery.   |
| 26 | 810.02(3)(b)   | 2nd | Burglary of unoccupied dwelling;  |
| 27 |                |     | unarmed; no assault or battery.   |
| 28 | 810.02(3)(d)   | 2nd | Burglary of occupied conveyance;  |
| 29 |                |     | unarmed; no assault or battery.   |
| 30 |                |     |                                   |
| 31 |                |     |                                   |

|    |                     |            |  |
|----|---------------------|------------|--|
| 1  | <u>810.02(5)(b)</u> | <u>2nd</u> | <u>Burglary of a structure or</u>        |
| 2  |                     |            | <u>conveyance within the area</u>        |
| 3  |                     |            | <u>covered by and during the time of</u> |
| 4  |                     |            | <u>a state of emergency declared by</u>  |
| 5  |                     |            | <u>executive order or proclamation.</u>  |
| 6  | 812.014(2)(a)1.     | 1st        | Property stolen, valued at               |
| 7  |                     |            | \$100,000 or more; property stolen       |
| 8  |                     |            | while causing other property             |
| 9  |                     |            | damage; 1st degree grand theft.          |
| 10 | 812.014(2)(b)2.     | 2nd        | Property stolen, cargo valued at         |
| 11 |                     |            | less than \$50,000, grand theft in       |
| 12 |                     |            | 2nd degree.                              |
| 13 | 812.014(2)(b)3.     | 2nd        | Property stolen, emergency               |
| 14 |                     |            | medical equipment; 2nd degree            |
| 15 |                     |            | grand theft.                             |
| 16 | 812.0145(2)(a)      | 1st        | Theft from person 65 years of age        |
| 17 |                     |            | or older; \$50,000 or more.              |
| 18 | 812.019(2)          | 1st        | Stolen property; initiates,              |
| 19 |                     |            | organizes, plans, etc., the theft        |
| 20 |                     |            | of property and traffics in              |
| 21 |                     |            | stolen property.                         |
| 22 | 812.131(2)(a)       | 2nd        | Robbery by sudden snatching.             |
| 23 | 812.133(2)(b)       | 1st        | Carjacking; no firearm, deadly           |
| 24 |                     |            | weapon, or other weapon.                 |
| 25 | 817.234(8)(a)       | 2nd        | Solicitation of motor vehicle            |
| 26 |                     |            | accident victims with intent to          |
| 27 |                     |            | defraud.                                 |
| 28 | 817.234(9)          | 2nd        | Organizing, planning, or                 |
| 29 |                     |            | participating in an intentional          |
| 30 |                     |            | motor vehicle collision.                 |
| 31 |                     |            |  |



|    |                 |     |                                  |
|----|-----------------|-----|----------------------------------|
| 1  | 817.234(11)(c)  | 1st | Insurance fraud; property value  |
| 2  |                 |     | \$100,000 or more.               |
| 3  | 817.2341(2)(b)& |     |                                  |
| 4  | (3)(b)          | 1st | Making false entries of material |
| 5  |                 |     | fact or false statements         |
| 6  |                 |     | regarding property values        |
| 7  |                 |     | relating to the solvency of an   |
| 8  |                 |     | insuring entity which are a      |
| 9  |                 |     | significant cause of the         |
| 10 |                 |     | insolvency of that entity.       |
| 11 | 825.102(3)(b)   | 2nd | Neglecting an elderly person or  |
| 12 |                 |     | disabled adult causing great     |
| 13 |                 |     | bodily harm, disability, or      |
| 14 |                 |     | disfigurement.                   |
| 15 | 825.103(2)(b)   | 2nd | Exploiting an elderly person or  |
| 16 |                 |     | disabled adult and property is   |
| 17 |                 |     | valued at \$20,000 or more, but  |
| 18 |                 |     | less than \$100,000.             |
| 19 | 827.03(3)(b)    | 2nd | Neglect of a child causing great |
| 20 |                 |     | bodily harm, disability, or      |
| 21 |                 |     | disfigurement.                   |
| 22 | 827.04(3)       | 3rd | Impregnation of a child under 16 |
| 23 |                 |     | years of age by person 21 years  |
| 24 |                 |     | of age or older.                 |
| 25 | 837.05(2)       | 3rd | Giving false information about   |
| 26 |                 |     | alleged capital felony to a law  |
| 27 |                 |     | enforcement officer.             |
| 28 | 838.015         | 2nd | Bribery.                         |
| 29 | 838.016         | 2nd | Unlawful compensation or reward  |
| 30 |                 |     | for official behavior.           |
| 31 |                 |     |                                  |

|    |                 |     |                                   |
|----|-----------------|-----|-----------------------------------|
| 1  | 838.021(3)(a)   | 2nd | Unlawful harm to a public         |
| 2  |                 |     | servant.                          |
| 3  | 838.22          | 2nd | Bid tampering.                    |
| 4  | 872.06          | 2nd | Abuse of a dead human body.       |
| 5  | 893.13(1)(c)1.  | 1st | Sell, manufacture, or deliver     |
| 6  |                 |     | cocaine (or other drug prohibited |
| 7  |                 |     | under s. 893.03(1)(a), (1)(b),    |
| 8  |                 |     | (1)(d), (2)(a), (2)(b), or        |
| 9  |                 |     | (2)(c)4.) within 1,000 feet of a  |
| 10 |                 |     | child care facility, school, or   |
| 11 |                 |     | state, county, or municipal park  |
| 12 |                 |     | or publicly owned recreational    |
| 13 |                 |     | facility or community center.     |
| 14 | 893.13(1)(e)1.  | 1st | Sell, manufacture, or deliver     |
| 15 |                 |     | cocaine or other drug prohibited  |
| 16 |                 |     | under s. 893.03(1)(a), (1)(b),    |
| 17 |                 |     | (1)(d), (2)(a), (2)(b), or        |
| 18 |                 |     | (2)(c)4., within 1,000 feet of    |
| 19 |                 |     | property used for religious       |
| 20 |                 |     | services or a specified business  |
| 21 |                 |     | site.                             |
| 22 | 893.13(4)(a)    | 1st | Deliver to minor cocaine (or      |
| 23 |                 |     | other s. 893.03(1)(a), (1)(b),    |
| 24 |                 |     | (1)(d), (2)(a), (2)(b), or        |
| 25 |                 |     | (2)(c)4. drugs).                  |
| 26 | 893.135(1)(a)1. | 1st | Trafficking in cannabis, more     |
| 27 |                 |     | than 25 lbs., less than 2,000     |
| 28 |                 |     | lbs.                              |
| 29 | 893.135         |     |                                   |
| 30 | (1)(b)1.a.      | 1st | Trafficking in cocaine, more than |
| 31 |                 |     | 28 grams, less than 200 grams.    |

|    |                 |     |                                   |
|----|-----------------|-----|-----------------------------------|
| 1  | 893.135         |     |                                   |
| 2  | (1)(c)1.a.      | 1st | Trafficking in illegal drugs,     |
| 3  |                 |     | more than 4 grams, less than 14   |
| 4  |                 |     | grams.                            |
| 5  | 893.135         |     |                                   |
| 6  | (1)(d)1.        | 1st | Trafficking in phencyclidine,     |
| 7  |                 |     | more than 28 grams, less than 200 |
| 8  |                 |     | grams.                            |
| 9  | 893.135(1)(e)1. | 1st | Trafficking in methaqualone, more |
| 10 |                 |     | than 200 grams, less than 5       |
| 11 |                 |     | kilograms.                        |
| 12 | 893.135(1)(f)1. | 1st | Trafficking in amphetamine, more  |
| 13 |                 |     | than 14 grams, less than 28       |
| 14 |                 |     | grams.                            |
| 15 | 893.135         |     |                                   |
| 16 | (1)(g)1.a.      | 1st | Trafficking in flunitrazepam, 4   |
| 17 |                 |     | grams or more, less than 14       |
| 18 |                 |     | grams.                            |
| 19 | 893.135         |     |                                   |
| 20 | (1)(h)1.a.      | 1st | Trafficking in                    |
| 21 |                 |     | gamma-hydroxybutyric acid (GHB),  |
| 22 |                 |     | 1 kilogram or more, less than 5   |
| 23 |                 |     | kilograms.                        |
| 24 | 893.135         |     |                                   |
| 25 | (1)(j)1.a.      | 1st | Trafficking in 1,4-Butanediol, 1  |
| 26 |                 |     | kilogram or more, less than 5     |
| 27 |                 |     | kilograms.                        |
| 28 | 893.135         |     |                                   |
| 29 | (1)(k)2.a.      | 1st | Trafficking in Phenethylamines,   |
| 30 |                 |     | 10 grams or more, less than 200   |
| 31 |                 |     | grams.                            |

|    |                 |     |                                   |
|----|-----------------|-----|-----------------------------------|
| 1  | 896.101(5)(a)   | 3rd | Money laundering, financial       |
| 2  |                 |     | transactions exceeding \$300 but  |
| 3  |                 |     | less than \$20,000.               |
| 4  | 896.104(4)(a)1. | 3rd | Structuring transactions to evade |
| 5  |                 |     | reporting or registration         |
| 6  |                 |     | requirements, financial           |
| 7  |                 |     | transactions exceeding \$300 but  |
| 8  |                 |     | less than \$20,000.               |
| 9  |                 |     | (h) LEVEL 8                       |
| 10 | 316.193         |     |                                   |
| 11 | (3)(c)3.a.      | 2nd | DUI manslaughter.                 |
| 12 | 316.1935(4)(b)  | 1st | Aggravated fleeing or attempted   |
| 13 |                 |     | eluding with serious bodily       |
| 14 |                 |     | injury or death.                  |
| 15 | 327.35(3)(c)3.  | 2nd | Vessel BUI manslaughter.          |
| 16 | 499.0051(7)     | 1st | Forgery of prescription or legend |
| 17 |                 |     | drug labels.                      |
| 18 | 499.0052        | 1st | Trafficking in contraband legend  |
| 19 |                 |     | drugs.                            |
| 20 | 560.123(8)(b)2. | 2nd | Failure to report currency or     |
| 21 |                 |     | payment instruments totaling or   |
| 22 |                 |     | exceeding \$20,000, but less than |
| 23 |                 |     | \$100,000 by money transmitter.   |
| 24 | 560.125(5)(b)   | 2nd | Money transmitter business by     |
| 25 |                 |     | unauthorized person, currency or  |
| 26 |                 |     | payment instruments totaling or   |
| 27 |                 |     | exceeding \$20,000, but less than |
| 28 |                 |     | \$100,000.                        |
| 29 |                 |     |                                   |
| 30 |                 |     |                                   |
| 31 |                 |     |                                   |

|    |                 |     |                                   |
|----|-----------------|-----|-----------------------------------|
| 1  | 655.50(10)(b)2. | 2nd | Failure to report financial       |
| 2  |                 |     | transactions totaling or          |
| 3  |                 |     | exceeding \$20,000, but less than |
| 4  |                 |     | \$100,000 by financial            |
| 5  |                 |     | institutions.                     |
| 6  | 777.03(2)(a)    | 1st | Accessory after the fact, capital |
| 7  |                 |     | felony.                           |
| 8  | 782.04(4)       | 2nd | Killing of human without design   |
| 9  |                 |     | when engaged in act or attempt of |
| 10 |                 |     | any felony other than arson,      |
| 11 |                 |     | sexual battery, robbery,          |
| 12 |                 |     | burglary, kidnapping, aircraft    |
| 13 |                 |     | piracy, or unlawfully discharging |
| 14 |                 |     | bomb.                             |
| 15 | 782.051(2)      | 1st | Attempted felony murder while     |
| 16 |                 |     | perpetrating or attempting to     |
| 17 |                 |     | perpetrate a felony not           |
| 18 |                 |     | enumerated in s. 782.04(3).       |
| 19 | 782.071(1)(b)   | 1st | Committing vehicular homicide and |
| 20 |                 |     | failing to render aid or give     |
| 21 |                 |     | information.                      |
| 22 | 782.072(2)      | 1st | Committing vessel homicide and    |
| 23 |                 |     | failing to render aid or give     |
| 24 |                 |     | information.                      |
| 25 | 790.161(3)      | 1st | Discharging a destructive device  |
| 26 |                 |     | which results in bodily harm or   |
| 27 |                 |     | property damage.                  |
| 28 | 794.011(5)      | 2nd | Sexual battery, victim 12 years   |
| 29 |                 |     | or over, offender does not use    |
| 30 |                 |     | physical force likely to cause    |
| 31 |                 |     | serious injury.                   |

|    |                     |            |  |
|----|---------------------|------------|--|
| 1  | 800.04(4)           | 2nd        | Lewd or lascivious battery.              |
| 2  | 806.01(1)           | 1st        | Maliciously damage dwelling or           |
| 3  |                     |            | structure by fire or explosive,          |
| 4  |                     |            | believing person in structure.           |
| 5  | 810.02(2)(a)        | 1st,PBL    | Burglary with assault or battery.        |
| 6  | 810.02(2)(b)        | 1st,PBL    | Burglary; armed with explosives          |
| 7  |                     |            | or dangerous weapon.                     |
| 8  | 810.02(2)(c)        | 1st        | Burglary of a dwelling or                |
| 9  |                     |            | structure causing structural             |
| 10 |                     |            | damage or \$1,000 or more property       |
| 11 |                     |            | damage.                                  |
| 12 | <u>810.02(5)(a)</u> | <u>1st</u> | <u>Burglary of a dwelling within the</u> |
| 13 |                     |            | <u>area covered by and during the</u>    |
| 14 |                     |            | <u>time of a state of emergency</u>      |
| 15 |                     |            | <u>declared by executive order or</u>    |
| 16 |                     |            | <u>proclamation.</u>                     |
| 17 | 812.014(2)(a)2.     | 1st        | Property stolen; cargo valued at         |
| 18 |                     |            | \$50,000 or more, grand theft in         |
| 19 |                     |            | 1st degree.                              |
| 20 | 812.13(2)(b)        | 1st        | Robbery with a weapon.                   |
| 21 | 812.135(2)(c)       | 1st        | Home-invasion robbery, no                |
| 22 |                     |            | firearm, deadly weapon, or other         |
| 23 |                     |            | weapon.                                  |
| 24 | 817.568(6)          | 2nd        | Fraudulent use of personal               |
| 25 |                     |            | identification information of an         |
| 26 |                     |            | individual under the age of 18.          |
| 27 | 825.102(2)          | 2nd        | Aggravated abuse of an elderly           |
| 28 |                     |            | person or disabled adult.                |
| 29 | 825.1025(2)         | 2nd        | Lewd or lascivious battery upon          |
| 30 |                     |            | an elderly person or disabled            |
| 31 |                     |            | adult.                                   |

|    |                 |     |                                   |
|----|-----------------|-----|-----------------------------------|
| 1  | 825.103(2)(a)   | 1st | Exploiting an elderly person or   |
| 2  |                 |     | disabled adult and property is    |
| 3  |                 |     | valued at \$100,000 or more.      |
| 4  | 837.02(2)       | 2nd | Perjury in official proceedings   |
| 5  |                 |     | relating to prosecution of a      |
| 6  |                 |     | capital felony.                   |
| 7  | 837.021(2)      | 2nd | Making contradictory statements   |
| 8  |                 |     | in official proceedings relating  |
| 9  |                 |     | to prosecution of a capital       |
| 10 |                 |     | felony.                           |
| 11 | 860.121(2)(c)   | 1st | Shooting at or throwing any       |
| 12 |                 |     | object in path of railroad        |
| 13 |                 |     | vehicle resulting in great bodily |
| 14 |                 |     | harm.                             |
| 15 | 860.16          | 1st | Aircraft piracy.                  |
| 16 | 893.13(1)(b)    | 1st | Sell or deliver in excess of 10   |
| 17 |                 |     | grams of any substance specified  |
| 18 |                 |     | in s. 893.03(1)(a) or (b).        |
| 19 | 893.13(2)(b)    | 1st | Purchase in excess of 10 grams of |
| 20 |                 |     | any substance specified in s.     |
| 21 |                 |     | 893.03(1)(a) or (b).              |
| 22 | 893.13(6)(c)    | 1st | Possess in excess of 10 grams of  |
| 23 |                 |     | any substance specified in s.     |
| 24 |                 |     | 893.03(1)(a) or (b).              |
| 25 | 893.135(1)(a)2. | 1st | Trafficking in cannabis, more     |
| 26 |                 |     | than 2,000 lbs., less than 10,000 |
| 27 |                 |     | lbs.                              |
| 28 | 893.135         |     |                                   |
| 29 | (1)(b)1.b.      | 1st | Trafficking in cocaine, more than |
| 30 |                 |     | 200 grams, less than 400 grams.   |
| 31 |                 |     |                                   |

|    |            |     |                                   |
|----|------------|-----|-----------------------------------|
| 1  | 893.135    |     |                                   |
| 2  | (1)(c)1.b. | 1st | Trafficking in illegal drugs,     |
| 3  |            |     | more than 14 grams, less than 28  |
| 4  |            |     | grams.                            |
| 5  | 893.135    |     |                                   |
| 6  | (1)(d)1.b. | 1st | Trafficking in phencyclidine,     |
| 7  |            |     | more than 200 grams, less than    |
| 8  |            |     | 400 grams.                        |
| 9  | 893.135    |     |                                   |
| 10 | (1)(e)1.b. | 1st | Trafficking in methaqualone, more |
| 11 |            |     | than 5 kilograms, less than 25    |
| 12 |            |     | kilograms.                        |
| 13 | 893.135    |     |                                   |
| 14 | (1)(f)1.b. | 1st | Trafficking in amphetamine, more  |
| 15 |            |     | than 28 grams, less than 200      |
| 16 |            |     | grams.                            |
| 17 | 893.135    |     |                                   |
| 18 | (1)(g)1.b. | 1st | Trafficking in flunitrazepam, 14  |
| 19 |            |     | grams or more, less than 28       |
| 20 |            |     | grams.                            |
| 21 | 893.135    |     |                                   |
| 22 | (1)(h)1.b. | 1st | Trafficking in                    |
| 23 |            |     | gamma-hydroxybutyric acid (GHB),  |
| 24 |            |     | 5 kilograms or more, less than 10 |
| 25 |            |     | kilograms.                        |
| 26 | 893.135    |     |                                   |
| 27 | (1)(j)1.b. | 1st | Trafficking in 1,4-Butanediol, 5  |
| 28 |            |     | kilograms or more, less than 10   |
| 29 |            |     | kilograms.                        |
| 30 |            |     |                                   |
| 31 |            |     |                                   |



1 893.135  
2 (1)(k)2.b. 1st Trafficking in Phenethylamines,  
3 200 grams or more, less than 400  
4 grams.  
5 895.03(1) 1st Use or invest proceeds derived  
6 from pattern of racketeering  
7 activity.  
8 895.03(2) 1st Acquire or maintain through  
9 racketeering activity any  
10 interest in or control of any  
11 enterprise or real property.  
12 895.03(3) 1st Conduct or participate in any  
13 enterprise through pattern of  
14 racketeering activity.  
15 896.101(5)(b) 2nd Money laundering, financial  
16 transactions totaling or  
17 exceeding \$20,000, but less than  
18 \$100,000.  
19 896.104(4)(a)2. 2nd Structuring transactions to evade  
20 reporting or registration  
21 requirements, financial  
22 transactions totaling or  
23 exceeding \$20,000 but less than  
24 \$100,000.  
25 Section 3. This act shall take effect July 1, 2005.  
26  
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SENATE SUMMARY

Provides enhanced penalties for burglary of a dwelling, structure, or conveyance within the area covered by and during the time of a state of emergency declared by executive order or proclamation. Directs that any person who is arrested for burglary in the area covered by the executive order or proclamation be held in custody until brought before the court for admittance to bail. Provides for placement of the offenses of burglary of a dwelling, structure, or conveyance within the area covered by and during the time of a state of emergency declared by executive order or proclamation on the offense severity ranking chart.