

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to theft of property; amending s. 812.13,
7 F.S.; providing that if an offender threatens to use a
8 weapon or firearm during the course of a robbery, the
9 offender commits a felony of the first degree; specifying
10 the applicable offense when offender does not threaten to
11 use a weapon or firearm during robbery; providing
12 penalties; reenacting s. 921.0022(3)(f), (h), and (i),
13 F.S., relating to the offense severity ranking chart of
14 the Criminal Punishment Code, to incorporate the amendment
15 to s. 812.13, F.S., in references thereto; providing an
16 effective date.

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

19
20 Section 1. Section 812.13, Florida Statutes, is amended to
21 read:

22 812.13 Robbery.--

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23 (1) "Robbery" means the taking of money or other property
24 that ~~which~~ may be the subject of larceny from the person or
25 custody of another, with intent to either permanently or
26 temporarily deprive the person or the owner of the money or
27 other property, when in the course of the taking there is the
28 use of force, violence, assault, or putting in fear.

29 (2) (a) If in the course of committing the robbery the
30 offender carried a firearm or other deadly weapon, then the
31 robbery is a felony of the first degree, punishable by
32 imprisonment for a term of years not exceeding life imprisonment
33 or as provided in s. 775.082, s. 775.083, or s. 775.084.

34 (b) If in the course of committing the robbery the
35 offender carried a weapon or threatened to use a weapon or
36 firearm, then the robbery is a felony of the first degree,
37 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

38 (c) If in the course of committing the robbery the
39 offender carried no firearm, deadly weapon, or other weapon or
40 did not threaten to use any weapon or firearm, then the robbery
41 is a felony of the second degree, punishable as provided in s.
42 775.082, s. 775.083, or s. 775.084.

43 (3) (a) An act shall be deemed "in the course of committing
44 the robbery" if it occurs in an attempt to commit robbery or in
45 flight after the attempt or commission.

46 (b) An act shall be deemed "in the course of the taking"
47 if it occurs before ~~either prior to~~, contemporaneous with, or
48 after ~~subsequent to~~ the taking of the property and if it and the
49 act of taking constitute a continuous series of acts or events.

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50 Section 2. For the purpose of incorporating the amendments
51 made by this act to section 812.13, Florida Statutes, in
52 references thereto, paragraphs (f), (h), and (i) of subsection
53 (3) of section 921.0022, Florida Statutes, are reenacted to
54 read:

55 921.0022 Criminal Punishment Code; offense severity
56 ranking chart.--

57 (3) OFFENSE SEVERITY RANKING CHART

| Florida Statute | Felony Degree | Description |
|--------------------|------------------|--|
| | | (f) LEVEL 6 |
| 316.193 (2) (b) | 3rd | Felony DUI, 4th or subsequent conviction. |
| 499.0051 (3) | 2nd | Forgery of pedigree papers. |
| 499.0051 (4) | 2nd | Purchase or receipt of legend drug from unauthorized person. |
| 499.0051 (5) | 2nd | Sale of legend drug to unauthorized person. |
| 775.0875 (1) | 3rd | Taking firearm from law enforcement officer. |
| 784.021 (1) (a) | 3rd | Aggravated assault; deadly weapon without intent to kill. |

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| 66 | 784.021 (1) (b) | 3rd | Aggravated assault; intent to commit felony. |
| 67 | 784.041 | 3rd | Felony battery. |
| 68 | 784.048 (3) | 3rd | Aggravated stalking; credible threat. |
| 69 | 784.048 (5) | 3rd | Aggravated stalking of person under 16. |
| 70 | 784.07 (2) (c) | 2nd | Aggravated assault on law enforcement officer. |
| 71 | 784.074 (1) (b) | 2nd | Aggravated assault on sexually violent predators facility staff. |
| 72 | 784.08 (2) (b) | 2nd | Aggravated assault on a person 65 years of age or older. |
| 73 | 784.081 (2) | 2nd | Aggravated assault on specified official or employee. |
| 74 | 784.082 (2) | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 75 | 784.083 (2) | 2nd | Aggravated assault on code inspector. |
| | 787.02 (2) | 3rd | False imprisonment; restraining with purpose other than those in s. |

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| | | | 787.01. |
| 76 | 790.115 (2) (d) | 2nd | Discharging firearm or weapon on school property. |
| 77 | 790.161 (2) | 2nd | Make, possess, or throw destructive device with intent to do bodily harm or damage property. |
| 78 | 790.164 (1) | 2nd | False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property. |
| 79 | 790.19 | 2nd | Shooting or throwing deadly missiles into dwellings, vessels, or vehicles. |
| 80 | 794.011 (8) (a) | 3rd | Solicitation of minor to participate in sexual activity by custodial adult. |
| 81 | 794.05 (1) | 2nd | Unlawful sexual activity with specified minor. |
| 82 | 800.04 (5) (d) | 3rd | Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years. |
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| 84 | 800.04 (6) (b) | 2nd | Lewd or lascivious conduct; offender 18 years of age or older. |
| 85 | 806.031 (2) | 2nd | Arson resulting in great bodily harm to firefighter or any other person. |
| 86 | 810.02 (3) (c) | 2nd | Burglary of occupied structure; unarmed; no assault or battery. |
| 87 | 812.014 (2) (b) 1. | 2nd | Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree. |
| 88 | 812.015 (9) | 2nd | Retail theft; property stolen \$300 or more; second or subsequent conviction. |
| 89 | 812.13 (2) (c) | 2nd | Robbery, no firearm or other weapon (strong-arm robbery). |
| 90 | 817.034 (4) (a) 1. | 1st | Communications fraud, value greater than \$50,000. |
| 91 | 817.4821 (5) | 2nd | Possess cloning paraphernalia with intent to create cloned cellular telephones. |
| 92 | 825.102 (1) | 3rd | Abuse of an elderly person or disabled adult. |

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| 93 | 825.102 (3) (c) | 3rd | Neglect of an elderly person or disabled adult. |
| 94 | 825.1025 (3) | 3rd | Lewd or lascivious molestation of an elderly person or disabled adult. |
| 95 | 825.103 (2) (c) | 3rd | Exploiting an elderly person or disabled adult and property is valued at less than \$20,000. |
| 96 | 827.03 (1) | 3rd | Abuse of a child. |
| 97 | 827.03 (3) (c) | 3rd | Neglect of a child. |
| 98 | 827.071 (2) & (3) | 2nd | Use or induce a child in a sexual performance, or promote or direct such performance. |
| 99 | 836.05 | 2nd | Threats; extortion. |
| 100 | 836.10 | 2nd | Written threats to kill or do bodily injury. |
| 101 | 843.12 | 3rd | Aids or assists person to escape. |
| 102 | 847.0135 (2) | 3rd | Facilitates sexual conduct of or with a minor or the visual depiction of such conduct. |
| | 914.23 | 2nd | Retaliation against a witness, victim, or informant, with bodily |

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injury.

103

944.35 (3) (a) 2. 3rd Committing malicious battery upon or
inflicting cruel or inhuman
treatment on an inmate or offender
on community supervision, resulting
in great bodily harm.

104

944.40 2nd Escapes.

105

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

106

944.47 (1) (a) 5. 2nd Introduction of contraband (firearm,
weapon, or explosive) into
correctional facility.

107

951.22 (1) 3rd Intoxicating drug, firearm, or
weapon introduced into county
facility.

108

(h) LEVEL 8

109

316.193 2nd DUI manslaughter.
(3) (c) 3.a.

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316.1935 (4) (b) 1st Aggravated fleeing or attempted
eluding with serious bodily injury
or death.

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| 112 | 327.35 (3) (c) 3. | 2nd | Vessel BUI manslaughter. |
| 113 | 499.0051 (7) | 1st | Forgery of prescription or legend drug labels. |
| 114 | 499.0052 | 1st | Trafficking in contraband legend drugs. |
| 115 | 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. |
| 116 | 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. |
| 117 | 655.50 (10) (b) 2. | 2nd | Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions. |
| 118 | 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 |

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| | | | battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb. |
| 119 | 782.051(2) | 1st | Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3). |
| 120 | 782.071(1)(b) | 1st | Committing vehicular homicide and failing to render aid or give information. |
| 121 | 782.072(2) | 1st | Committing vessel homicide and failing to render aid or give information. |
| 122 | 790.161(3) | 1st | Discharging a destructive device which results in bodily harm or property damage. |
| 123 | 794.011(5) | 2nd | Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury. |
| 124 | 800.04(4) | 2nd | Lewd or lascivious battery. |
| 125 | 806.01(1) | 1st | Maliciously damage dwelling or structure by fire or explosive, |

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believing person in structure.

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| 126 | 810.02 (2) (a) | 1st, PBL | Burglary with assault or battery. |
| 127 | 810.02 (2) (b) | 1st, PBL | Burglary; armed with explosives or dangerous weapon. |
| 128 | 810.02 (2) (c) | 1st | Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage. |
| 129 | 812.014 (2) (a) 2. | 1st | Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree. |
| 130 | 812.13 (2) (b) | 1st | Robbery with a weapon. |
| 131 | 812.135 (2) (c) | 1st | Home-invasion robbery, no firearm, deadly weapon, or other weapon. |
| 132 | 817.568 (6) | 2nd | Fraudulent use of personal identification information of an individual under the age of 18. |
| 133 | 825.102 (2) | 2nd | Aggravated abuse of an elderly person or disabled adult. |
| 134 | 825.1025 (2) | 2nd | Lewd or lascivious battery upon an elderly person or disabled adult. |
| 135 | 825.103 (2) (a) | 1st | Exploiting an elderly person or |

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disabled adult and property is
valued at \$100,000 or more.

136 837.02 (2) 2nd Perjury in official proceedings
relating to prosecution of a capital
felony.

137 837.021 (2) 2nd Making contradictory statements in
official proceedings relating to
prosecution of a capital felony.

138 860.121 (2) (c) 1st Shooting at or throwing any object
in path of railroad vehicle
resulting in great bodily harm.

139 860.16 1st Aircraft piracy.

140 893.13 (1) (b) 1st Sell or deliver in excess of 10
grams of any substance specified in
s. 893.03(1) (a) or (b).

141 893.13 (2) (b) 1st Purchase in excess of 10 grams of
any substance specified in s.
893.03(1) (a) or (b).

142 893.13 (6) (c) 1st Possess in excess of 10 grams of any
substance specified in s.
893.03(1) (a) or (b).

143 893.135 (1) (a) 2. 1st Trafficking in cannabis, more than

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2,000 lbs., less than 10,000 lbs.

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| 144 | 893.135 (1) (b) 1.b. | 1st | Trafficking in cocaine, more than 200 grams, less than 400 grams. |
| 145 | 893.135 (1) (c) 1.b. | 1st | Trafficking in illegal drugs, more than 14 grams, less than 28 grams. |
| 146 | 893.135 (1) (d) 1.b. | 1st | Trafficking in phencyclidine, more than 200 grams, less than 400 grams. |
| 147 | 893.135 (1) (e) 1.b. | 1st | Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms. |
| 148 | 893.135 (1) (f) 1.b. | 1st | Trafficking in amphetamine, more than 28 grams, less than 200 grams. |
| 149 | 893.135 (1) (g) 1.b. | 1st | Trafficking in flunitrazepam, 14 grams or more, less than 28 grams. |
| 150 | 893.135 (1) (h) 1.b. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms. |
| 151 | 893.135 (1) (j) 1.b. | 1st | Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms. |
| 152 | 893.135 | 1st | Trafficking in Phenethylamines, 200 |

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| 153 | (1) (k) 2.b. | | grams or more, less than 400 grams. |
| 154 | 895.03 (1) | 1st | Use or invest proceeds derived from pattern of racketeering activity. |
| 155 | 895.03 (2) | 1st | Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property. |
| 156 | 895.03 (3) | 1st | Conduct or participate in any enterprise through pattern of racketeering activity. |
| 157 | 896.101 (5) (b) | 2nd | Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000. |
| 158 | 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. |
| 159 | 316.193 | 1st | DUI manslaughter; failing to render aid or give information. |
| 160 | (3) (c) 3.b. | | |
| | 327.35 (3) (c) 3.b. | 1st | BUI manslaughter; failing to render |

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aid or give information.

161

499.00535 1st Sale or purchase of contraband
legend drugs resulting in great
bodily harm.

162

560.123 (8) (b) 3. 1st Failure to report currency or
payment instruments totaling or
exceeding \$100,000 by money
transmitter.

163

560.125 (5) (c) 1st Money transmitter business by
unauthorized person, currency, or
payment instruments totaling or
exceeding \$100,000.

164

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

165

775.0844 1st Aggravated white collar crime.

166

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

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782.04 (3) 1st, PBL robbery, burglary, and other
specified felonies.

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782.051 (1) 1st Attempted felony murder while
perpetrating or attempting to

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| | | | perpetrate a felony enumerated in s. 782.04(3). |
| 169 | 782.07(2) | 1st | Aggravated manslaughter of an elderly person or disabled adult. |
| 170 | 787.01(1)(a)1. | 1st,PBL | Kidnapping; hold for ransom or reward or as a shield or hostage. |
| 171 | 787.01(1)(a)2. | 1st,PBL | Kidnapping with intent to commit or facilitate commission of any felony. |
| 172 | 787.01(1)(a)4. | 1st,PBL | Kidnapping with intent to interfere with performance of any governmental or political function. |
| 173 | 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. |
| 174 | 790.161 | 1st | Attempted capital destructive device offense. |
| 175 | 790.166(2) | 1st,PBL | Possessing, selling, using, or attempting to use a weapon of mass destruction. |
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| 177 | 794.011 (2) | 1st | Attempted sexual battery; victim less than 12 years of age. |
| 178 | 794.011 (2) | Life | Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years. |
| 179 | 794.011 (4) | 1st | Sexual battery; victim 12 years or older, certain circumstances. |
| 180 | 794.011 (8) (b) | 1st | Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority. |
| 181 | 800.04 (5) (b) | Life | Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older. |
| 182 | 812.13 (2) (a) | 1st, PBL | Robbery with firearm or other deadly weapon. |
| 183 | 812.133 (2) (a) | 1st, PBL | Carjacking; firearm or other deadly weapon. |
| 184 | 812.135 (2) (b) | 1st | Home-invasion robbery with weapon. |
| | 817.568 (7) | 2nd, PBL | Fraudulent use of personal identification information of an |

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individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.

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| 185 | 827.03 (2) | 1st | Aggravated child abuse. |
| 186 | 847.0145 (1) | 1st | Selling, or otherwise transferring custody or control, of a minor. |
| 187 | 847.0145 (2) | 1st | Purchasing, or otherwise obtaining custody or control, of a minor. |
| 188 | 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. |
| 189 | 893.135 | 1st | Attempted capital trafficking offense. |
| 190 | 893.135 (1) (a) 3. | 1st | Trafficking in cannabis, more than 10,000 lbs. |
| 191 | 893.135 (1) (b) 1.c. | 1st | Trafficking in cocaine, more than 400 grams, less than 150 kilograms. |
| 192 | 893.135 (1) (c) 1.c. | 1st | Trafficking in illegal drugs, more than 28 grams, less than 30 |

