

Bill No. CS for SB 214

Barcode 222160

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Aronberg moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsections (3) and (4) of section 810.02,
Florida Statutes, are amended to read:

810.02 Burglary.--

(3) Burglary is a felony of the second degree,
punishable as provided in s. 775.082, s. 775.083, or s.
775.084, if, in the course of committing the offense, the
offender does not make an assault or battery and is not and
does not become armed with a dangerous weapon or explosive,
and the offender enters or remains in a:

(a) Dwelling, and there is another person in the
dwelling at the time the offender enters or remains;

(b) Dwelling, and there is not another person in the
dwelling at the time the offender enters or remains;

(c) Structure, and there is another person in the
structure at the time the offender enters or remains; ~~or~~

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1 (d) Conveyance, and there is another person in the
2 conveyance at the time the offender enters or remains; ~~or.~~

3 (e) Authorized emergency vehicle, as defined in s.
4 316.003.

5
6 However, if the burglary is committed within a county that is
7 subject to a state of emergency declared by the Governor under
8 chapter 252 after the declaration of emergency is made and the
9 perpetration of the burglary is facilitated by conditions
10 arising from the emergency, the burglary is a felony of the
11 first degree, punishable as provided in s. 775.082, s.
12 775.083, or s. 775.084. As used in this subsection, the term
13 "conditions arising from the emergency" means civil unrest,
14 power outages, curfews, voluntary or mandatory evacuations, or
15 a reduction in the presence of or response time for first
16 responders or homeland security personnel. A person arrested
17 for committing a burglary within a county that is subject to
18 such a state of emergency may not be released until the person
19 appears before a committing magistrate at a first-appearance
20 hearing. For purposes of sentencing under chapter 921, a
21 felony offense that is reclassified under this subsection is
22 ranked one level above the ranking under s. 921.0022 or s.
23 921.0023 of the offense committed.

24 (4) Burglary is a felony of the third degree,
25 punishable as provided in s. 775.082, s. 775.083, or s.
26 775.084, if, in the course of committing the offense, the
27 offender does not make an assault or battery and is not and
28 does not become armed with a dangerous weapon or explosive,
29 and the offender enters or remains in a:

30 (a) Structure, and there is not another person in the
31 structure at the time the offender enters or remains; or

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1 (b) Conveyance, and there is not another person in the
2 conveyance at the time the offender enters or remains.

3
4 However, if the burglary is committed within a county that is
5 subject to a state of emergency declared by the Governor under
6 chapter 252 after the declaration of emergency is made and the
7 perpetration of the burglary is facilitated by conditions
8 arising from the emergency, the burglary is a felony of the
9 second degree, punishable as provided in s. 775.082, s.
10 775.083, or s. 775.084. As used in this subsection, the term
11 "conditions arising from the emergency" means civil unrest,
12 power outages, curfews, voluntary or mandatory evacuations, or
13 a reduction in the presence of or response time for first
14 responders or homeland security personnel. A person arrested
15 for committing a burglary within a county that is subject to
16 such a state of emergency may not be released until the person
17 appears before a committing magistrate at a first-appearance
18 hearing. For purposes of sentencing under chapter 921, a
19 felony offense that is reclassified under this subsection is
20 ranked one level above the ranking under s. 921.0022 or s.
21 921.0023 of the offense committed.

22 Section 2. Paragraphs (b) and (c) of subsection (2) of
23 section 812.014, Florida Statutes, are amended to read:

24 812.014 Theft.--

25 (2)

26 (b)1. If the property stolen is valued at \$20,000 or
27 more, but less than \$100,000;

28 2. The property stolen is cargo valued at less than
29 \$50,000 that has entered the stream of interstate or
30 intrastate commerce from the shipper's loading platform to the
31 consignee's receiving dock; ~~or~~

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1 3. The property stolen is emergency medical equipment,
 2 valued at \$300 or more, which is taken from a facility
 3 licensed under chapter 395 or from an aircraft or vehicle
 4 permitted under chapter 401; or

5 4. The property stolen is law enforcement equipment,
 6 valued at \$300 or more, which is taken from an authorized
 7 emergency vehicle, as defined in s. 316.003,

8
 9 the offender commits grand theft in the second degree,
 10 punishable as a felony of the second degree, as provided in s.
 11 775.082, s. 775.083, or s. 775.084. Emergency medical
 12 equipment means mechanical or electronic apparatus used to
 13 provide emergency services and care as defined in s.
 14 395.002(10) or to treat medical emergencies. Law enforcement
 15 equipment means any property, device, or apparatus used by any
 16 law enforcement officer as defined in s. 943.10 in the
 17 officer's official business. However, if the property is
 18 stolen within a county that is subject to a state of emergency
 19 declared by the Governor under chapter 252, the theft is
 20 committed after the declaration of emergency is made, and the
 21 perpetration of the theft is facilitated by conditions arising
 22 from the emergency, the theft is a felony of the first degree,
 23 punishable as provided in s. 775.082, s. 775.083, or s.
 24 775.084. As used in this paragraph, the term "conditions
 25 arising from the emergency" means civil unrest, power outages,
 26 curfews, voluntary or mandatory evacuations, or a reduction in
 27 the presence of or response time for first responders or
 28 homeland security personnel. For purposes of sentencing under
 29 chapter 921, a felony offense that is reclassified under this
 30 paragraph is ranked one level above the ranking under s.
 31 921.0022 or s. 921.0023 of the offense committed.

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1 (c) It is grand theft of the third degree and a felony
2 of the third degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084, if the property stolen is:

- 4 1. Valued at \$300 or more, but less than \$5,000.
- 5 2. Valued at \$5,000 or more, but less than \$10,000.
- 6 3. Valued at \$10,000 or more, but less than \$20,000.
- 7 4. A will, codicil, or other testamentary instrument.
- 8 5. A firearm.
- 9 6. A motor vehicle, except as provided in paragraph

10 (2)(a).

11 7. Any commercially farmed animal, including any
12 animal of the equine, bovine, or swine class, or other grazing
13 animal, and including aquaculture species raised at a
14 certified aquaculture facility. If the property stolen is
15 aquaculture species raised at a certified aquaculture
16 facility, then a \$10,000 fine shall be imposed.

17 8. Any fire extinguisher.

18 9. Any amount of citrus fruit consisting of 2,000 or
19 more individual pieces of fruit.

20 10. Taken from a designated construction site
21 identified by the posting of a sign as provided for in s.
22 810.09(2)(d).

23 11. Any stop sign.

24 12. Anhydrous ammonia.

25
26 However, if the property is stolen within a county that is
27 subject to a state of emergency declared by the Governor under
28 chapter 252, the property is stolen after the declaration of
29 emergency is made, and the perpetration of the theft is
30 facilitated by conditions arising from the emergency, the
31 offender commits a felony of the second degree, punishable as

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1 provided in s. 775.082, s. 775.083, or s. 775.084, if the
 2 property is valued at \$5,000 or more, but less than \$10,000,
 3 as provided under subparagraph 2., or if the property is
 4 valued at \$10,000 or more, but less than \$20,000, as provided
 5 under subparagraph 3. As used in this paragraph, the term
 6 "conditions arising from the emergency" means civil unrest,
 7 power outages, curfews, voluntary or mandatory evacuations, or
 8 a reduction in the presence of or the response time for first
 9 responders or homeland security personnel. For purposes of
 10 sentencing under chapter 921, a felony offense that is
 11 reclassified under this paragraph is ranked one level above
 12 the ranking under s. 921.0022 or s. 921.0023 of the offense
 13 committed.

14 Section 3. Paragraph (g) of subsection (3) of section
 15 921.0022, Florida Statutes, is amended to read:

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

18 (3) OFFENSE SEVERITY RANKING CHART

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

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1			a patrol vehicle with siren and
2			lights activated.
3	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
4			bodily injury.
5	402.319(2)	2nd	Misrepresentation and negligence
6			or intentional act resulting in
7			great bodily harm, permanent
8			disfiguration, permanent
9			disability, or death.
10	409.920(2)	3rd	Medicaid provider fraud.
11	456.065(2)	3rd	Practicing a health care
12			profession without a license.
13	456.065(2)	2nd	Practicing a health care
14			profession without a license
15			which results in serious bodily
16			injury.
17	458.327(1)	3rd	Practicing medicine without a
18			license.
19	459.013(1)	3rd	Practicing osteopathic medicine
20			without a license.
21	460.411(1)	3rd	Practicing chiropractic medicine
22			without a license.
23	461.012(1)	3rd	Practicing podiatric medicine
24			without a license.
25	462.17	3rd	Practicing naturopathy without a
26			license.
27	463.015(1)	3rd	Practicing optometry without a
28			license.
29	464.016(1)	3rd	Practicing nursing without a
30			license.
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1	465.015(2)	3rd	Practicing pharmacy without a
2			license.
3	466.026(1)	3rd	Practicing dentistry or dental
4			hygiene without a license.
5	467.201	3rd	Practicing midwifery without a
6			license.
7	468.366	3rd	Delivering respiratory care
8			services without a license.
9	483.828(1)	3rd	Practicing as clinical laboratory
10			personnel without a license.
11	483.901(9)	3rd	Practicing medical physics
12			without a license.
13	484.013(1)(c)	3rd	Preparing or dispensing optical
14			devices without a prescription.
15	484.053	3rd	Dispensing hearing aids without a
16			license.
17	494.0018(2)	1st	Conviction of any violation of
18			ss. 494.001-494.0077 in which the
19			total money and property
20			unlawfully obtained exceeded
21			\$50,000 and there were five or
22			more victims.
23	560.123(8)(b)1.	3rd	Failure to report currency or
24			payment instruments exceeding
25			\$300 but less than \$20,000 by
26			money transmitter.
27	560.125(5)(a)	3rd	Money transmitter business by
28			unauthorized person, currency or
29			payment instruments exceeding
30			\$300 but less than \$20,000.
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1	655.50(10)(b)1.	3rd	Failure to report financial
2			transactions exceeding \$300 but
3			less than \$20,000 by financial
4			institution.
5	775.21(10)(a)	3rd	Sexual predator; failure to
6			register; failure to renew
7			driver's license or
8			identification card; other
9			registration violations.
10	775.21(10)(b)	3rd	Sexual predator working where
11			children regularly congregate.
12	775.21(10)(g)	3rd	Failure to report or providing
13			false information about a sexual
14			predator; harbor or conceal a
15			sexual predator.
16	782.051(3)	2nd	Attempted felony murder of a
17			person by a person other than the
18			perpetrator or the perpetrator of
19			an attempted felony.
20	782.07(1)	2nd	Killing of a human being by the
21			act, procurement, or culpable
22			negligence of another
23			(manslaughter).
24	782.071	2nd	Killing of human being or viable
25			fetus by the operation of a motor
26			vehicle in a reckless manner
27			(vehicular homicide).
28	782.072	2nd	Killing of a human being by the
29			operation of a vessel in a
30			reckless manner (vessel
31			homicide).

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

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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	<u>810.02(3)(e)</u>	<u>2nd</u>	<u>Burglary of authorized emergency</u>
31			<u>vehicle.</u>

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1	812.014(2)(a)1.	1st	Property stolen, valued at
2			\$100,000 or more or a semitrailer
3			deployed by a law enforcement
4			officer; property stolen while
5			causing other property damage;
6			1st degree grand theft.
7	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
8			less than \$50,000, grand theft in
9			2nd degree.
10	812.014(2)(b)3.	2nd	Property stolen, emergency
11			medical equipment; 2nd degree
12			grand theft.
13	<u>812.014(2)(b)4.</u>	<u>2nd</u>	<u>Property stolen, law enforcement</u>
14			<u>equipment from authorized</u>
15			<u>emergency vehicle.</u>
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.
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1	817.234(11)(c)	1st	Insurance fraud; property value
2			\$100,000 or more.
3	817.2341(2)(b) & (3)(b)	1st	Making false entries of material
4			fact or false statements
5			regarding property values
6			relating to the solvency of an
7			insuring entity which are a
8			significant cause of the
9			insolvency of that entity.
10	825.102(3)(b)	2nd	Neglecting an elderly person or
11			disabled adult causing great
12			bodily harm, disability, or
13			disfigurement.
14	825.103(2)(b)	2nd	Exploiting an elderly person or
15			disabled adult and property is
16			valued at \$20,000 or more, but
17			less than \$100,000.
18	827.03(3)(b)	2nd	Neglect of a child causing great
19			bodily harm, disability, or
20			disfigurement.
21	827.04(3)	3rd	Impregnation of a child under 16
22			years of age by person 21 years
23			of age or older.
24	837.05(2)	3rd	Giving false information about
25			alleged capital felony to a law
26			enforcement officer.
27	838.015	2nd	Bribery.
28	838.016	2nd	Unlawful compensation or reward
29			for official behavior.
30	838.021(3)(a)	2nd	Unlawful harm to a public
31			servant.

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1	838.22	2nd	Bid tampering.
2	847.0135(3)	3rd	Solicitation of a child, via a
3			computer service, to commit an
4			unlawful sex act.
5	872.06	2nd	Abuse of a dead human body.
6	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
7			cocaine (or other drug prohibited
8			under s. 893.03(1)(a), (1)(b),
9			(1)(d), (2)(a), (2)(b), or
10			(2)(c)4.) within 1,000 feet of a
11			child care facility, school, or
12			state, county, or municipal park
13			or publicly owned recreational
14			facility or community center.
15	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
16			cocaine or other drug prohibited
17			under s. 893.03(1)(a), (1)(b),
18			(1)(d), (2)(a), (2)(b), or
19			(2)(c)4., within 1,000 feet of
20			property used for religious
21			services or a specified business
22			site.
23	893.13(4)(a)	1st	Deliver to minor cocaine (or
24			other s. 893.03(1)(a), (1)(b),
25			(1)(d), (2)(a), (2)(b), or
26			(2)(c)4. drugs).
27	893.135(1)(a)1.	1st	Trafficking in cannabis, more
28			than 25 lbs., less than 2,000
29			lbs.
30	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than
31			28 grams, less than 200 grams.

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- 1 893.135(1)(c)1.a. 1st Trafficking in illegal drugs,
- 2 more than 4 grams, less than 14
- 3 grams.
- 4 893.135(1)(d)1. 1st Trafficking in phencyclidine,
- 5 more than 28 grams, less than 200
- 6 grams.
- 7 893.135(1)(e)1. 1st Trafficking in methaqualone, more
- 8 than 200 grams, less than 5
- 9 kilograms.
- 10 893.135(1)(f)1. 1st Trafficking in amphetamine, more
- 11 than 14 grams, less than 28
- 12 grams.
- 13 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4
- 14 grams or more, less than 14
- 15 grams.
- 16 893.135(1)(h)1.a. 1st Trafficking in
- 17 gamma-hydroxybutyric acid (GHB),
- 18 1 kilogram or more, less than 5
- 19 kilograms.
- 20 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1
- 21 kilogram or more, less than 5
- 22 kilograms.
- 23 893.135(1)(k)2.a. 1st Trafficking in Phenethylamines,
- 24 10 grams or more, less than 200
- 25 grams.
- 26 896.101(5)(a) 3rd Money laundering, financial
- 27 transactions exceeding \$300 but
- 28 less than \$20,000.
- 29 896.104(4)(a)1. 3rd Structuring transactions to evade
- 30 reporting or registration
- 31 requirements, financial

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1			transactions exceeding \$300 but
2			less than \$20,000.
3	943.0435(4)(c)	2nd	Sexual offender vacating
4			permanent residence; failure to
5			comply with reporting
6			requirements.
7	943.0435(8)	2nd	Sexual offender; remains in state
8			after indicating intent to leave;
9			failure to comply with reporting
10			requirements.
11	943.0435(9)(a)	3rd	Sexual offender; failure to
12			comply with reporting
13			requirements.
14	943.0435(13)	3rd	Failure to report or providing
15			false information about a sexual
16			offender; harbor or conceal a
17			sexual offender.
18	943.0435(14)	3rd	Sexual offender; failure to
19			report and reregister; failure to
20			respond to address verification.
21	944.607(9)	3rd	Sexual offender; failure to
22			comply with reporting
23			requirements.
24	944.607(10)(a)	3rd	Sexual offender; failure to
25			submit to the taking of a
26			digitized photograph.
27	944.607(12)	3rd	Failure to report or providing
28			false information about a sexual
29			offender; harbor or conceal a
30			sexual offender.
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1 944.607(13) 3rd Sexual offender; failure to
 2 report and reregister; failure to
 3 respond to address verification.

4 Section 4. This act shall take effect July 1, 2007.

5
6

7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause

10

11 and insert:

12

A bill to be entitled

13

An act relating to criminal offenses; amending

14

s. 810.02, F.S.; providing enhanced penalties

15

for burglaries of authorized emergency

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vehicles; providing enhanced penalties for

17

specified burglaries that are committed during

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a state of emergency declared by the Governor

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and facilitated by conditions arising from the

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emergency; prohibiting the release of a person

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arrested for committing a burglary during such

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a state of emergency until that person appears

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before a magistrate at a first-appearance

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hearing; requiring that a felony burglary

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committed during a state of emergency declared

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by the Governor be reclassified one level above

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the current ranking of the offense committed;

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amending s. 812.014, F.S.; providing enhanced

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penalties for the theft of certain law

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enforcement equipment taken from authorized

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emergency vehicles; providing enhanced

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1 penalties for the theft of certain property
2 stolen during a state of emergency declared by
3 the Governor and facilitated by conditions
4 arising from the emergency; requiring that a
5 felony theft committed during such a state of
6 emergency be reclassified one level above the
7 current ranking of the offense committed;
8 amending s. 921.0022, F.S.; ranking newly
9 created offenses in the offense severity
10 ranking chart; providing an effective date.

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