

HB 413

2007

1 A bill to be entitled

2 An act relating to theft of property; amending s. 812.13,
3 F.S.; providing that if an offender threatens to use a
4 weapon or firearm during the course of a robbery, the
5 offender commits a felony of the first degree; providing
6 for penalties; reenacting s. 921.0022(3)(f), (h), and (i),
7 F.S., relating to the offense severity ranking chart of
8 the Criminal Punishment Code, to incorporate the amendment
9 to s. 812.13, F.S., in references thereto; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 812.13, Florida Statutes, is amended to
15 read:

16 812.13 Robbery.--

17 (1) "Robbery" means the taking of money or other property
18 that ~~which~~ may be the subject of larceny from the person or
19 custody of another, with intent to either permanently or
20 temporarily deprive the person or the owner of the money or
21 other property, when in the course of the taking there is the
22 use of force, violence, assault, or putting in fear.

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

28 (b) If in the course of committing the robbery the

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29 offender carried a weapon, or threatened to use a weapon or
 30 firearm, then the robbery is a felony of the first degree,
 31 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

32 (c) If in the course of committing the robbery the
 33 offender carried no firearm, deadly weapon, or other weapon, or
 34 did not threaten to use any weapon or firearm, then the robbery
 35 is a felony of the second degree, punishable as provided in s.
 36 775.082, s. 775.083, or s. 775.084.

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

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

44 Section 2. For the purpose of incorporating the amendment
 45 made by this act to section 812.13, Florida Statutes, in
 46 reference thereto, paragraphs (f), (h), and (i) of subsection
 47 (3) of section 921.0022, Florida Statutes, are reenacted to
 48 read:

49 921.0022 Criminal Punishment Code; offense severity
 50 ranking chart.--

51 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
	(f) LEVEL 6	
316.193 (2) (b)	3rd	Felony DUI, 4th or

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			subsequent conviction.
54	499.0051 (3)	2nd	Forgery of pedigree papers.
55	499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
56	499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
57	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
58	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
59	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
60	784.041	3rd	Felony battery.

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61	784.048 (3)	3rd	Aggravated stalking; credible threat.
62	784.048 (5)	3rd	Aggravated stalking of person under 16.
63	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
64	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
65	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
66	784.081 (2)	2nd	Aggravated assault on specified official or employee.
67	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other

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detainee.

68

784.083 (2)

2nd

Aggravated assault
on code inspector.

69

787.02 (2)

3rd

False imprisonment;
restraining with
purpose other than
those in s. 787.01.

70

790.115 (2) (d)

2nd

Discharging firearm
or weapon on school
property.

71

790.161 (2)

2nd

Make, possess, or
throw destructive
device with intent
to do bodily harm or
damage property.

72

790.164 (1)

2nd

False report of
deadly explosive,
weapon of mass
destruction, or act
of arson or violence
to state property.

73

790.19

2nd

Shooting or throwing

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74	794.011 (8) (a)	3rd	deadly missiles into dwellings, vessels, or vehicles.
75	794.05 (1)	2nd	Solicitation of minor to participate in sexual activity by custodial adult.
76	800.04 (5) (d)	3rd	Unlawful sexual activity with specified minor.
77	800.04 (6) (b)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
78	806.031 (2)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
			Arson resulting in great bodily harm to firefighter or any

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79			other person.
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
80			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
81			
	812.015 (9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
82			
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
83			
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
84			

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85	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
86	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
87	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
88	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
89	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
90	827.03(1)	3rd	Abuse of a child.

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91	827.03 (3) (c)	3rd	Neglect of a child.
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
92	836.05	2nd	Threats; extortion.
93	836.10	2nd	Written threats to kill or do bodily injury.
94	843.12	3rd	Aids or assists person to escape.
95	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
96	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
97			

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98	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.
99	944.40	2nd	Escapes.
100	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
101	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

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102		(h) LEVEL 8	
103	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
104	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
105	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
106	499.0051 (7)	1st	Forgery of prescription or legend drug labels.
107	499.0052	1st	Trafficking in contraband legend drugs.
108	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by

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109	560.125 (5) (b)	2nd	money transmitter.
110	655.50 (10) (b) 2.	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
111	777.03 (2) (a)	1st	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
112	782.04 (4)	2nd	Accessory after the fact, capital felony.
			Killing of human without design when engaged in act or

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113	782.051(2)	1st	attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
114	782.071(1)(b)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s.782.04(3).
115	782.072(2)	1st	Committing vehicular homicide and failing to render aid or give information.
116	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.

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117	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
118	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
119	800.04 (4)	2nd	Lewd or lascivious battery.
120	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
121	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or

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122	810.02 (2) (c)	1st	dangerous weapon.
123	812.014 (2) (a) 2.	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
124	812.13 (2) (b)	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
125	812.135 (2) (c)	1st	Robbery with a weapon.
126	817.568 (6)	2nd	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
			Fraudulent use of personal identification information of an individual under the

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127			age of 18.
	825.102 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
128			
	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
129			
	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
130			
	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
131			
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.

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132	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
133	860.16	1st	Aircraft piracy.
134	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).
135	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
136	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
137	893.135 (1) (a) 2.	1st	Trafficking in

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			cannabis, more than 2,000 lbs., less than 10,000 lbs.
138	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
139	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
140	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
141	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
142	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less

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143	893.135 (1) (g) 1.b.	1st	than 200 grams. Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
144	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
145	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4- Butanediol, 5 kilograms or more, less than 10 kilograms.
146	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
147	895.03 (1)	1st	Use or invest proceeds derived from pattern of

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148	895.03 (2)	1st	racketeering activity.
149	895.03 (3)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
150	896.101 (5) (b)	2nd	Conduct or participate in any enterprise through pattern of racketeering activity.
151	896.104 (4) (a) 2.	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
			Structuring transactions to

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			evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
152		(i) LEVEL 9	
153	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
154	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
155	499.00535	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
156	560.123 (8) (b) 3.	1st	Failure to report

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157	560.125 (5) (c)	1st	currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
158	655.50 (10) (b) 3.	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
159	775.0844	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
160	782.04 (1)	1st	Aggravated white collar crime.
			Attempt, conspire, or solicit to commit premeditated murder.

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161	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
162	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).
163	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
164	787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
165	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or

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166

787.01 (1) (a) 4. 1st, PBL

facilitate
commission of any
felony.

Kidnapping with
intent to interfere
with performance of
any governmental or
political function.

167

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.

168

790.161 1st

Attempted capital
destructive device
offense.

169

790.166 (2) 1st, PBL

Possessing, selling,
using, or attempting
to use a weapon of

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170	794.011 (2)	1st	mass destruction. Attempted sexual battery; victim less than 12 years of age.
171	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
172	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
173	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
174	800.04 (5) (b)	Life	Lewd or lascivious

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175	812.13 (2) (a)	1st, PBL	molestation; victim less than 12 years; offender 18 years or older.
176	812.133 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
177	812.135 (2) (b)	1st	Carjacking; firearm or other deadly weapon.
178	817.568 (7)	2nd, PBL	Home-invasion robbery with weapon.
179	827.03 (2)	1st	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
			Aggravated child

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180	847.0145 (1)	1st	abuse. Selling, or otherwise transferring custody or control, of a minor.
181	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
182	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.
183	893.135	1st	Attempted capital trafficking offense.
184			

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185	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
186	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
187	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
188	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
189	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
190	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric

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191	893.135 (1) (j) 1.c.	1st	acid (GHB), 10 kilograms or more.
192	893.135 (1) (k) 2.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
193	896.101 (5) (c)	1st	Trafficking in Phenethylamines, 400 grams or more. Money laundering, financial instruments totaling or exceeding \$100,000.
194	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

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196

Section 3. This act shall take effect October 1, 2007.