

By Senator Rich

34-621-07

1 A bill to be entitled

2 An act relating to theft of property; amending

3 s. 812.13, F.S.; providing that if an offender

4 threatens to use a weapon or firearm during the

5 course of a robbery, the offender commits a

6 felony of the first degree; providing for

7 penalties; reenacting s. 921.0022(3), (f), (h),

8 and (i), F.S., relating to the offense severity

9 ranking chart of the Criminal Punishment Code,

10 to incorporate the amendment to s. 812.13,

11 F.S., in references thereto; providing an

12 effective date.

13

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

15

16 Section 1. Section 812.13, Florida Statutes, is

17 amended to read:

18 812.13 Robbery.--

19 (1) "Robbery" means the taking of money or other

20 property ~~that~~ which may be the subject of larceny from the

21 person or custody of another, with intent to either

22 permanently or temporarily deprive the person or the owner of

23 the money or other property, when in the course of the taking

24 there is the use of force, violence, assault, or putting in

25 fear.

26 (2)(a) If in the course of committing the robbery the

27 offender carried a firearm or other deadly weapon, then the

28 robbery is a felony of the first degree, punishable by

29 imprisonment for a term of years not exceeding life

30 imprisonment or as provided in s. 775.082, s. 775.083, or s.

31 775.084.

1 (b) If in the course of committing the robbery the
2 offender carried a weapon, or threatened to use a weapon or
3 firearm, then the robbery is a felony of the first degree,
4 punishable as provided in s. 775.082, s. 775.083, or s.
5 775.084.

6 (c) If in the course of committing the robbery the
7 offender carried no firearm, deadly weapon, or other weapon,
8 or did not threaten to use any weapon or firearm, then the
9 robbery is a felony of the second degree, punishable as
10 provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

19 Section 2. For the purpose of incorporating the
20 amendment made by this act to section 812.13, Florida
21 Statutes, in reference thereto, paragraphs (f), (h), and (i)
22 of subsection (3) of section 921.0022, Florida Statutes, are
23 reenacted to read:

24 921.0022 Criminal Punishment Code; offense severity
25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

27
28 Florida Felony
29 Statute Degree Description
30
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1			(f) LEVEL 6
2	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
3			conviction.
4	499.0051(3)	2nd	Forgery of pedigree papers.
5	499.0051(4)	2nd	Purchase or receipt of legend
6			drug from unauthorized person.
7	499.0051(5)	2nd	Sale of legend drug to
8			unauthorized person.
9	775.0875(1)	3rd	Taking firearm from law
10			enforcement officer.
11	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
12			without intent to kill.
13	784.021(1)(b)	3rd	Aggravated assault; intent to
14			commit felony.
15	784.041	3rd	Felony battery.
16	784.048(3)	3rd	Aggravated stalking; credible
17			threat.
18	784.048(5)	3rd	Aggravated stalking of person
19			under 16.
20	784.07(2)(c)	2nd	Aggravated assault on law
21			enforcement officer.
22	784.074(1)(b)	2nd	Aggravated assault on sexually
23			violent predators facility staff.
24	784.08(2)(b)	2nd	Aggravated assault on a person 65
25			years of age or older.
26	784.081(2)	2nd	Aggravated assault on specified
27			official or employee.
28	784.082(2)	2nd	Aggravated assault by detained
29			person on visitor or other
30			detainee.
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1	784.083(2)	2nd	Aggravated assault on code
2			inspector.
3	787.02(2)	3rd	False imprisonment; restraining
4			with purpose other than those in
5			s. 787.01.
6	790.115(2)(d)	2nd	Discharging firearm or weapon on
7			school property.
8	790.161(2)	2nd	Make, possess, or throw
9			destructive device with intent to
10			do bodily harm or damage
11			property.
12	790.164(1)	2nd	False report of deadly explosive,
13			weapon of mass destruction, or
14			act of arson or violence to state
15			property.
16	790.19	2nd	Shooting or throwing deadly
17			missiles into dwellings, vessels,
18			or vehicles.
19	794.011(8)(a)	3rd	Solicitation of minor to
20			participate in sexual activity by
21			custodial adult.
22	794.05(1)	2nd	Unlawful sexual activity with
23			specified minor.
24	800.04(5)(d)	3rd	Lewd or lascivious molestation;
25			victim 12 years of age or older
26			but less than 16 years; offender
27			less than 18 years.
28	800.04(6)(b)	2nd	Lewd or lascivious conduct;
29			offender 18 years of age or
30			older.
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1	806.031(2)	2nd	Arson resulting in great bodily
2			harm to firefighter or any other
3			person.
4	810.02(3)(c)	2nd	Burglary of occupied structure;
5			unarmed; no assault or battery.
6	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
7			but less than \$100,000, grand
8			theft in 2nd degree.
9	812.015(9)	2nd	Retail theft; property stolen
10			\$300 or more; second or
11			subsequent conviction.
12	812.13(2)(c)	2nd	Robbery, no firearm or other
13			weapon (strong-arm robbery).
14	817.034(4)(a)1.	1st	Communications fraud, value
15			greater than \$50,000.
16	817.4821(5)	2nd	Possess cloning paraphernalia
17			with intent to create cloned
18			cellular telephones.
19	825.102(1)	3rd	Abuse of an elderly person or
20			disabled adult.
21	825.102(3)(c)	3rd	Neglect of an elderly person or
22			disabled adult.
23	825.1025(3)	3rd	Lewd or lascivious molestation of
24			an elderly person or disabled
25			adult.
26	825.103(2)(c)	3rd	Exploiting an elderly person or
27			disabled adult and property is
28			valued at less than \$20,000.
29	827.03(1)	3rd	Abuse of a child.
30	827.03(3)(c)	3rd	Neglect of a child.
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1	827.071(2)&(3)	2nd	Use or induce a child in a sexual
2			performance, or promote or direct
3			such performance.
4	836.05	2nd	Threats; extortion.
5	836.10	2nd	Written threats to kill or do
6			bodily injury.
7	843.12	3rd	Aids or assists person to escape.
8	847.0135(2)	3rd	Facilitates sexual conduct of or
9			with a minor or the visual
10			depiction of such conduct.
11	914.23	2nd	Retaliation against a witness,
12			victim, or informant, with bodily
13			injury.
14	944.35(3)(a)2.	3rd	Committing malicious battery upon
15			or inflicting cruel or inhuman
16			treatment on an inmate or
17			offender on community
18			supervision, resulting in great
19			bodily harm.
20	944.40	2nd	Escapes.
21	944.46	3rd	Harboring, concealing, aiding
22			escaped prisoners.
23	944.47(1)(a)5.	2nd	Introduction of contraband
24			(firearm, weapon, or explosive)
25			into correctional facility.
26	951.22(1)	3rd	Intoxicating drug, firearm, or
27			weapon introduced into county
28			facility.
29			(h) LEVEL 8
30	316.193		
31	(3)(c)3.a.	2nd	DUI manslaughter.

1	316.1935(4)(b)	1st	Aggravated fleeing or attempted
2			eluding with serious bodily
3			injury or death.
4	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
5	499.0051(7)	1st	Forgery of prescription or legend
6			drug labels.
7	499.0052	1st	Trafficking in contraband legend
8			drugs.
9	560.123(8)(b)2.	2nd	Failure to report currency or
10			payment instruments totaling or
11			exceeding \$20,000, but less than
12			\$100,000 by money transmitter.
13	560.125(5)(b)	2nd	Money transmitter business by
14			unauthorized person, currency or
15			payment instruments totaling or
16			exceeding \$20,000, but less than
17			\$100,000.
18	655.50(10)(b)2.	2nd	Failure to report financial
19			transactions totaling or
20			exceeding \$20,000, but less than
21			\$100,000 by financial
22			institutions.
23	777.03(2)(a)	1st	Accessory after the fact, capital
24			felony.
25	782.04(4)	2nd	Killing of human without design
26			when engaged in act or attempt of
27			any felony other than arson,
28			sexual battery, robbery,
29			burglary, kidnapping, aircraft
30			piracy, or unlawfully discharging
31			bomb.

1	782.051(2)	1st	Attempted felony murder while
2			perpetrating or attempting to
3			perpetrate a felony not
4			enumerated in s. 782.04(3).
5	782.071(1)(b)	1st	Committing vehicular homicide and
6			failing to render aid or give
7			information.
8	782.072(2)	1st	Committing vessel homicide and
9			failing to render aid or give
10			information.
11	790.161(3)	1st	Discharging a destructive device
12			which results in bodily harm or
13			property damage.
14	794.011(5)	2nd	Sexual battery, victim 12 years
15			or over, offender does not use
16			physical force likely to cause
17			serious injury.
18	800.04(4)	2nd	Lewd or lascivious battery.
19	806.01(1)	1st	Maliciously damage dwelling or
20			structure by fire or explosive,
21			believing person in structure.
22	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
23	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
24			or dangerous weapon.
25	810.02(2)(c)	1st	Burglary of a dwelling or
26			structure causing structural
27			damage or \$1,000 or more property
28			damage.
29	812.014(2)(a)2.	1st	Property stolen; cargo valued at
30			\$50,000 or more, grand theft in
31			1st degree.

1	812.13(2)(b)	1st	Robbery with a weapon.
2	812.135(2)(c)	1st	Home-invasion robbery, no
3			firearm, deadly weapon, or other
4			weapon.
5	817.568(6)	2nd	Fraudulent use of personal
6			identification information of an
7			individual under the age of 18.
8	825.102(2)	2nd	Aggravated abuse of an elderly
9			person or disabled adult.
10	825.1025(2)	2nd	Lewd or lascivious battery upon
11			an elderly person or disabled
12			adult.
13	825.103(2)(a)	1st	Exploiting an elderly person or
14			disabled adult and property is
15			valued at \$100,000 or more.
16	837.02(2)	2nd	Perjury in official proceedings
17			relating to prosecution of a
18			capital felony.
19	837.021(2)	2nd	Making contradictory statements
20			in official proceedings relating
21			to prosecution of a capital
22			felony.
23	860.121(2)(c)	1st	Shooting at or throwing any
24			object in path of railroad
25			vehicle resulting in great bodily
26			harm.
27	860.16	1st	Aircraft piracy.
28	893.13(1)(b)	1st	Sell or deliver in excess of 10
29			grams of any substance specified
30			in s. 893.03(1)(a) or (b).
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1	893.13(2)(b)	1st	Purchase in excess of 10 grams of
2			any substance specified in s.
3			893.03(1)(a) or (b).
4	893.13(6)(c)	1st	Possess in excess of 10 grams of
5			any substance specified in s.
6			893.03(1)(a) or (b).
7	893.135(1)(a)2.	1st	Trafficking in cannabis, more
8			than 2,000 lbs., less than 10,000
9			lbs.
10	893.135		
11	(1)(b)1.b.	1st	Trafficking in cocaine, more than
12			200 grams, less than 400 grams.
13	893.135		
14	(1)(c)1.b.	1st	Trafficking in illegal drugs,
15			more than 14 grams, less than 28
16			grams.
17	893.135		
18	(1)(d)1.b.	1st	Trafficking in phencyclidine,
19			more than 200 grams, less than
20			400 grams.
21	893.135		
22	(1)(e)1.b.	1st	Trafficking in methaqualone, more
23			than 5 kilograms, less than 25
24			kilograms.
25	893.135		
26	(1)(f)1.b.	1st	Trafficking in amphetamine, more
27			than 28 grams, less than 200
28			grams.
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1	893.135		
2	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
3			grams or more, less than 28
4			grams.
5	893.135		
6	(1)(h)1.b.	1st	Trafficking in
7			gamma-hydroxybutyric acid (GHB),
8			5 kilograms or more, less than 10
9			kilograms.
10	893.135		
11	(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5
12			kilograms or more, less than 10
13			kilograms.
14	893.135		
15	(1)(k)2.b.	1st	Trafficking in Phenethylamines,
16			200 grams or more, less than 400
17			grams.
18	895.03(1)	1st	Use or invest proceeds derived
19			from pattern of racketeering
20			activity.
21	895.03(2)	1st	Acquire or maintain through
22			racketeering activity any
23			interest in or control of any
24			enterprise or real property.
25	895.03(3)	1st	Conduct or participate in any
26			enterprise through pattern of
27			racketeering activity.
28	896.101(5)(b)	2nd	Money laundering, financial
29			transactions totaling or
30			exceeding \$20,000, but less than
31			\$100,000.

1	896.104(4)(a)2.	2nd	Structuring transactions to evade
2			reporting or registration
3			requirements, financial
4			transactions totaling or
5			exceeding \$20,000 but less than
6			\$100,000.
7			(i) LEVEL 9
8	316.193		
9	(3)(c)3.b.	1st	DUI manslaughter; failing to
10			render aid or give information.
11	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
12			render aid or give information.
13	499.00535	1st	Sale or purchase of contraband
14			legend drugs resulting in great
15			bodily harm.
16	560.123(8)(b)3.	1st	Failure to report currency or
17			payment instruments totaling or
18			exceeding \$100,000 by money
19			transmitter.
20	560.125(5)(c)	1st	Money transmitter business by
21			unauthorized person, currency, or
22			payment instruments totaling or
23			exceeding \$100,000.
24	655.50(10)(b)3.	1st	Failure to report financial
25			transactions totaling or
26			exceeding \$100,000 by financial
27			institution.
28	775.0844	1st	Aggravated white collar crime.
29	782.04(1)	1st	Attempt, conspire, or solicit to
30			commit premeditated murder.
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1	782.04(3)	1st,PBL	Accomplice to murder in
2			connection with arson, sexual
3			battery, robbery, burglary, and
4			other specified felonies.
5	782.051(1)	1st	Attempted felony murder while
6			perpetrating or attempting to
7			perpetrate a felony enumerated in
8			s. 782.04(3).
9	782.07(2)	1st	Aggravated manslaughter of an
10			elderly person or disabled adult.
11	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
12			reward or as a shield or hostage.
13	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
14			or facilitate commission of any
15			felony.
16	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
17			interfere with performance of any
18			governmental or political
19			function.
20	787.02(3)(a)	1st	False imprisonment; child under
21			age 13; perpetrator also commits
22			aggravated child abuse, sexual
23			battery, or lewd or lascivious
24			battery, molestation, conduct, or
25			exhibition.
26	790.161	1st	Attempted capital destructive
27			device offense.
28	790.166(2)	1st,PBL	Possessing, selling, using, or
29			attempting to use a weapon of
30			mass destruction.
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1	794.011(2)	1st	Attempted sexual battery; victim
2			less than 12 years of age.
3	794.011(2)	Life	Sexual battery; offender younger
4			than 18 years and commits sexual
5			battery on a person less than 12
6			years.
7	794.011(4)	1st	Sexual battery; victim 12 years
8			or older, certain circumstances.
9	794.011(8)(b)	1st	Sexual battery; engage in sexual
10			conduct with minor 12 to 18 years
11			by person in familial or
12			custodial authority.
13	800.04(5)(b)	Life	Lewd or lascivious molestation;
14			victim less than 12 years;
15			offender 18 years or older.
16	812.13(2)(a)	1st,PBL	Robbery with firearm or other
17			deadly weapon.
18	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
19			deadly weapon.
20	812.135(2)(b)	1st	Home-invasion robbery with
21			weapon.
22	817.568(7)	2nd,PBL	Fraudulent use of personal
23			identification information of an
24			individual under the age of 18 by
25			his or her parent, legal
26			guardian, or person exercising
27			custodial authority.
28	827.03(2)	1st	Aggravated child abuse.
29	847.0145(1)	1st	Selling, or otherwise
30			transferring custody or control,
31			of a minor.

1	847.0145(2)	1st	Purchasing, or otherwise
2			obtaining custody or control, of
3			a minor.
4	859.01	1st	Poisoning or introducing
5			bacteria, radioactive materials,
6			viruses, or chemical compounds
7			into food, drink, medicine, or
8			water with intent to kill or
9			injure another person.
10	893.135	1st	Attempted capital trafficking
11			offense.
12	893.135(1)(a)3.	1st	Trafficking in cannabis, more
13			than 10,000 lbs.
14	893.135		
15	(1)(b)1.c.	1st	Trafficking in cocaine, more than
16			400 grams, less than 150
17			kilograms.
18	893.135		
19	(1)(c)1.c.	1st	Trafficking in illegal drugs,
20			more than 28 grams, less than 30
21			kilograms.
22	893.135		
23	(1)(d)1.c.	1st	Trafficking in phencyclidine,
24			more than 400 grams.
25	893.135		
26	(1)(e)1.c.	1st	Trafficking in methaqualone, more
27			than 25 kilograms.
28	893.135		
29	(1)(f)1.c.	1st	Trafficking in amphetamine, more
30			than 200 grams.
31			

1 893.135
2 (1)(h)1.c. 1st Trafficking in
3 gamma-hydroxybutyric acid (GHB),
4 10 kilograms or more.
5 893.135
6 (1)(j)1.c. 1st Trafficking in 1,4-Butanediol, 10
7 kilograms or more.
8 893.135
9 (1)(k)2.c. 1st Trafficking in Phenethylamines,
10 400 grams or more.
11 896.101(5)(c) 1st Money laundering, financial
12 instruments totaling or exceeding
13 \$100,000.
14 896.104(4)(a)3. 1st Structuring transactions to evade
15 reporting or registration
16 requirements, financial
17 transactions totaling or
18 exceeding \$100,000.

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

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22 SENATE SUMMARY

23 Provides that threatening to use a weapon or firearm
24 during the course of a robbery is a felony of the first
25 degree.
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