



CRIMINAL JUSTICE COMMITTEE MEETING

**Wednesday, February 8, 2006
10:45 a.m. - 11:45 a.m.
404 House Office Building**

AMENDMENT PACKET

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 349**

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Criminal Justice
2 Representative(s) Brandenburg offered the following:

Amendment (with directory and title amendments)

Remove everything after the enacting clause and insert:

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

812.13 Robbery.--

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

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

(b) If in the course of committing the robbery the offender carried a weapon, or threatened to use a weapon or

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22 firearm, then the robbery is a felony of the first degree,
23 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

24 (c) If in the course of committing the robbery the
25 offender carried no firearm, deadly weapon, or other weapon, or
26 did not threaten to use any weapon or firearm, then the robbery
27 is a felony of the second degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.

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

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

36 Section 2. For the purpose of incorporating the amendment
37 made by this act to section 812.13, Florida Statutes, in
38 references thereto, paragraphs (f), (h), and (i) of subsection
39 (3) of section 921.0022, Florida Statutes, are reenacted to
40 read:

41 921.0022 Criminal Punishment Code; offense severity
42 ranking chart.--

43 (3) OFFENSE SEVERITY RANKING CHART

44 Florida	Felony	
45 Statute	Degree	Description

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(f) LEVEL 6

48	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
49	499.0051(3)	2nd	Forgery of pedigree papers.
50	499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
51	499.0051(5)	2nd	Sale of legend drug to unauthorized person.
52	775.0875(1)	3rd	Taking firearm from law enforcement officer.
53	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
54	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.

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55	784.041	3rd	Felony battery.
56	784.048 (3)	3rd	Aggravated stalking; credible threat.
57	784.048 (5)	3rd	Aggravated stalking of person under 16.
58	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
59	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
60	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
61	784.081 (2)	2nd	Aggravated assault on specified official or employee.
62	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other

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63			detainee.
	784.083(2)	2nd	Aggravated assault on code inspector.
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	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
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	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
66			
	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
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	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
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	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels,

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69			or vehicles.
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
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	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
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	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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	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
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	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
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	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed;

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75			no assault or battery.
	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
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	812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
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	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
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	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
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	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
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81	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
82	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
83	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
84	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
85	827.03(1)	3rd	Abuse of a child.
86	827.03(3)(c)	3rd	Neglect of a child.
87	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.

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88	836.05	2nd	Threats; extortion.
	836.10	2nd	Written threats to kill or do bodily injury.
89	843.12	3rd	Aids or assists person to escape.
90	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
91	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
92	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.

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93	944.40	2nd	Escapes.
94	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
95	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
96	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
97		(h) LEVEL 8	
98	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
99	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
100	327.35 (3) (c) 3.	2nd	Vessel BUI

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101	499.0051 (7)	1st	manslaughter. Forgery of prescription or legend drug labels.
102	499.0052	1st	Trafficking in contraband legend drugs.
103	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.
104	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.
105	655.50 (10) (b) 2.	2nd	Failure to report financial transactions

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			totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
106	777.03(2)(a)	1st	Accessory after the fact, capital felony.
107	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
108	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s.

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109	782.071(1) (b)	1st	782.04(3). Committing vehicular homicide and failing to render aid or give information.
110	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
111	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
112	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
113	800.04(4)	2nd	Lewd or lascivious battery.
114	806.01(1)	1st	Maliciously damage

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			dwelling or structure by fire or explosive, believing person in structure.
115	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
116	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
117	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
118	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
119	812.13 (2) (b)	1st	Robbery with a weapon.
120	812.135 (2) (c)	1st	Home-invasion robbery, no firearm,

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121	817.568 (6)	2nd	deadly weapon, or other weapon. Fraudulent use of personal identification information of an individual under the age of 18.
122	825.102 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
123	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
124	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
125	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
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127	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
128	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
129	860.16	1st	Aircraft piracy.
130	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).
131	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified

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			in s. 893.03(1)(a) or (b).
132	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
133	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
134	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
135	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
136	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
137	893.135	1st	Trafficking in

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138	(1) (f) 1.b.		amphetamine, more than 28 grams, less than 200 grams.
	893.135	1st	Trafficking in
	(1) (g) 1.b.		flunitrazepam, 14 grams or more, less than 28 grams.
139	893.135	1st	Trafficking in
	(1) (h) 1.b.		gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
140	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.b.		Butanediol, 5 kilograms or more, less than 10 kilograms.
141	893.135	1st	Trafficking in
	(1) (k) 2.b.		Phenethylamines, 200 grams or more, less than 400 grams.
142	895.03 (1)	1st	Use or invest proceeds derived from pattern of

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143	895.03(2)	1st	racketeering activity. Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
144	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
145	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
146	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration

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requirements,
financial
transactions
totaling or
exceeding \$20,000
but less than
\$100,000.

147

(i) LEVEL 9

148

316.193
(3) (c) 3.b.

1st

DUI manslaughter;
failing to render
aid or give
information.

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327.35 (3) (c) 3.b.

1st

BUI manslaughter;
failing to render
aid or give
information.

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499.00535

1st

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

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560.123 (8) (b) 3.

1st

Failure to report
currency or payment
instruments totaling
or exceeding
\$100,000 by money

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152	560.125 (5) (c)	1st	transmitter. Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
153	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
154	775.0844	1st	Aggravated white collar crime.
155	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
156	782.04 (3)	1st, PBL	robbery, burglary, and other specified felonies.

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158	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
159	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
160	787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
161	787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
162	787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.

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163	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.
164	790.161	1st	Attempted capital destructive device offense.
165	790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
166	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person

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167	794.011(4)	1st	less than 12 years. Sexual battery; victim 12 years or older, certain circumstances.
168	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
169	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
170	812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
171	812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
172	812.135(2)(b)	1st	Home-invasion

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173

817.568 (7)

2nd, PBL

robbery with weapon.

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.

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827.03 (2)

1st

Aggravated child abuse.

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847.0145 (1)

1st

Selling, or otherwise transferring custody or control, of a minor.

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847.0145 (2)

1st

Purchasing, or otherwise obtaining custody or control, of a minor.

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859.01

1st

Poisoning or introducing bacteria,

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			radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
178	893.135	1st	Attempted capital trafficking offense.
179	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
180	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
181	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
182	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
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184	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
185	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
186	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
187	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
188	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
189	896.101(5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
	896.104(4) (a) 3.	1st	Structuring transactions to evade reporting or

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registration
requirements,
financial
transactions
totaling or
exceeding \$100,000.

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Section 3. This act shall take effect October 1, 2006.

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

Delete the entire title:
and insert:

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

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