

By the Committees on Fiscal Policy, Criminal Justice and
Senator Lee

309-1982-00

1 A bill to be entitled
2 An act relating to weapons and firearms;
3 amending s. 790.065, F.S., relating to the sale
4 and delivery of weapons and firearms; extending
5 the date of repeal of such section; creating s.
6 790.166, F.S.; prohibiting the unlawful
7 manufacture, possession, sale, delivery,
8 display, use, or attempted or threatened use of
9 a weapon of mass destruction; prohibiting
10 unlawful conspiring to use such weapon;
11 prohibiting making such weapon readily
12 accessible to others; providing a first degree
13 felony penalty for violation; providing that
14 violation which results in death is a capital
15 felony; prohibiting the unlawful manufacture,
16 possession, sale, delivery, display, use, or
17 attempted or threatened use of a hoax weapon of
18 mass destruction; prohibiting unlawful
19 conspiring to use such weapon; prohibiting
20 making such weapon readily accessible to
21 others; providing a second degree felony
22 penalty for violation; providing definitions
23 for purposes of the act; providing
24 nonapplicability of the act; amending s.
25 921.0022, F.S., relating to the Criminal
26 Punishment Code; providing for ranking the
27 offense of possessing, selling, or using a
28 weapon of mass destruction and the offense of
29 possessing, selling, or using a hoax weapon of
30 mass destruction; providing an effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 790.065, Florida Statutes, is
4 amended to read:

5 790.065 Sale and delivery of firearms.--

6 (1) A licensed importer, licensed manufacturer, or
7 licensed dealer may not sell or deliver from her or his
8 inventory at her or his licensed premises any firearm to
9 another person, other than a licensed importer, licensed
10 manufacturer, licensed dealer, or licensed collector, until
11 she or he has:

12 (a) Obtained a completed form from the potential buyer
13 or transferee, which form shall have been promulgated by the
14 Department of Law Enforcement and provided by the licensed
15 importer, licensed manufacturer, or licensed dealer, which
16 shall include the name, date of birth, gender, race, and
17 social security number or other identification number of such
18 potential buyer or transferee and has inspected proper
19 identification including an identification containing a
20 photograph of the potential buyer or transferee.

21 (b) Collected a fee from the potential buyer for
22 processing the criminal history check of the potential buyer.
23 The fee shall be established by the Department of Law
24 Enforcement and may not exceed \$8 per transaction. The
25 Department of Law Enforcement may reduce, or suspend
26 collection of, the fee to reflect payment received from the
27 Federal Government applied to the cost of maintaining the
28 criminal history check system established by this section as a
29 means of facilitating or supplementing the National Instant
30 Criminal Background Check System. The Department of Law
31 Enforcement shall, by rule, establish procedures for the fees

1 to be transmitted by the licensee to the Department of Law
2 Enforcement. All such fees shall be deposited into the
3 Department of Law Enforcement Operating Trust Fund, but shall
4 be segregated from all other funds deposited into such trust
5 fund and must be accounted for separately. Such segregated
6 funds must not be used for any purpose other than the
7 operation of the criminal history checks required by this
8 section. The Department of Law Enforcement, each year prior to
9 February 1, shall make a full accounting of all receipts and
10 expenditures of such funds to the President of the Senate, the
11 Speaker of the House of Representatives, the majority and
12 minority leaders of each house of the Legislature, and the
13 chairs of the appropriations committees of each house of the
14 Legislature. In the event that the cumulative amount of funds
15 collected exceeds the cumulative amount of expenditures by
16 more than \$2.5 million, excess funds may be used for the
17 purpose of purchasing soft body armor for law enforcement
18 officers.

19 (c) Requested, by means of a toll-free telephone call,
20 the Department of Law Enforcement to conduct a check of the
21 information as reported and reflected in the Florida Crime
22 Information Center and National Crime Information Center
23 systems as of the date of the request.

24 (d) Received a unique approval number for that inquiry
25 from the Department of Law Enforcement, and recorded the date
26 and such number on the consent form.

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28 However, if the person purchasing, or receiving delivery of,
29 the firearm is a holder of a valid concealed weapons or
30 firearms license pursuant to the provisions of s. 790.06 or
31 holds an active certification from the Criminal Justice

1 Standards and Training Commission as a "law enforcement
2 officer," a "correctional officer," or a "correctional
3 probation officer" as defined in s. 943.10(1), (2), (3), (6),
4 (7), (8), or (9), the provisions of this subsection do not
5 apply.

6 (2) Upon receipt of a request for a criminal history
7 record check, the Department of Law Enforcement shall, during
8 the licensee's call or by return call, forthwith:

9 (a) Review criminal history records to determine if
10 the potential buyer or transferee:

11 1. Has been convicted of a felony and is prohibited
12 from receipt or possession of a firearm pursuant to s. 790.23;

13 2. Has been convicted of a misdemeanor crime of
14 domestic violence, and therefore is prohibited from purchasing
15 a firearm; or

16 3. Has had adjudication of guilt withheld or
17 imposition of sentence suspended on any felony or misdemeanor
18 crime of domestic violence unless 3 years have elapsed since
19 probation or any other conditions set by the court have been
20 fulfilled or expunction has occurred.

21 (b) Inform the licensee making the inquiry either that
22 records demonstrate that the buyer or transferee is so
23 prohibited and provide the licensee a nonapproval number, or
24 provide the licensee with a unique approval number.

25 (c)1. Review any records available to it to determine
26 whether the potential buyer or transferee has been indicted or
27 has had an information filed against her or him for an offense
28 that is a felony under either state or federal law, or, as
29 mandated by federal law, has had an injunction for protection
30 against domestic violence entered against the potential buyer
31 or transferee under s. 741.30, has had an injunction for

1 protection against repeat violence entered against the
2 potential buyer or transferee under s. 784.046, or has been
3 arrested for a dangerous crime as specified in s.
4 907.041(4)(a) or for any of the following enumerated offenses:
5 a. Criminal anarchy under ss. 876.01 and 876.02.
6 b. Extortion under s. 836.05.
7 c. Explosives violations under s. 552.22(1) and (2).
8 d. Controlled substances violations under chapter 893.
9 e. Resisting an officer with violence under s. 843.01.
10 f. Weapons and firearms violations under this chapter.
11 g. Treason under s. 876.32.
12 h. Assisting self-murder under s. 782.08.
13 i. Sabotage under s. 876.38.
14 j. Stalking or aggravated stalking under s. 784.048.

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16 If the review indicates any such indictment, information, or
17 arrest, the department shall provide to the licensee a
18 conditional nonapproval number.

19 2. Within 24 working hours, the department shall
20 determine the disposition of the indictment, information, or
21 arrest and inform the licensee as to whether the potential
22 buyer is prohibited from receiving or possessing a firearm.
23 For purposes of this paragraph, "working hours" means the
24 hours from 8 a.m. to 5 p.m. Monday through Friday, excluding
25 legal holidays.

26 3. The office of the clerk of court, at no charge to
27 the department, shall respond to any department request for
28 data on the disposition of the indictment, information, or
29 arrest as soon as possible, but in no event later than 8
30 working hours.

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1 4. The department shall determine as quickly as
2 possible within the allotted time period whether the potential
3 buyer is prohibited from receiving or possessing a firearm.

4 5. If the potential buyer is not so prohibited, or if
5 the department cannot determine the disposition information
6 within the allotted time period, the department shall provide
7 the licensee with a conditional approval number.

8 6. If the buyer is so prohibited, the conditional
9 nonapproval number shall become a nonapproval number.

10 7. The department shall continue its attempts to
11 obtain the disposition information and may retain a record of
12 all approval numbers granted without sufficient disposition
13 information. If the department later obtains disposition
14 information which indicates:

15 a. That the potential buyer is not prohibited from
16 owning a firearm, it shall treat the record of the transaction
17 in accordance with this section; or

18 b. That the potential buyer is prohibited from owning
19 a firearm, it shall immediately revoke the conditional
20 approval number and notify local law enforcement.

21 8. During the time that disposition of the indictment,
22 information, or arrest is pending and until the department is
23 notified by the potential buyer that there has been a final
24 disposition of the indictment, information, or arrest, the
25 conditional nonapproval number shall remain in effect.

26 (3) In the event of scheduled computer downtime,
27 electronic failure, or similar emergency beyond the control of
28 the Department of Law Enforcement, the department shall
29 immediately notify the licensee of the reason for, and
30 estimated length of, such delay. After such notification, the
31 department shall forthwith, and in no event later than the end

1 of the next business day of the licensee, either inform the
2 requesting licensee if its records demonstrate that the buyer
3 or transferee is prohibited from receipt or possession of a
4 firearm pursuant to Florida and Federal law or provide the
5 licensee with a unique approval number. Unless notified by the
6 end of said next business day that the buyer or transferee is
7 so prohibited, and without regard to whether she or he has
8 received a unique approval number, the licensee may complete
9 the sale or transfer and shall not be deemed in violation of
10 this section with respect to such sale or transfer.

11 (4)(a) Any records containing any of the information
12 set forth in subsection (1) pertaining to a buyer or
13 transferee who is not found to be prohibited from receipt or
14 transfer of a firearm by reason of Florida and federal law
15 which records are created by the Department of Law Enforcement
16 to conduct the criminal history record check shall be
17 confidential and exempt from the provisions of s. 119.07(1)
18 and may not be disclosed by the Department of Law Enforcement
19 or any officer or employee thereof to any person or to another
20 agency. The Department of Law Enforcement shall destroy any
21 such records forthwith after it communicates the approval and
22 nonapproval numbers to the licensee and, in any event, such
23 records shall be destroyed within 48 hours after the day of
24 the response to the licensee's request.

25 (b) Notwithstanding the provisions of this subsection,
26 the Department of Law Enforcement may maintain records of NCIC
27 transactions to the extent required by the Federal Government,
28 and may maintain a log of dates of requests for criminal
29 history records checks, unique approval and nonapproval
30 numbers, license identification numbers, and transaction

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1 numbers corresponding to such dates for a period of not longer
2 than 2 years or as otherwise required by law.

3 (c) Nothing in this chapter shall be construed to
4 allow the State of Florida to maintain records containing the
5 names of purchasers or transferees who receive unique approval
6 numbers or to maintain records of firearm transactions.

7 (d) Any officer or employee, or former officer or
8 employee of the Department of Law Enforcement or law
9 enforcement agency who intentionally and maliciously violates
10 the provisions of this subsection commits a felony of the
11 third degree punishable as provided in s. 775.082 or s.
12 775.083.

13 (5) The Department of Law Enforcement shall establish
14 a toll-free telephone number which shall be operational 7 days
15 a week with the exception of Christmas Day and New Year's Day,
16 for a period of 12 hours a day beginning at 9 a.m. and ending
17 at 9 p.m., for purposes of responding to inquiries as
18 described in this section from licensed manufacturers,
19 licensed importers, and licensed dealers. The Department of
20 Law Enforcement shall employ and train such personnel as are
21 necessary expeditiously to administer the provisions of this
22 section.

23 (6) Any person who is denied the right to receive or
24 purchase a firearm as a result of the procedures established
25 by this section may request a criminal history records review
26 and correction in accordance with the rules promulgated by the
27 Department of Law Enforcement.

28 (7) It shall be unlawful for any licensed dealer,
29 licensed manufacturer, or licensed importer willfully and
30 intentionally to request criminal history record information
31 under false pretenses, or willfully and intentionally to

1 disseminate criminal history record information to any person
2 other than the subject of such information. Any person
3 convicted of a violation of this subsection commits a felony
4 of the third degree punishable as provided in s. 775.082 or s.
5 775.083.

6 (8) The Department of Law Enforcement shall promulgate
7 regulations to ensure the identity, confidentiality, and
8 security of all records and data provided pursuant to this
9 section.

10 (9) This section shall become effective at such time
11 as the Department of Law Enforcement has notified all licensed
12 importers, licensed manufacturers, and licensed dealers in
13 writing that the procedures and toll-free number described in
14 this section are operational. This section shall remain in
15 effect only during such times as the procedures described in
16 subsection (2) remain operational.

17 (10) A licensed importer, licensed manufacturer, or
18 licensed dealer is not required to comply with the
19 requirements of this section in the event of:

20 (a) Unavailability of telephone service at the
21 licensed premises due to the failure of the entity which
22 provides telephone service in the state, region, or other
23 geographical area in which the licensee is located to provide
24 telephone service to the premises of the licensee due to the
25 location of said premises; or the interruption of telephone
26 service by reason of hurricane, tornado, flood, natural
27 disaster, or other act of God, war, invasion, insurrection,
28 riot, or other bona fide emergency, or other reason beyond the
29 control of the licensee; or

30 (b) Failure of the Department of Law Enforcement to
31 comply with the requirements of subsections (2) and (3).

1 (11) Compliance with the provisions of this chapter
2 shall be a complete defense to any claim or cause of action
3 under the laws of any state for liability for damages arising
4 from the importation or manufacture, or the subsequent sale or
5 transfer to any person who has been convicted in any court of
6 a crime punishable by imprisonment for a term exceeding 1
7 year, of any firearm which has been shipped or transported in
8 interstate or foreign commerce. The Department of Law
9 Enforcement, its agents and employees shall not be liable for
10 any claim or cause of action under the laws of any state for
11 liability for damages arising from its actions in lawful
12 compliance with this section.

13 (12)(a) Any potential buyer or transferee who
14 willfully and knowingly provides false information or false or
15 fraudulent identification commits a felony of the third degree
16 punishable as provided in s. 775.082 or s. 775.083.

17 (b) Any licensed importer, licensed manufacturer, or
18 licensed dealer who violates the provisions of subsection (1)
19 commits a felony of the third degree punishable as provided in
20 s. 775.082 or s. 775.083.

21 (c) Any employee or agency of a licensed importer,
22 licensed manufacturer, or licensed dealer who violates the
23 provisions of subsection (1) commits a felony of the third
24 degree punishable as provided in s. 775.082 or s. 775.083.

25 (d) Any person who knowingly acquires a firearm
26 through purchase or transfer intended for the use of a person
27 who is prohibited by state or federal law from possessing or
28 receiving a firearm commits a felony of the third degree,
29 punishable as provided in s. 775.082 or s. 775.083.

30 (13) This section does not apply to employees of
31 sheriff's offices, municipal police departments, correctional

1 facilities or agencies, or other criminal justice or
2 governmental agencies when the purchases or transfers are made
3 on behalf of an employing agency for official law enforcement
4 purposes.

5 (14) This section is repealed effective June 1, 2002
6 ~~2000~~.

7 Section 2. Section 790.166, Florida Statutes, is
8 created to read:

9 790.166 Manufacture, possession, sale, delivery,
10 display, use, or attempted or threatened use of a weapon of
11 mass destruction or hoax weapon of mass destruction
12 prohibited; definitions; penalties.--

13 (1) As used in this section, the term:

14 (a) "Weapon of mass destruction" means:

15 1. Any device or object that is designed or intended
16 to cause death or serious bodily injury through the release,
17 dissemination, or impact of toxic or poisonous chemicals, or
18 their precursors;

19 2. Any device or object involving a disease organism;
20 or

21 3. Any device or object that is designed to release
22 radiation or radioactivity at a level dangerous to human life.

23 (b) "Hoax weapon of mass destruction" means any device
24 or object that by its design, construction, content, or
25 characteristics appears to be or to contain, or is represented
26 to be, constitute, or contain, a weapon of mass destruction as
27 defined in this section, but which is, in fact, an inoperative
28 facsimile, imitation, counterfeit, or representation of a
29 weapon of mass destruction which does not meet the definition
30 of a weapon of mass destruction or which does not actually
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1 contain or constitute a weapon, biological agent, toxin,
2 vector, or delivery system prohibited by this section.

3 (c) "Biological agent" means any microorganism, virus,
4 infectious substance, or biological product that may be
5 engineered through biotechnology, or any naturally occurring
6 or bioengineered component of any such microorganism, virus,
7 infectious substance, or biological product, capable of
8 causing:

9 1. Death, disease, or other biological malfunction in
10 a human, an animal, a plant, or other living organism;

11 2. Deterioration of food, water, equipment, supplies,
12 or material of any kind; or

13 3. Deleterious alteration of the environment.

14 (d) "Toxin" means the toxic material of plants,
15 animals, microorganisms, viruses, fungi, or infectious
16 substances, or a recombinant molecule, whatever its origin or
17 method of reproduction, including:

18 1. Any poisonous substance or biological product that
19 may be engineered through biotechnology produced by a living
20 organism; or

21 2. Any poisonous isomer or biological product,
22 homolog, or derivative of such substance.

23 (e) "Delivery system" means:

24 1. Any apparatus, equipment, device, or means of
25 delivery specifically designed to deliver or disseminate a
26 biological agent, toxin, or vector; or

27 2. Any vector.

28 (f) "Vector" means a living organism or molecule,
29 including a recombinant molecule or biological product that
30 may be engineered through biotechnology, capable of carrying a
31 biological agent or toxin to a host.

1 (2) A person who, without lawful authority,
2 manufactures, possesses, sells, delivers, displays, uses,
3 threatens to use, attempts to use, or conspires to use, or who
4 makes readily accessible to others a weapon of mass
5 destruction, including any biological agent, toxin, vector, or
6 delivery system as those terms are defined in this section,
7 commits a felony of the first degree, punishable by
8 imprisonment for a term of years not exceeding life or as
9 provided in s. 775.082, s. 775.083, or s. 775.084, and if
10 death results, commits a capital felony, punishable as
11 provided in s. 775.082.

12 (3) Any person who, without lawful authority,
13 manufactures, possesses, sells, delivers, displays, uses,
14 threatens to use, attempts to use, or conspires to use, or who
15 makes readily accessible to others, a hoax weapon of mass
16 destruction with the intent to deceive or otherwise mislead
17 another person into believing that the hoax weapon of mass
18 destruction will cause terror, bodily harm, or property damage
19 commits a felony of the second degree, punishable as provided
20 in s. 775.082, s. 775.083, or s. 775.084.

21 (4) This section does not apply to any member or
22 employee of the Armed Forces of the United States, a federal
23 or state governmental agency, or a private entity who is
24 otherwise engaged in lawful activity within the scope of his
25 or her employment, if such person is otherwise duly authorized
26 or licensed to manufacture, possess, sell, deliver, display,
27 or otherwise engage in activity relative to this section and
28 if such person is in compliance with applicable federal and
29 state law.

30 Section 3. Paragraphs (g) and (i) of subsection (3) of
31 section 921.0022, Florida Statutes, are amended to read:

1	782.07(1)	2nd	Killing of a human being by the
2			act, procurement, or culpable
3			negligence of another
4			(manslaughter).
5	782.071	2nd	Killing of human being or viable
6			fetus by the operation of a motor
7			vehicle in a reckless manner
8			(vehicular homicide).
9	782.072	2nd	Killing of a human being by the
10			operation of a vessel in a
11			reckless manner (vessel
12			homicide).
13	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
14			causing great bodily harm or
15			disfigurement.
16	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
17			weapon.
18	784.045(1)(b)	2nd	Aggravated battery; perpetrator
19			aware victim pregnant.
20	784.048(4)	3rd	Aggravated stalking; violation of
21			injunction or court order.
22	784.07(2)(d)	1st	Aggravated battery on law
23			enforcement officer.
24	784.08(2)(a)	1st	Aggravated battery on a person 65
25			years of age or older.
26	784.081(1)	1st	Aggravated battery on specified
27			official or employee.
28	784.082(1)	1st	Aggravated battery by detained
29			person on visitor or other
30			detainee.
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1	784.083(1)	1st	Aggravated battery on code
2			inspector.
3	790.07(4)	1st	Specified weapons violation
4			subsequent to previous conviction
5			of s. 790.07(1) or (2).
6	790.16(1)	1st	Discharge of a machine gun under
7			specified circumstances.
8	<u>790.166(3)</u>	<u>2nd</u>	<u>Possessing, selling, using, or</u>
9			<u>attempting to use a hoax weapon</u>
10			<u>of mass destruction.</u>
11	796.03	2nd	Procuring any person under 16
12			years for prostitution.
13	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
14			victim less than 12 years of age;
15			offender less than 18 years.
16	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
17			victim 12 years of age or older
18			but less than 16 years; offender
19			18 years or older.
20	806.01(2)	2nd	Maliciously damage structure by
21			fire or explosive.
22	810.02(3)(a)	2nd	Burglary of occupied dwelling;
23			unarmed; no assault or battery.
24	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
25			unarmed; no assault or battery.
26	810.02(3)(d)	2nd	Burglary of occupied conveyance;
27			unarmed; no assault or battery.
28	812.014(2)(a)	1st	Property stolen, valued at
29			\$100,000 or more; property stolen
30			while causing other property
31			damage; 1st degree grand theft.

1	812.019(2)	1st	Stolen property; initiates,
2			organizes, plans, etc., the theft
3			of property and traffics in
4			stolen property.
5	812.131(2)(a)	2nd	Robbery by sudden snatching.
6	812.133(2)(b)	1st	Carjacking; no firearm, deadly
7			weapon, or other weapon.
8	825.102(3)(b)	2nd	Neglecting an elderly person or
9			disabled adult causing great
10			bodily harm, disability, or
11			disfigurement.
12	825.1025(2)	2nd	Lewd or lascivious battery upon
13			an elderly person or disabled
14			adult.
15	825.103(2)(b)	2nd	Exploiting an elderly person or
16			disabled adult and property is
17			valued at \$20,000 or more, but
18			less than \$100,000.
19	827.03(3)(b)	2nd	Neglect of a child causing great
20			bodily harm, disability, or
21			disfigurement.
22	827.04(3)	3rd	Impregnation of a child under 16
23			years of age by person 21 years
24			of age or older.
25	837.05(2)	3rd	Giving false information about
26			alleged capital felony to a law
27			enforcement officer.
28	872.06	2nd	Abuse of a dead human body.
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1	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), or (2)(b)) within
5			1,000 feet of a child care
6			facility or school.
7	893.13(1)(e)	1st	Sell, manufacture, or deliver
8			cocaine or other drug prohibited
9			under s. 893.03(1)(a), (1)(b),
10			(1)(d), (2)(a), or (2)(b), within
11			1,000 feet of property used for
12			religious services or a specified
13			business site.
14	893.13(4)(a)	1st	Deliver to minor cocaine (or
15			other s. 893.03(1)(a), (1)(b),
16			(1)(d), (2)(a), or (2)(b) drugs).
17	893.135(1)(a)1.	1st	Trafficking in cannabis, more
18			than 50 lbs., less than 2,000
19			lbs.
20	893.135		
21	(1)(b)1.a.	1st	Trafficking in cocaine, more than
22			28 grams, less than 200 grams.
23	893.135		
24	(1)(c)1.a.	1st	Trafficking in illegal drugs,
25			more than 4 grams, less than 14
26			grams.
27	893.135		
28	(1)(d)1.	1st	Trafficking in phencyclidine,
29			more than 28 grams, less than 200
30			grams.
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1	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
2			than 200 grams, less than 5
3			kilograms.
4	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
5			than 14 grams, less than 28
6			grams.
7	893.135		
8	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
9			grams or more, less than 14
10			grams.
11			(i) LEVEL 9
12	316.193		
13	(3)(c)3.b.	1st	DUI manslaughter; failing to
14			render aid or give information.
15	782.04(1)	1st	Attempt, conspire, or solicit to
16			commit premeditated murder.
17	782.04(3)	1st,PBL	Accomplice to murder in
18			connection with arson, sexual
19			battery, robbery, burglary, and
20			other specified felonies.
21	782.051(1)	1st	Attempted felony murder while
22			perpetrating or attempting to
23			perpetrate a felony enumerated in
24			s. 782.04(3).
25	782.07(2)	1st	Aggravated manslaughter of an
26			elderly person or disabled adult.
27	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
28			reward or as a shield or hostage.
29	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
30			or facilitate commission of any
31			felony.

1	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
2			interfere with performance of any
3			governmental or political
4			function.
5	787.02(3)(a)	1st	False imprisonment; child under
6			age 13; perpetrator also commits
7			aggravated child abuse, sexual
8			battery, or lewd or lascivious
9			battery, molestation, conduct, or
10			exhibition.
11	790.161	1st	Attempted capital destructive
12			device offense.
13	<u>790.166(2)</u>	<u>1st,PBL</u>	<u>Possessing, selling, using, or</u>
14			<u>attempting to use a weapon of</u>
15			<u>mass destruction.</u>
16	794.011(2)	1st	Attempted sexual battery; victim
17			less than 12 years of age.
18	794.011(2)	Life	Sexual battery; offender younger
19			than 18 years and commits sexual
20			battery on a person less than 12
21			years.
22	794.011(4)	1st	Sexual battery; victim 12 years
23			or older, certain circumstances.
24	794.011(8)(b)	1st	Sexual battery; engage in sexual
25			conduct with minor 12 to 18 years
26			by person in familial or
27			custodial authority.
28	800.04(5)(b)	1st	Lewd or lascivious molestation;
29			victim less than 12 years;
30			offender 18 years or older.
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1	812.13(2)(a)	1st,PBL	Robbery with firearm or other
2			deadly weapon.
3	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
4			deadly weapon.
5	827.03(2)	1st	Aggravated child abuse.
6	847.0145(1)	1st	Selling, or otherwise
7			transferring custody or control,
8			of a minor.
9	847.0145(2)	1st	Purchasing, or otherwise
10			obtaining custody or control, of
11			a minor.
12	859.01	1st	Poisoning food, drink, medicine,
13			or water with intent to kill or
14			injure another person.
15	893.135	1st	Attempted capital trafficking
16			offense.
17	893.135(1)(a)3.	1st	Trafficking in cannabis, more
18			than 10,000 lbs.
19	893.135		
20	(1)(b)1.c.	1st	Trafficking in cocaine, more than
21			400 grams, less than 150
22			kilograms.
23	893.135		
24	(1)(c)1.c.	1st	Trafficking in illegal drugs,
25			more than 28 grams, less than 30
26			kilograms.
27	893.135		
28	(1)(d)1.c.	1st	Trafficking in phencyclidine,
29			more than 400 grams.
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1 893.135

2 (1)(e)1.c. 1st Trafficking in methaqualone, more
3 than 25 kilograms.

4 893.135

5 (1)(f)1.c. 1st Trafficking in amphetamine, more
6 than 200 grams.

7 Section 4. This act shall take effect July 1, 2000.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 CS/SB 1840

11

12 Adds a section repealing the June 1, 2000 sunset provision for
13 the firearms record check and creating a new sunset date of
June 1, 2002.

14 Title amendment stating that CS/CS/SB 1840 is an act relating
15 to weapons and firearms.

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