

Bill No. CS/HB 955

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Lee moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Section 790.065, Florida Statutes, is		
18	amended to read:		
19	790.065 Sale and delivery of firearms.--		
20	(1) A licensed importer, licensed manufacturer, or		
21	licensed dealer may not sell or deliver from her or his		
22	inventory at her or his licensed premises any firearm to		
23	another person, other than a licensed importer, licensed		
24	manufacturer, licensed dealer, or licensed collector, until		
25	she or he has:		
26	(a) Obtained a completed form from the potential buyer		
27	or transferee, which form shall have been promulgated by the		
28	Department of Law Enforcement and provided by the licensed		
29	importer, licensed manufacturer, or licensed dealer, which		
30	shall include the name, date of birth, gender, race, and		
31	social security number or other identification number of such		

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1 potential buyer or transferee and has inspected proper
2 identification including an identification containing a
3 photograph of the potential buyer or transferee.

4 (b) Collected a fee from the potential buyer for
5 processing the criminal history check of the potential buyer.
6 The fee shall be established by the Department of Law
7 Enforcement and may not exceed \$8 per transaction. The
8 Department of Law Enforcement may reduce, or suspend
9 collection of, the fee to reflect payment received from the
10 Federal Government applied to the cost of maintaining the
11 criminal history check system established by this section as a
12 means of facilitating or supplementing the National Instant
13 Criminal Background Check System. The Department of Law
14 Enforcement shall, by rule, establish procedures for the fees
15 to be transmitted by the licensee to the Department of Law
16 Enforcement. All such fees shall be deposited into the
17 Department of Law Enforcement Operating Trust Fund, but shall
18 be segregated from all other funds deposited into such trust
19 fund and must be accounted for separately. Such segregated
20 funds must not be used for any purpose other than the
21 operation of the criminal history checks required by this
22 section. The Department of Law Enforcement, each year prior to
23 February 1, shall make a full accounting of all receipts and
24 expenditures of such funds to the President of the Senate, the
25 Speaker of the House of Representatives, the majority and
26 minority leaders of each house of the Legislature, and the
27 chairs of the appropriations committees of each house of the
28 Legislature. In the event that the cumulative amount of funds
29 collected exceeds the cumulative amount of expenditures by
30 more than \$2.5 million, excess funds may be used for the
31 purpose of purchasing soft body armor for law enforcement

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1 officers.

2 (c) Requested, by means of a toll-free telephone call,
3 the Department of Law Enforcement to conduct a check of the
4 information as reported and reflected in the Florida Crime
5 Information Center and National Crime Information Center
6 systems as of the date of the request.

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

10

11 However, if the person purchasing, or receiving delivery of,
12 the firearm is a holder of a valid concealed weapons or
13 firearms license pursuant to the provisions of s. 790.06 or
14 holds an active certification from the Criminal Justice
15 Standards and Training Commission as a "law enforcement
16 officer," a "correctional officer," or a "correctional
17 probation officer" as defined in s. 943.10(1), (2), (3), (6),
18 (7), (8), or (9), the provisions of this subsection do not
19 apply.

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

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

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

27 2. Has been convicted of a misdemeanor crime of
28 domestic violence, and therefore is prohibited from purchasing
29 a firearm; or

30 3. Has had adjudication of guilt withheld or
31 imposition of sentence suspended on any felony or misdemeanor

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1 crime of domestic violence unless 3 years have elapsed since
2 probation or any other conditions set by the court have been
3 fulfilled or expunction has occurred.

4 (b) Inform the licensee making the inquiry either that
5 records demonstrate that the buyer or transferee is so
6 prohibited and provide the licensee a nonapproval number, or
7 provide the licensee with a unique approval number.

8 (c)1. Review any records available to it to determine
9 whether the potential buyer or transferee has been indicted or
10 has had an information filed against her or him for an offense
11 that is a felony under either state or federal law, or, as
12 mandated by federal law, has had an injunction for protection
13 against domestic violence entered against the potential buyer
14 or transferee under s. 741.30, has had an injunction for
15 protection against repeat violence entered against the
16 potential buyer or transferee under s. 784.046, or has been
17 arrested for a dangerous crime as specified in s.

18 907.041(4)(a) or for any of the following enumerated offenses:

- 19 a. Criminal anarchy under ss. 876.01 and 876.02.
- 20 b. Extortion under s. 836.05.
- 21 c. Explosives violations under s. 552.22(1) and (2).
- 22 d. Controlled substances violations under chapter 893.
- 23 e. Resisting an officer with violence under s. 843.01.
- 24 f. Weapons and firearms violations under this chapter.
- 25 g. Treason under s. 876.32.
- 26 h. Assisting self-murder under s. 782.08.
- 27 i. Sabotage under s. 876.38.
- 28 j. Stalking or aggravated stalking under s. 784.048.

29
30 If the review indicates any such indictment, information, or
31 arrest, the department shall provide to the licensee a

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1 conditional nonapproval number.

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

9 3. The office of the clerk of court, at no charge to
10 the department, shall respond to any department request for
11 data on the disposition of the indictment, information, or
12 arrest as soon as possible, but in no event later than 8
13 working hours.

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

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

21 6. If the buyer is so prohibited, the conditional
22 nonapproval number shall become a nonapproval number.

23 7. The department shall continue its attempts to
24 obtain the disposition information and may retain a record of
25 all approval numbers granted without sufficient disposition
26 information. If the department later obtains disposition
27 information which indicates:

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

31 b. That the potential buyer is prohibited from owning

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1 a firearm, it shall immediately revoke the conditional
2 approval number and notify local law enforcement.

3 8. During the time that disposition of the indictment,
4 information, or arrest is pending and until the department is
5 notified by the potential buyer that there has been a final
6 disposition of the indictment, information, or arrest, the
7 conditional nonapproval number shall remain in effect.

8 (3) In the event of scheduled computer downtime,
9 electronic failure, or similar emergency beyond the control of
10 the Department of Law Enforcement, the department shall
11 immediately notify the licensee of the reason for, and
12 estimated length of, such delay. After such notification, the
13 department shall forthwith, and in no event later than the end
14 of the next business day of the licensee, either inform the
15 requesting licensee if its records demonstrate that the buyer
16 or transferee is prohibited from receipt or possession of a
17 firearm pursuant to Florida and Federal law or provide the
18 licensee with a unique approval number. Unless notified by the
19 end of said next business day that the buyer or transferee is
20 so prohibited, and without regard to whether she or he has
21 received a unique approval number, the licensee may complete
22 the sale or transfer and shall not be deemed in violation of
23 this section with respect to such sale or transfer.

24 (4)(a) Any records containing any of the information
25 set forth in subsection (1) pertaining to a buyer or
26 transferee who is not found to be prohibited from receipt or
27 transfer of a firearm by reason of Florida and federal law
28 which records are created by the Department of Law Enforcement
29 to conduct the criminal history record check shall be
30 confidential and exempt from the provisions of s. 119.07(1)
31 and may not be disclosed by the Department of Law Enforcement

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1 or any officer or employee thereof to any person or to another
2 agency. The Department of Law Enforcement shall destroy any
3 such records forthwith after it communicates the approval and
4 nonapproval numbers to the licensee and, in any event, such
5 records shall be destroyed within 48 hours after the day of
6 the response to the licensee's request.

7 (b) Notwithstanding the provisions of this subsection,
8 the Department of Law Enforcement may maintain records of NCIC
9 transactions to the extent required by the Federal Government,
10 and may maintain a log of dates of requests for criminal
11 history records checks, unique approval and nonapproval
12 numbers, license identification numbers, and transaction
13 numbers corresponding to such dates for a period of not longer
14 than 2 years or as otherwise required by law.

15 (c) Nothing in this chapter shall be construed to
16 allow the State of Florida to maintain records containing the
17 names of purchasers or transferees who receive unique approval
18 numbers or to maintain records of firearm transactions.

19 (d) Any officer or employee, or former officer or
20 employee of the Department of Law Enforcement or law
21 enforcement agency who intentionally and maliciously violates
22 the provisions of this subsection commits a felony of the
23 third degree punishable as provided in s. 775.082 or s.
24 775.083.

25 (5) The Department of Law Enforcement shall establish
26 a toll-free telephone number which shall be operational 7 days
27 a week with the exception of Christmas Day and New Year's Day,
28 for a period of 12 hours a day beginning at 9 a.m. and ending
29 at 9 p.m., for purposes of responding to inquiries as
30 described in this section from licensed manufacturers,
31 licensed importers, and licensed dealers. The Department of

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1 Law Enforcement shall employ and train such personnel as are
2 necessary expeditiously to administer the provisions of this
3 section.

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

9 (7) It shall be unlawful for any licensed dealer,
10 licensed manufacturer, or licensed importer willfully and
11 intentionally to request criminal history record information
12 under false pretenses, or willfully and intentionally to
13 disseminate criminal history record information to any person
14 other than the subject of such information. Any person
15 convicted of a violation of this subsection commits a felony
16 of the third degree punishable as provided in s. 775.082 or s.
17 775.083.

18 (8) The Department of Law Enforcement shall promulgate
19 regulations to ensure the identity, confidentiality, and
20 security of all records and data provided pursuant to this
21 section.

22 (9) This section shall become effective at such time
23 as the Department of Law Enforcement has notified all licensed
24 importers, licensed manufacturers, and licensed dealers in
25 writing that the procedures and toll-free number described in
26 this section are operational. This section shall remain in
27 effect only during such times as the procedures described in
28 subsection (2) remain operational.

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

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1 (a) Unavailability of telephone service at the
2 licensed premises due to the failure of the entity which
3 provides telephone service in the state, region, or other
4 geographical area in which the licensee is located to provide
5 telephone service to the premises of the licensee due to the
6 location of said premises; or the interruption of telephone
7 service by reason of hurricane, tornado, flood, natural
8 disaster, or other act of God, war, invasion, insurrection,
9 riot, or other bona fide emergency, or other reason beyond the
10 control of the licensee; or

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

13 (11) Compliance with the provisions of this chapter
14 shall be a complete defense to any claim or cause of action
15 under the laws of any state for liability for damages arising
16 from the importation or manufacture, or the subsequent sale or
17 transfer to any person who has been convicted in any court of
18 a crime punishable by imprisonment for a term exceeding 1
19 year, of any firearm which has been shipped or transported in
20 interstate or foreign commerce. The Department of Law
21 Enforcement, its agents and employees shall not be liable for
22 any claim or cause of action under the laws of any state for
23 liability for damages arising from its actions in lawful
24 compliance with this section.

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

29 (b) Any licensed importer, licensed manufacturer, or
30 licensed dealer who violates the provisions of subsection (1)
31 commits a felony of the third degree punishable as provided in

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1 s. 775.082 or s. 775.083.

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

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

11 (13) This section does not apply to employees of
12 sheriff's offices, municipal police departments, correctional
13 facilities or agencies, or other criminal justice or
14 governmental agencies when the purchases or transfers are made
15 on behalf of an employing agency for official law enforcement
16 purposes.

17 (14) This section is repealed effective June 1, 2002
18 ~~2000~~.

19 Section 2. Section 790.166, Florida Statutes, is
20 created to read:

21 790.166 Manufacture, possession, sale, delivery,
22 display, use, or attempted or threatened use of a weapon of
23 mass destruction or hoax weapon of mass destruction
24 prohibited; definitions; penalties.--

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

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

27 1. Any device or object that is designed or intended
28 to cause death or serious bodily injury through the release,
29 dissemination, or impact of toxic or poisonous chemicals, or
30 their precursors;

31 2. Any device or object involving a disease organism;

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1 or2 3. Any device or object that is designed to release
3 radiation or radioactivity at a level dangerous to human life.4 (b) "Hoax weapon of mass destruction" means any device
5 or object that by its design, construction, content, or
6 characteristics appears to be or to contain, or is represented
7 to be, constitute, or contain, a weapon of mass destruction as
8 defined in this section, but which is, in fact, an inoperative
9 facsimile, imitation, counterfeit, or representation of a
10 weapon of mass destruction which does not meet the definition
11 of a weapon of mass destruction or which does not actually
12 contain or constitute a weapon, biological agent, toxin,
13 vector, or delivery system prohibited by this section.14 (c) "Biological agent" means any microorganism, virus,
15 infectious substance, or biological product that may be
16 engineered through biotechnology, or any naturally occurring
17 or bioengineered component of any such microorganism, virus,
18 infectious substance, or biological product, capable of
19 causing:20 1. Death, disease, or other biological malfunction in
21 a human, an animal, a plant, or other living organism;22 2. Deterioration of food, water, equipment, supplies,
23 or material of any kind; or24 3. Deleterious alteration of the environment.25 (d) "Toxin" means the toxic material of plants,
26 animals, microorganisms, viruses, fungi, or infectious
27 substances, or a recombinant molecule, whatever its origin or
28 method of reproduction, including:29 1. Any poisonous substance or biological product that
30 may be engineered through biotechnology produced by a living
31 organism; or

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

3 (e) "Delivery system" means:

4 1. Any apparatus, equipment, device, or means of
5 delivery specifically designed to deliver or disseminate a
6 biological agent, toxin, or vector; or

7 2. Any vector.

8 (f) "Vector" means a living organism or molecule,
9 including a recombinant molecule or biological product that
10 may be engineered through biotechnology, capable of carrying a
11 biological agent or toxin to a host.

12 (2) A 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 weapon of mass
16 destruction, including any biological agent, toxin, vector, or
17 delivery system as those terms are defined in this section,
18 commits a felony of the first degree, punishable by
19 imprisonment for a term of years not exceeding life or as
20 provided in s. 775.082, s. 775.083, or s. 775.084, and if
21 death results, commits a capital felony, punishable as
22 provided in s. 775.082.

23 (3) Any person who, without lawful authority,
24 manufactures, possesses, sells, delivers, displays, uses,
25 threatens to use, attempts to use, or conspires to use, or who
26 makes readily accessible to others, a hoax weapon of mass
27 destruction with the intent to deceive or otherwise mislead
28 another person into believing that the hoax weapon of mass
29 destruction will cause terror, bodily harm, or property damage
30 commits a felony of the second degree, punishable as provided
31 in s. 775.082, s. 775.083, or s. 775.084.

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1 (4) This section does not apply to any member or
 2 employee of the Armed Forces of the United States, a federal
 3 or state governmental agency, or a private entity who is
 4 otherwise engaged in lawful activity within the scope of his
 5 or her employment, if such person is otherwise duly authorized
 6 or licensed to manufacture, possess, sell, deliver, display,
 7 or otherwise engage in activity relative to this section and
 8 if such person is in compliance with applicable federal and
 9 state law.

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

12 921.0022 Criminal Punishment Code; offense severity
 13 ranking chart.--

14 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	Description
Statute	Degree	
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.

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1	494.0018(2)	1st	Conviction of any violation of
2			ss. 494.001-494.0077 in which the
3			total money and property
4			unlawfully obtained exceeded
5			\$50,000 and there were five or
6			more victims.
7	782.051(3)	2nd	Attempted felony murder of a
8			person by a person other than the
9			perpetrator or the perpetrator of
10			an attempted felony.
11	782.07(1)	2nd	Killing of a human being by the
12			act, procurement, or culpable
13			negligence of another
14			(manslaughter).
15	782.071	2nd	Killing of human being or viable
16			fetus by the operation of a motor
17			vehicle in a reckless manner
18			(vehicular homicide).
19	782.072	2nd	Killing of a human being by the
20			operation of a vessel in a
21			reckless manner (vessel
22			homicide).
23	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
24			causing great bodily harm or
25			disfigurement.
26	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
27			weapon.
28	784.045(1)(b)	2nd	Aggravated battery; perpetrator
29			aware victim pregnant.
30	784.048(4)	3rd	Aggravated stalking; violation of
31			injunction or court order.

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1	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
2			
3	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
4			
5	784.081(1)	1st	Aggravated battery on specified official or employee.
6			
7	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
8			
9			
10	784.083(1)	1st	Aggravated battery on code inspector.
11			
12	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
13			
14			
15	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
16			
17	<u>790.166(3)</u>	<u>2nd</u>	<u>Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.</u>
18			
19			
20	796.03	2nd	Procuring any person under 16 years for prostitution.
21			
22	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
23			
24			
25	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
26			
27			
28			
29	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
30			
31			

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1	810.02(3)(a)	2nd	Burglary of occupied dwelling;
2			unarmed; no assault or battery.
3	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(d)	2nd	Burglary of occupied conveyance;
6			unarmed; no assault or battery.
7	812.014(2)(a)	1st	Property stolen, valued at
8			\$100,000 or more; property stolen
9			while causing other property
10			damage; 1st degree grand theft.
11	812.019(2)	1st	Stolen property; initiates,
12			organizes, plans, etc., the theft
13			of property and traffics in
14			stolen property.
15	812.131(2)(a)	2nd	Robbery by sudden snatching.
16	812.133(2)(b)	1st	Carjacking; no firearm, deadly
17			weapon, or other weapon.
18	825.102(3)(b)	2nd	Neglecting an elderly person or
19			disabled adult causing great
20			bodily harm, disability, or
21			disfigurement.
22	825.1025(2)	2nd	Lewd or lascivious battery upon
23			an elderly person or disabled
24			adult.
25	825.103(2)(b)	2nd	Exploiting an elderly person or
26			disabled adult and property is
27			valued at \$20,000 or more, but
28			less than \$100,000.
29	827.03(3)(b)	2nd	Neglect of a child causing great
30			bodily harm, disability, or
31			disfigurement.

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1	827.04(3)	3rd	Impregnation of a child under 16
2			years of age by person 21 years
3			of age or older.
4	837.05(2)	3rd	Giving false information about
5			alleged capital felony to a law
6			enforcement officer.
7	872.06	2nd	Abuse of a dead human body.
8	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
9			cocaine (or other drug prohibited
10			under s. 893.03(1)(a), (1)(b),
11			(1)(d), (2)(a), or (2)(b)) within
12			1,000 feet of a child care
13			facility or school.
14	893.13(1)(e)	1st	Sell, manufacture, or deliver
15			cocaine or other drug prohibited
16			under s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), or (2)(b), within
18			1,000 feet of property used for
19			religious services or a specified
20			business site.
21	893.13(4)(a)	1st	Deliver to minor cocaine (or
22			other s. 893.03(1)(a), (1)(b),
23			(1)(d), (2)(a), or (2)(b) drugs).
24	893.135(1)(a)1.	1st	Trafficking in cannabis, more
25			than 50 lbs., less than 2,000
26			lbs.
27	893.135		
28	(1)(b)1.a.	1st	Trafficking in cocaine, more than
29			28 grams, less than 200 grams.
30	893.135		
31	(1)(c)1.a.	1st	Trafficking in illegal drugs,

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1			more than 4 grams, less than 14
2			grams.
3	893.135		
4	(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		
14	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
15			grams or more, less than 14
16			grams.
17			(i) LEVEL 9
18	316.193		
19	(3)(c)3.b.	1st	DUI manslaughter; failing to
20			render aid or give information.
21	782.04(1)	1st	Attempt, conspire, or solicit to
22			commit premeditated murder.
23	782.04(3)	1st,PBL	Accomplice to murder in
24			connection with arson, sexual
25			battery, robbery, burglary, and
26			other specified felonies.
27	782.051(1)	1st	Attempted felony murder while
28			perpetrating or attempting to
29			perpetrate a felony enumerated in
30			s. 782.04(3).
31			

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1	782.07(2)	1st	Aggravated manslaughter of an
2			elderly person or disabled adult.
3	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
4			reward or as a shield or hostage.
5	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
6			or facilitate commission of any
7			felony.
8	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
9			interfere with performance of any
10			governmental or political
11			function.
12	787.02(3)(a)	1st	False imprisonment; child under
13			age 13; perpetrator also commits
14			aggravated child abuse, sexual
15			battery, or lewd or lascivious
16			battery, molestation, conduct, or
17			exhibition.
18	790.161	1st	Attempted capital destructive
19			device offense.
20	<u>790.166(2)</u>	<u>1st,PBL</u>	<u>Possessing, selling, using, or</u>
21			<u>attempting to use a weapon of</u>
22			<u>mass destruction.</u>
23	794.011(2)	1st	Attempted sexual battery; victim
24			less than 12 years of age.
25	794.011(2)	Life	Sexual battery; offender younger
26			than 18 years and commits sexual
27			battery on a person less than 12
28			years.
29	794.011(4)	1st	Sexual battery; victim 12 years
30			or older, certain circumstances.
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1	794.011(8)(b)	1st	Sexual battery; engage in sexual
2			conduct with minor 12 to 18 years
3			by person in familial or
4			custodial authority.
5	800.04(5)(b)	1st	Lewd or lascivious molestation;
6			victim less than 12 years;
7			offender 18 years or older.
8	812.13(2)(a)	1st,PBL	Robbery with firearm or other
9			deadly weapon.
10	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
11			deadly weapon.
12	827.03(2)	1st	Aggravated child abuse.
13	847.0145(1)	1st	Selling, or otherwise
14			transferring custody or control,
15			of a minor.
16	847.0145(2)	1st	Purchasing, or otherwise
17			obtaining custody or control, of
18			a minor.
19	859.01	1st	Poisoning food, drink, medicine,
20			or water with intent to kill or
21			injure another person.
22	893.135	1st	Attempted capital trafficking
23			offense.
24	893.135(1)(a)3.	1st	Trafficking in cannabis, more
25			than 10,000 lbs.
26	893.135		
27	(1)(b)1.c.	1st	Trafficking in cocaine, more than
28			400 grams, less than 150
29			kilograms.
30	893.135		
31	(1)(c)1.c.	1st	Trafficking in illegal drugs,

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1 more than 28 grams, less than 30
2 kilograms.

3 893.135

4 (1)(d)1.c. 1st Trafficking in phencyclidine,
5 more than 400 grams.

6 893.135

7 (1)(e)1.c. 1st Trafficking in methaqualone, more
8 than 25 kilograms.

9 893.135

10 (1)(f)1.c. 1st Trafficking in amphetamine, more
11 than 200 grams.

12 Section 4. This act shall take effect upon becoming a
13 law, except that sections 2 and 3 of this act shall take
14 effect July 1, 2000.

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

18 And the title is amended as follows:

19 Delete everything before the enacting clause

20

21 and insert:

22 A bill to be entitled
23 An act relating to weapons and firearms;
24 amending s. 790.065, F.S., relating to the sale
25 and delivery of weapons and firearms; extending
26 the date of repeal of such section; creating s.
27 790.166, F.S.; prohibiting the unlawful
28 manufacture, possession, sale, delivery,
29 display, use, or attempted or threatened use of
30 a weapon of mass destruction; prohibiting
31 unlawful conspiring to use such weapon;

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1 prohibiting making such weapon readily
2 accessible to others; providing a first degree
3 felony penalty for violation; providing that
4 violation which results in death is a capital
5 felony; prohibiting the unlawful manufacture,
6 possession, sale, delivery, display, use, or
7 attempted or threatened use of a hoax weapon of
8 mass destruction; prohibiting unlawful
9 conspiring to use such weapon; prohibiting
10 making such weapon readily accessible to
11 others; providing a second degree felony
12 penalty for violation; providing definitions
13 for purposes of the act; providing
14 nonapplicability of the act; amending s.
15 921.0022, F.S., relating to the Criminal
16 Punishment Code; providing for ranking the
17 offense of possessing, selling, or using a
18 weapon of mass destruction and the offense of
19 possessing, selling, or using a hoax weapon of
20 mass destruction; providing effective dates.

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