

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 effective dates.  
31

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

2

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.

27  
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.

15  
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.

31

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  
31

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  
31

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            921.0022 Criminal Punishment Code; offense severity  
 2 ranking chart.--  
 3            (3) OFFENSE SEVERITY RANKING CHART  
 4  
 5 Florida                      Felony  
 6 Statute                      Degree                      Description  
 7  
 8  
 9    (g) LEVEL 7  
 10 316.193(3)(c)2.            3rd            DUI resulting in serious bodily  
 11    injury.  
 12 327.35(3)(c)2.            3rd            Vessel BUI resulting in serious  
 13    bodily injury.  
 14 402.319(2)                      2nd            Misrepresentation and negligence  
 15    or intentional act resulting in  
 16    great bodily harm, permanent  
 17    disfiguration, permanent  
 18    disability, or death.  
 19 409.920(2)                      3rd            Medicaid provider fraud.  
 20 494.0018(2)                      1st            Conviction of any violation of  
 21    ss. 494.001-494.0077 in which the  
 22    total money and property  
 23    unlawfully obtained exceeded  
 24    \$50,000 and there were five or  
 25    more victims.  
 26 782.051(3)                      2nd            Attempted felony murder of a  
 27    person by a person other than the  
 28    perpetrator or the perpetrator of  
 29    an attempted felony.  
 30  
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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.
31			

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 upon becoming a  
8 law, except that sections 2 and 3 of this act shall take  
9 effect July 1, 2000.

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