

By Senator Burt

16-814-02

1                                   A bill to be entitled  
2           An act relating to offenses involving a hoax  
3           bomb; amending s. 790.165, F.S.; increasing the  
4           penalty imposed against a person who  
5           manufactures, possesses, sells, or delivers a  
6           hoax bomb or who mails or sends a hoax bomb to  
7           another person; amending s. 921.0022, F.S.,  
8           relating to the offense severity ranking chart  
9           of the Criminal Punishment Code; conforming  
10          provisions to changes made by the act;  
11          providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Subsection (2) of section 790.165, Florida  
16 Statutes, is amended to read:

17           790.165 Planting of "hoax bomb" prohibited;  
18 penalties.--

19           (2) Any person who manufactures, possesses, sells, or  
20 delivers a hoax bomb or mails or sends a hoax bomb to another  
21 person commits a felony of the second ~~third~~ degree, punishable  
22 as provided in s. 775.082, s. 775.083, or s. 775.084.

23           Section 2. Paragraphs (e) and (g) of subsection (3) of  
24 section 921.0022, Florida Statutes, are amended to read:

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

27           (3) OFFENSE SEVERITY RANKING CHART

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29 Florida                    Felony  
30 Statute                   Degree                    Description

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2			(e) LEVEL 5
3	316.027(1)(a)	3rd	Accidents involving personal
4			injuries, failure to stop;
5			leaving scene.
6	316.1935(4)	2nd	Aggravated fleeing or eluding.
7	322.34(6)	3rd	Careless operation of motor
8			vehicle with suspended license,
9			resulting in death or serious
10			bodily injury.
11	327.30(5)	3rd	Vessel accidents involving
12			personal injury; leaving scene.
13	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
14			knowing HIV positive.
15	790.01(2)	3rd	Carrying a concealed firearm.
16	790.162	2nd	Threat to throw or discharge
17			destructive device.
18	790.163	2nd	False report of deadly explosive.
19	<del>790.165(2)</del>	<del>3rd</del>	<del>Manufacture, sell, possess, or</del>
20			<del>deliver hoax bomb.</del>
21	790.221(1)	2nd	Possession of short-barreled
22			shotgun or machine gun.
23	790.23	2nd	Felons in possession of firearms
24			or electronic weapons or devices.
25	800.04(6)(c)	3rd	Lewd or lascivious conduct;
26			offender less than 18 years.
27	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
28			offender 18 years or older.
29	806.111(1)	3rd	Possess, manufacture, or dispense
30			fire bomb with intent to damage
31			any structure or property.

1	812.015(8)	3rd	Retail theft; property stolen is
2			valued at \$300 or more and one or
3			more specified acts.
4	812.019(1)	2nd	Stolen property; dealing in or
5			trafficking in.
6	812.131(2)(b)	3rd	Robbery by sudden snatching.
7	812.16(2)	3rd	Owning, operating, or conducting
8			a chop shop.
9	817.034(4)(a)2.	2nd	Communications fraud, value
10			\$20,000 to \$50,000.
11	817.234(11)(b)	2nd	Insurance fraud; property value
12			\$20,000 or more but less than
13			\$100,000.
14	817.568(2)(b)	2nd	Fraudulent use of personal
15			identification information; value
16			of benefit, services received,
17			payment avoided, or amount of
18			injury or fraud, \$75,000 or more.
19	817.625(2)(b)	2nd	Second or subsequent fraudulent
20			use of scanning device or
21			reencoder.
22	825.1025(4)	3rd	Lewd or lascivious exhibition in
23			the presence of an elderly person
24			or disabled adult.
25	827.071(4)	2nd	Possess with intent to promote
26			any photographic material, motion
27			picture, etc., which includes
28			sexual conduct by a child.
29	843.01	3rd	Resist officer with violence to
30			person; resist arrest with
31			violence.

1	874.05(2)	2nd	Encouraging or recruiting another
2			to join a criminal street gang;
3			second or subsequent offense.
4	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
5			cocaine (or other s.
6			893.03(1)(a), (1)(b), (1)(d),
7			(2)(a), (2)(b), or (2)(c)4.
8			drugs).
9	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
10			cannabis (or other s.
11			893.03(1)(c), (2)(c)1., (2)(c)2.,
12			(2)(c)3., (2)(c)5., (2)(c)6.,
13			(2)(c)7., (2)(c)8., (2)(c)9.,
14			(3), or (4) drugs) within 1,000
15			feet of a child care facility or
16			school.
17	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
18			cocaine (or other s.
19			893.03(1)(a), (1)(b), (1)(d),
20			(2)(a), (2)(b), or (2)(c)4.
21			drugs) within 200 feet of
22			university or public park.
23	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
24			cannabis or other drug prohibited
25			under s. 893.03(1)(c), (2)(c)1.,
26			(2)(c)2., (2)(c)3., (2)(c)5.,
27			(2)(c)6., (2)(c)7., (2)(c)8.,
28			(2)(c)9., (3), or (4) within
29			1,000 feet of property used for
30			religious services or a specified
31			business site.

1	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other s.
3			893.03(1)(a), (1)(b), (1)(d), or
4			(2)(a), (2)(b), or (2)(c)4.
5			drugs) within 200 feet of public
6			housing facility.
7	893.13(4)(b)	2nd	Deliver to minor cannabis (or
8			other s. 893.03(1)(c), (2)(c)1.,
9			(2)(c)2., (2)(c)3., (2)(c)5.,
10			(2)(c)6., (2)(c)7., (2)(c)8.,
11			(2)(c)9., (3), or (4) drugs).
12			(g) LEVEL 7
13	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
14			injury.
15	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
16			bodily injury.
17	402.319(2)	2nd	Misrepresentation and negligence
18			or intentional act resulting in
19			great bodily harm, permanent
20			disfiguration, permanent
21			disability, or death.
22	409.920(2)	3rd	Medicaid provider fraud.
23	456.065(2)	3rd	Practicing a health care
24			profession without a license.
25	456.065(2)	2nd	Practicing a health care
26			profession without a license
27			which results in serious bodily
28			injury.
29	458.327(1)	3rd	Practicing medicine without a
30			license.
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1	459.013(1)	3rd	Practicing osteopathic medicine
2			without a license.
3	460.411(1)	3rd	Practicing chiropractic medicine
4			without a license.
5	461.012(1)	3rd	Practicing podiatric medicine
6			without a license.
7	462.17	3rd	Practicing naturopathy without a
8			license.
9	463.015(1)	3rd	Practicing optometry without a
10			license.
11	464.016(1)	3rd	Practicing nursing without a
12			license.
13	465.015(2)	3rd	Practicing pharmacy without a
14			license.
15	466.026(1)	3rd	Practicing dentistry or dental
16			hygiene without a license.
17	467.201	3rd	Practicing midwifery without a
18			license.
19	468.366	3rd	Delivering respiratory care
20			services without a license.
21	483.828(1)	3rd	Practicing as clinical laboratory
22			personnel without a license.
23	483.901(9)	3rd	Practicing medical physics
24			without a license.
25	484.013(1)(c)	3rd	Preparing or dispensing optical
26			devices without a prescription.
27	484.053	3rd	Dispensing hearing aids without a
28			license.
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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	560.123(8)(b)1.	3rd	Failure to report currency or
8			payment instruments exceeding
9			\$300 but less than \$20,000 by
10			money transmitter.
11	560.125(5)(a)	3rd	Money transmitter business by
12			unauthorized person, currency or
13			payment instruments exceeding
14			\$300 but less than \$20,000.
15	655.50(10)(b)1.	3rd	Failure to report financial
16			transactions exceeding \$300 but
17			less than \$20,000 by financial
18			institution.
19	782.051(3)	2nd	Attempted felony murder of a
20			person by a person other than the
21			perpetrator or the perpetrator of
22			an attempted felony.
23	782.07(1)	2nd	Killing of a human being by the
24			act, procurement, or culpable
25			negligence of another
26			(manslaughter).
27	782.071	2nd	Killing of human being or viable
28			fetus by the operation of a motor
29			vehicle in a reckless manner
30			(vehicular homicide).
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1	782.072	2nd	Killing of a human being by the
2			operation of a vessel in a
3			reckless manner (vessel
4			homicide).
5	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
6			causing great bodily harm or
7			disfigurement.
8	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
9			weapon.
10	784.045(1)(b)	2nd	Aggravated battery; perpetrator
11			aware victim pregnant.
12	784.048(4)	3rd	Aggravated stalking; violation of
13			injunction or court order.
14	784.07(2)(d)	1st	Aggravated battery on law
15			enforcement officer.
16	784.074(1)(a)	1st	Aggravated battery on sexually
17			violent predators facility staff.
18	784.08(2)(a)	1st	Aggravated battery on a person 65
19			years of age or older.
20	784.081(1)	1st	Aggravated battery on specified
21			official or employee.
22	784.082(1)	1st	Aggravated battery by detained
23			person on visitor or other
24			detainee.
25	784.083(1)	1st	Aggravated battery on code
26			inspector.
27	790.07(4)	1st	Specified weapons violation
28			subsequent to previous conviction
29			of s. 790.07(1) or (2).
30	790.16(1)	1st	Discharge of a machine gun under
31			specified circumstances.



1	<u>790.165(2)</u>	<u>2nd</u>	<u>Manufacture, sell, possess, or</u>
2			<u>deliver hoax bomb.</u>
3	790.166(3)	2nd	Possessing, selling, using, or
4			attempting to use a hoax weapon
5			of mass destruction.
6	796.03	2nd	Procuring any person under 16
7			years for prostitution.
8	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
9			victim less than 12 years of age;
10			offender less than 18 years.
11	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
12			victim 12 years of age or older
13			but less than 16 years; offender
14			18 years or older.
15	806.01(2)	2nd	Maliciously damage structure by
16			fire or explosive.
17	810.02(3)(a)	2nd	Burglary of occupied dwelling;
18			unarmed; no assault or battery.
19	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
20			unarmed; no assault or battery.
21	810.02(3)(d)	2nd	Burglary of occupied conveyance;
22			unarmed; no assault or battery.
23	812.014(2)(a)	1st	Property stolen, valued at
24			\$100,000 or more; cargo stolen
25			valued at \$50,000, or more;
26			property stolen while causing
27			other property damage; 1st degree
28			grand theft.
29	812.014(2)(b)2.	2nd	Property stolen, emergency
30			medical equipment; 2nd degree
31			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	817.234(11)(c)	1st	Insurance fraud; property value
9			\$100,000 or more.
10	825.102(3)(b)	2nd	Neglecting an elderly person or
11			disabled adult causing great
12			bodily harm, disability, or
13			disfigurement.
14	825.1025(2)	2nd	Lewd or lascivious battery upon
15			an elderly person or disabled
16			adult.
17	825.103(2)(b)	2nd	Exploiting an elderly person or
18			disabled adult and property is
19			valued at \$20,000 or more, but
20			less than \$100,000.
21	827.03(3)(b)	2nd	Neglect of a child causing great
22			bodily harm, disability, or
23			disfigurement.
24	827.04(3)	3rd	Impregnation of a child under 16
25			years of age by person 21 years
26			of age or older.
27	837.05(2)	3rd	Giving false information about
28			alleged capital felony to a law
29			enforcement officer.
30	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), (2)(b), or
5			(2)(c)4.) within 1,000 feet of a
6			child care facility or school.
7	893.13(1)(e)1.	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), (2)(b), or
11			(2)(c)4., within 1,000 feet of
12			property used for religious
13			services or a specified business
14			site.
15	893.13(4)(a)	1st	Deliver to minor cocaine (or
16			other s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4. drugs).
19	893.135(1)(a)1.	1st	Trafficking in cannabis, more
20			than 25 lbs., less than 2,000
21			lbs.
22	893.135		
23	(1)(b)1.a.	1st	Trafficking in cocaine, more than
24			28 grams, less than 200 grams.
25	893.135		
26	(1)(c)1.a.	1st	Trafficking in illegal drugs,
27			more than 4 grams, less than 14
28			grams.
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1	893.135		
2	(1)(d)1.	1st	Trafficking in phencyclidine,
3			more than 28 grams, less than 200
4			grams.
5	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
6			than 200 grams, less than 5
7			kilograms.
8	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
9			than 14 grams, less than 28
10			grams.
11	893.135		
12	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
13			grams or more, less than 14
14			grams.
15	893.135		
16	(1)(h)1.a.	1st	Trafficking in
17			gamma-hydroxybutyric acid (GHB),
18			1 kilogram or more, less than 5
19			kilograms.
20	893.135		
21	(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1
22			kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(j)2.a.	1st	Trafficking in Phenethylamines,
26			10 grams or more, less than 200
27			grams.
28	896.101(5)(a)	3rd	Money laundering, financial
29			transactions exceeding \$300 but
30			less than \$20,000.
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1 896.104(4)(a)1. 3rd Structuring transactions to evade  
2 reporting or registration  
3 requirements, financial  
4 transactions exceeding \$300 but  
5 less than \$20,000.

6 Section 3. This act shall take effect July 1, 2002.

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9 SENATE SUMMARY

10 Provides that it is a second-degree felony rather than a  
11 third-degree felony for a person to manufacture, possess,  
12 sell, or deliver a hoax bomb or to mail or send a hoax  
13 bomb to another person.  
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