

By Senator Campbell

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A bill to be entitled

An act relating to terrorism; creating s. 775.30, F.S.; defining the term "terrorism"; providing for the payment of restitution of costs or damages with respect to any person who commits a prank or hoax act of terrorism; amending s. 790.166, F.S.; providing that a law enforcement agency or emergency services agency has a civil cause of action for treble damages and costs against the perpetrator of an incident involving a hoax weapon of mass destruction; providing an effective date.

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

Section 1. Section 775.30, Florida Statutes, is created to read:

775.30 Terrorism defined; additional penalty for prank or hoax act of terrorism.--

(1) As used in the criminal code of this state, the term "terrorism" means an activity that:

(a)1. Involves a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

2. Involves a violation of s. 815.06; and

(b) Is intended to:

1. Intimidate, injure, or coerce a civilian population;

2. Influence the policy of a government by intimidation or coercion; or

1           3. Affect the conduct of government through  
2 destruction of property, assassination, murder, kidnapping, or  
3 aircraft piracy.

4           (2) In addition to any other penalty provided by law  
5 with respect to any person who is responsible for a prank or  
6 hoax act of terrorism which results in the mobilization or  
7 action of any law enforcement officer or any state or local  
8 agency, a person convicted of a prank or hoax act of terrorism  
9 shall be required by the court to pay restitution for all of  
10 the costs and damages arising from the prank or hoax act of  
11 terrorism.

12           Section 2. Section 790.166, Florida Statutes, is  
13 amended to read:

14           790.166 Manufacture, possession, sale, delivery,  
15 display, use, or attempted or threatened use of a weapon of  
16 mass destruction or hoax weapon of mass destruction  
17 prohibited; definitions; penalties.--

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

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

20           1. Any device or object that is designed or intended  
21 to cause death or serious bodily injury through the release,  
22 dissemination, or impact of toxic or poisonous chemicals, or  
23 their precursors;

24           2. Any device or object involving a disease organism;  
25 or

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

28           (b) "Hoax weapon of mass destruction" means any device  
29 or object that by its design, construction, content, or  
30 characteristics appears to be or to contain, or is represented  
31 to be, constitute, or contain, a weapon of mass destruction as

1 defined in this section, but which is, in fact, an inoperative  
2 facsimile, imitation, counterfeit, or representation of a  
3 weapon of mass destruction which does not meet the definition  
4 of a weapon of mass destruction or which does not actually  
5 contain or constitute a weapon, biological agent, toxin,  
6 vector, or delivery system prohibited by this section.

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

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

15 2. Deterioration of food, water, equipment, supplies,  
16 or material of any kind; or

17 3. Deleterious alteration of the environment.

18 (d) "Toxin" means the toxic material of plants,  
19 animals, microorganisms, viruses, fungi, or infectious  
20 substances, or a recombinant molecule, whatever its origin or  
21 method of reproduction, including:

22 1. Any poisonous substance or biological product that  
23 may be engineered through biotechnology produced by a living  
24 organism; or

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

27 (e) "Delivery system" means:

28 1. Any apparatus, equipment, device, or means of  
29 delivery specifically designed to deliver or disseminate a  
30 biological agent, toxin, or vector; or

31 2. Any vector.

1 (f) "Vector" means a living organism or molecule,  
2 including a recombinant molecule or biological product that  
3 may be engineered through biotechnology, capable of carrying a  
4 biological agent or toxin to a host.

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

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

25 (4) A law enforcement agency or other emergency  
26 services agency that responds to an incident involving a hoax  
27 weapon of mass destruction has a civil cause of action against  
28 the perpetrator of the incident for treble damages and for any  
29 costs incurred by the agency in responding to the incident  
30 involving a hoax weapon of mass destruction.

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1           (5)~~(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. This act shall take effect July 1, 2002.

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13                           LEGISLATIVE SUMMARY

14           Requires the payment of restitution for costs or damages  
15 associated with a prank or hoax act of terrorism as  
16 defined by the act. Provides that a law enforcement  
17 agency or emergency services agency has a civil cause of  
18 action for treble damages against the perpetrator of an  
19 incident involving a hoax weapon of mass destruction.  
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