

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

The Committee on Security, Select offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Section 790.163, Florida Statutes, is amended to read:

790.163 False report about planting bomb, ~~or~~ explosive, or weapon of mass destruction; penalty.--

(1) It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, ~~or~~ other deadly explosive, or weapon of mass destruction as defined in s. 790.166; and any person convicted thereof commits ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Notwithstanding any other law, adjudication of guilt or imposition of sentence for a violation of this section may not be suspended, deferred, or withheld. However,

Amendment No. 01 (for drafter's use only)

1 the state attorney may move the sentencing court to reduce or
2 suspend the sentence of any person who is convicted of a
3 violation of this section and who provides substantial
4 assistance in the identification, arrest, or conviction of any
5 of his or her accomplices, accessories, coconspirators, or
6 principals.

7 (3) Proof that a person accused of violating this
8 section knowingly made a false report is prima facie evidence
9 of the accused person's intent to deceive, mislead, or
10 otherwise misinform any person.

11 (4) In addition to any other penalty provided by law
12 with respect to any person who is convicted of a violation of
13 this section that resulted in the mobilization or action of
14 any law enforcement officer or any state or local agency, a
15 person convicted of a violation of this section may be
16 required by the court to pay restitution for all of the costs
17 and damages arising from the criminal conduct.

18 Section 2. Section 790.164, Florida Statutes, is
19 amended to read:

20 790.164 False reports concerning planting a bomb,
21 explosive, or weapon of mass destruction in, ~~of bombing~~ or
22 committing arson against, state-owned property; penalty;
23 reward.--

24 (1) It is unlawful for any person to make a false
25 report, with intent to deceive, mislead, or otherwise
26 misinform any person, concerning the placing or planting of
27 any bomb, dynamite, ~~or~~ other deadly explosive, or weapon of
28 mass destruction as defined in s. 790.166, or concerning any
29 act of arson or other violence to property owned by the state
30 or any political subdivision. Any person violating ~~the~~
31 ~~provisions of this subsection~~ commits ~~is guilty of~~ a felony of

Amendment No. 01 (for drafter's use only)

1 the second degree, punishable as provided in s. 775.082, s.
2 775.083, or s. 775.084.

3 (2) Notwithstanding any other law, adjudication of
4 guilt or imposition of sentence for a violation of this
5 section may not be suspended, deferred, or withheld. However,
6 the state attorney may move the sentencing court to reduce or
7 suspend the sentence of any person who is convicted of a
8 violation of this section and who provides substantial
9 assistance in the identification, arrest, or conviction of any
10 of his or her accomplices, accessories, coconspirators, or
11 principals.

12 (3) Proof that a person accused of violating this
13 section knowingly made a false report is prima facie evidence
14 of the accused person's intent to deceive, mislead, or
15 otherwise misinform any person.

16 (4)(2)(a) There shall be a \$5,000 reward for the
17 giving of information to any law enforcement agency in the
18 state, which information leads to the arrest and conviction of
19 any person violating the provisions of this section. Any
20 person claiming such reward shall apply to the law enforcement
21 agency developing the case and be paid by the Department of
22 Law Enforcement from the deficiency fund.

23 (b) There shall be only one reward given for each
24 case, regardless of how many persons are arrested and
25 convicted in connection with the case and regardless of how
26 many persons submit claims for the reward.

27 (c) The Department of Law Enforcement shall establish
28 procedures to be used by all reward applicants, and the
29 circuit judge in whose jurisdiction the action occurs shall
30 review all such applications and make final determination as
31 to those applicants entitled to receive an award.

Amendment No. 01 (for drafter's use only)

1 (d) In addition to any other penalty provided by law
2 with respect to any person who is convicted of a violation of
3 this section that resulted in the mobilization or action of
4 any law enforcement officer or any state or local agency, a
5 person convicted of a violation of this section may be
6 required by the court to pay restitution for all of the costs
7 and damages arising from the criminal conduct.

8 Section 3. Section 790.165, Florida Statutes, is
9 amended to read:

10 790.165 Planting of "hoax bomb" prohibited;
11 penalties.--

12 (1) For the purposes of this section, "hoax bomb"
13 means any device or object that by its design, construction,
14 content, or characteristics appears to be, or to contain, or
15 is represented to be or to contain, a destructive device or
16 explosive as defined in this chapter, but is, in fact, an
17 inoperative facsimile or imitation of such a destructive
18 device or explosive, or contains no destructive device or
19 explosive as was represented.

20 (2) Any person who, without lawful authority,
21 manufactures, possesses, sells, or delivers, sends, mails,
22 displays, uses, threatens to use, attempts to use, or
23 conspires to use, or who makes readily accessible to others, a
24 hoax bomb or mails or sends a hoax bomb to another person
25 commits a felony of the second ~~third~~ degree, punishable as
26 provided in s. 775.082, s. 775.083, or s. 775.084.

27 (3) Any person who, while committing or attempting to
28 commit any felony, possesses, displays, or threatens to use
29 any hoax bomb commits a felony of the second degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084. Notwithstanding any other law ~~the provisions of s.~~

Amendment No. 01 (for drafter's use only)

1 ~~948.01~~, adjudication of guilt or imposition of sentence may
2 ~~shall~~ not be suspended, deferred, or withheld. However, the
3 state attorney or defense attorney may move the sentencing
4 court to reduce or suspend the sentence of any person who is
5 convicted of a violation of this section and who provides
6 substantial assistance in the identification, arrest, or
7 conviction of any of his or her accomplices, accessories,
8 coconspirators, or principals.

9 (4) ~~The provisions of Subsection (2) does shall~~ not
10 apply to any law enforcement officer, firefighter, person, or
11 corporation licensed pursuant to chapter 493, or member of the
12 armed forces of the United States while engaged in training or
13 other lawful activity within the scope of his or her
14 employment, or to any person properly authorized to test a
15 security system, or to any security personnel, while operating
16 within the scope of their employment, including, but not
17 limited to, security personnel in airports and other
18 controlled access areas, or to any member of a theatrical
19 company or production using ~~utilizing~~ a hoax bomb as property
20 during the course of a rehearsal or performance.

21 (5) In addition to any other penalty provided by law
22 with respect to any person who is convicted of a violation of
23 this section that resulted in the mobilization or action of
24 any law enforcement officer or any state or local agency, a
25 person convicted of a violation of this section may be
26 required by the court to pay restitution for all of the costs
27 and damages arising from the criminal conduct.

28 Section 4. Section 790.166, Florida Statutes, is
29 amended to read:

30 790.166 Manufacture, possession, sale, delivery,
31 display, use, or attempted or threatened use of a weapon of

Amendment No. 01 (for drafter's use only)

1 mass destruction or hoax weapon of mass destruction
2 prohibited; definitions; penalties.--
3 (1) As used in this section, the term:
4 (a) "Weapon of mass destruction" means:
5 1. Any device or object that is designed or intended
6 to cause death or serious bodily injury to any human or animal
7 through the release, dissemination, or impact of toxic or
8 poisonous chemicals, or their precursors;
9 2. Any device or object involving a biological agent
10 ~~disease organism; or~~
11 3. Any device or object that is designed or intended
12 to release radiation or radioactivity at a level dangerous to
13 human or animal life; ~~or-~~
14 4. Any biological agent, toxin, vector, or delivery
15 system.
16 (b) "Hoax weapon of mass destruction" means any device
17 or object that by its design, construction, content, or
18 characteristics appears to be or to contain, or is represented
19 to be, constitute, or contain, a weapon of mass destruction as
20 defined in this section, but which is, in fact, an inoperative
21 facsimile, imitation, counterfeit, or representation of a
22 weapon of mass destruction which does not meet the definition
23 of a weapon of mass destruction or which does not actually
24 contain or constitute a weapon, biological agent, toxin,
25 vector, or delivery system prohibited by this section.
26 (c) "Biological agent" means any microorganism, virus,
27 infectious substance, or biological product that may be
28 engineered through biotechnology, or any naturally occurring
29 or bioengineered component of any such microorganism, virus,
30 infectious substance, or biological product, capable of
31 causing:

Amendment No. 01 (for drafter's use only)

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

3 2. Deterioration of food, water, equipment, supplies,
4 or material of any kind; or

5 3. Deleterious alteration of the environment.

6 (d) "Toxin" means the toxic material of plants,
7 animals, microorganisms, viruses, fungi, or infectious
8 substances, or a recombinant molecule, whatever its origin or
9 method of reproduction, including:

10 1. Any poisonous substance or biological product that
11 may be engineered through biotechnology produced by a living
12 organism; or

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

15 (e) "Delivery system" means:

16 1. Any apparatus, equipment, device, or means of
17 delivery specifically designed to deliver or disseminate a
18 biological agent, toxin, or vector; or

19 2. Any vector.

20 (f) "Vector" means a living organism or molecule,
21 including a recombinant molecule or biological product that
22 may be engineered through biotechnology, capable of carrying a
23 biological agent or toxin to a host.

24 (2) A person who, without lawful authority,
25 manufactures, possesses, sells, delivers, sends, mails,
26 displays, uses, threatens to use, attempts to use, or
27 conspires to use, or who makes readily accessible to others a
28 weapon of mass destruction, ~~including any biological agent,~~
29 ~~toxin, vector, or delivery system as those terms are defined~~
30 ~~in this section,~~ commits a felony of the first degree,
31 punishable by imprisonment for a term of years not exceeding

Amendment No. 01 (for drafter's use only)

1 life or as provided in s. 775.082, s. 775.083, or s. 775.084,
2 and if death results, commits a capital felony, punishable as
3 provided in s. 775.082.

4 (3) Any person who, without lawful authority,
5 manufactures, possesses, sells, delivers, mails, sends,
6 displays, uses, threatens to use, attempts to use, or
7 conspires to use, or who makes readily accessible to others,
8 or mails or sends a hoax weapon of mass destruction with the
9 intent to deceive or otherwise mislead another person into
10 believing that the hoax weapon of mass destruction will cause
11 terror, bodily harm, or property damage commits a felony of
12 the second degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084.

14 (4) Any person who, while committing or attempting to
15 commit any felony, possesses, displays, or threatens to use
16 any hoax weapon of mass destruction commits a felony of the
17 second degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084.

19 (5) Notwithstanding any other law, adjudication of
20 guilt or imposition of sentence may not be suspended,
21 deferred, or withheld for a violation of this section.
22 However, the state attorney may move the sentencing court to
23 reduce or suspend the sentence of any person who is convicted
24 of a violation of this section and who provides substantial
25 assistance in the identification, arrest, or conviction of any
26 of his or her accomplices, accessories, coconspirators, or
27 principals.

28 (6) Proof that a device or object described in
29 subparagraph (1)(a)1. caused death or serious bodily injury to
30 a human or animal through the release, dissemination, or
31 impact of toxic or poisonous chemicals, or their precursors,

Amendment No. 01 (for drafter's use only)

1 is prima facie evidence that the device or object was designed
2 or intended to cause such death or serious bodily injury.
3 Proof that a device or object described in subparagraph
4 (1)(a)3. released radiation or radioactivity at a level
5 dangerous to human or animal life is prima facie evidence that
6 the device or object was designed or intended for such
7 release.

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

17 (8) In addition to any other penalty provided by law
18 with respect to any person who is convicted of a violation of
19 this section that resulted in the mobilization or action of
20 any law enforcement officer or any state or local agency, a
21 person convicted of a violation of this section may be
22 required by the court to pay restitution for all of the costs
23 and damages arising from the criminal conduct.

24 Section 5. Paragraphs (e), (f), and (g) of subsection
25 (3) of section 921.0022, Florida Statutes, as amended by
26 section 2 of chapter 2001-358, Laws of Florida, are amended to
27 read:

28 921.0022 Criminal Punishment Code; offense severity
29 ranking chart.--

30 (3) OFFENSE SEVERITY RANKING CHART

31

Amendment No. 01 (for drafter's use only)

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

Amendment No. 01 (for drafter's use only)

1	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
2			offender 18 years or older.
3	806.111(1)	3rd	Possess, manufacture, or dispense
4			fire bomb with intent to damage
5			any structure or property.
6	812.015(8)	3rd	Retail theft; property stolen is
7			valued at \$300 or more and one or
8			more specified acts.
9	812.019(1)	2nd	Stolen property; dealing in or
10			trafficking in.
11	812.131(2)(b)	3rd	Robbery by sudden snatching.
12	812.16(2)	3rd	Owning, operating, or conducting
13			a chop shop.
14	817.034(4)(a)2.	2nd	Communications fraud, value
15			\$20,000 to \$50,000.
16	817.234(11)(b)	2nd	Insurance fraud; property value
17			\$20,000 or more but less than
18			\$100,000.
19	817.568(2)(b)	2nd	Fraudulent use of personal
20			identification information; value
21			of benefit, services received,
22			payment avoided, or amount of
23			injury or fraud, \$75,000 or more.
24	817.625(2)(b)	2nd	Second or subsequent fraudulent
25			use of scanning device or
26			reencoder.
27	825.1025(4)	3rd	Lewd or lascivious exhibition in
28			the presence of an elderly person
29			or disabled adult.
30	827.071(4)	2nd	Possess with intent to promote
31			any photographic material, motion

Amendment No. 01 (for drafter's use only)

1			picture, etc., which includes
2			sexual conduct by a child.
3	843.01	3rd	Resist officer with violence to
4			person; resist arrest with
5			violence.
6	874.05(2)	2nd	Encouraging or recruiting another
7			to join a criminal street gang;
8			second or subsequent offense.
9	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
10			cocaine (or other s.
11			893.03(1)(a), (1)(b), (1)(d),
12			(2)(a), (2)(b), or (2)(c)4.
13			drugs).
14	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
15			cannabis (or other s.
16			893.03(1)(c), (2)(c)1., (2)(c)2.,
17			(2)(c)3., (2)(c)5., (2)(c)6.,
18			(2)(c)7., (2)(c)8., (2)(c)9.,
19			(3), or (4) drugs) within 1,000
20			feet of a child care facility or
21			school.
22	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
23			cocaine (or other s.
24			893.03(1)(a), (1)(b), (1)(d),
25			(2)(a), (2)(b), or (2)(c)4.
26			drugs) within 200 feet of
27			university or public park.
28	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
29			cannabis or other drug prohibited
30			under s. 893.03(1)(c), (2)(c)1.,
31			(2)(c)2., (2)(c)3., (2)(c)5.,

Amendment No. 01 (for drafter's use only)

1			(2)(c)6., (2)(c)7., (2)(c)8.,
2			(2)(c)9., (3), or (4) within
3			1,000 feet of property used for
4			religious services or a specified
5			business site.
6	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
7			cocaine (or other s.
8			893.03(1)(a), (1)(b), (1)(d), or
9			(2)(a), (2)(b), or (2)(c)4.
10			drugs) within 200 feet of public
11			housing facility.
12	893.13(4)(b)	2nd	Deliver to minor cannabis (or
13			other s. 893.03(1)(c), (2)(c)1.,
14			(2)(c)2., (2)(c)3., (2)(c)5.,
15			(2)(c)6., (2)(c)7., (2)(c)8.,
16			(2)(c)9., (3), or (4) drugs).
17			(f) LEVEL 6
18	316.027(1)(b)	2nd	Accident involving death, failure
19			to stop; leaving scene.
20	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
21			conviction.
22	775.0875(1)	3rd	Taking firearm from law
23			enforcement officer.
24	775.21(10)	3rd	Sexual predators; failure to
25			register; failure to renew
26			driver's license or
27			identification card.
28	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
29			without intent to kill.
30	784.021(1)(b)	3rd	Aggravated assault; intent to
31			commit felony.

Amendment No. 01 (for drafter's use only)

1	784.041	3rd	Felony battery.
2	784.048(3)	3rd	Aggravated stalking; credible
3			threat.
4	784.048(5)	3rd	Aggravated stalking of person
5			under 16.
6	784.07(2)(c)	2nd	Aggravated assault on law
7			enforcement officer.
8	784.074(1)(b)	2nd	Aggravated assault on sexually
9			violent predators facility staff.
10	784.08(2)(b)	2nd	Aggravated assault on a person 65
11			years of age or older.
12	784.081(2)	2nd	Aggravated assault on specified
13			official or employee.
14	784.082(2)	2nd	Aggravated assault by detained
15			person on visitor or other
16			detainee.
17	784.083(2)	2nd	Aggravated assault on code
18			inspector.
19	787.02(2)	3rd	False imprisonment; restraining
20			with purpose other than those in
21			s. 787.01.
22	790.115(2)(d)	2nd	Discharging firearm or weapon on
23			school property.
24	790.161(2)	2nd	Make, possess, or throw
25			destructive device with intent to
26			do bodily harm or damage
27			property.
28	790.164(1)	2nd	False report of deadly explosive, <u>weapon of mass destruction, or</u>
29			act of arson or violence to state
30			property.
31			

Amendment No. 01 (for drafter's use only)

1	790.19	2nd	Shooting or throwing deadly
2			missiles into dwellings, vessels,
3			or vehicles.
4	794.011(8)(a)	3rd	Solicitation of minor to
5			participate in sexual activity by
6			custodial adult.
7	794.05(1)	2nd	Unlawful sexual activity with
8			specified minor.
9	800.04(5)(d)	3rd	Lewd or lascivious molestation;
10			victim 12 years of age or older
11			but less than 16 years; offender
12			less than 18 years.
13	800.04(6)(b)	2nd	Lewd or lascivious conduct;
14			offender 18 years of age or
15			older.
16	806.031(2)	2nd	Arson resulting in great bodily
17			harm to firefighter or any other
18			person.
19	810.02(3)(c)	2nd	Burglary of occupied structure;
20			unarmed; no assault or battery.
21	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
22			but less than \$100,000, grand
23			theft in 2nd degree.
24	812.014(2)(b)2.	2nd	Property stolen cargo valued at
25			less than \$50,000, grand theft in
26			2nd degree.
27	812.015(9)	2nd	Retail theft; property stolen
28			\$300 or more; second or
29			subsequent conviction.
30	812.13(2)(c)	2nd	Robbery, no firearm or other
31			weapon (strong-arm robbery).

Amendment No. 01 (for drafter's use only)

1	817.034(4)(a)1.	1st	Communications fraud, value
2			greater than \$50,000.
3	817.4821(5)	2nd	Possess cloning paraphernalia
4			with intent to create cloned
5			cellular telephones.
6	825.102(1)	3rd	Abuse of an elderly person or
7			disabled adult.
8	825.102(3)(c)	3rd	Neglect of an elderly person or
9			disabled adult.
10	825.1025(3)	3rd	Lewd or lascivious molestation of
11			an elderly person or disabled
12			adult.
13	825.103(2)(c)	3rd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at less than \$20,000.
16	827.03(1)	3rd	Abuse of a child.
17	827.03(3)(c)	3rd	Neglect of a child.
18	827.071(2)&(3)	2nd	Use or induce a child in a sexual
19			performance, or promote or direct
20			such performance.
21	836.05	2nd	Threats; extortion.
22	836.10	2nd	Written threats to kill or do
23			bodily injury.
24	843.12	3rd	Aids or assists person to escape.
25	847.0135(3)	3rd	Solicitation of a child, via a
26			computer service, to commit an
27			unlawful sex act.
28	914.23	2nd	Retaliation against a witness,
29			victim, or informant, with bodily
30			injury.
31			

Amendment No. 01 (for drafter's use only)

1	943.0435(9)	3rd	Sex offenders; failure to comply
2			with reporting requirements.
3	944.35(3)(a)2.	3rd	Committing malicious battery upon
4			or inflicting cruel or inhuman
5			treatment on an inmate or
6			offender on community
7			supervision, resulting in great
8			bodily harm.
9	944.40	2nd	Escapes.
10	944.46	3rd	Harboring, concealing, aiding
11			escaped prisoners.
12	944.47(1)(a)5.	2nd	Introduction of contraband
13			(firearm, weapon, or explosive)
14			into correctional facility.
15	951.22(1)	3rd	Intoxicating drug, firearm, or
16			weapon introduced into county
17			facility.
18			(g) LEVEL 7
19	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
20			injury.
21	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
22			bodily injury.
23	402.319(2)	2nd	Misrepresentation and negligence
24			or intentional act resulting in
25			great bodily harm, permanent
26			disfiguration, permanent
27			disability, or death.
28	409.920(2)	3rd	Medicaid provider fraud.
29	456.065(2)	3rd	Practicing a health care
30			profession without a license.
31			

Amendment No. 01 (for drafter's use only)

1	456.065(2)	2nd	Practicing a health care
2			profession without a license
3			which results in serious bodily
4			injury.
5	458.327(1)	3rd	Practicing medicine without a
6			license.
7	459.013(1)	3rd	Practicing osteopathic medicine
8			without a license.
9	460.411(1)	3rd	Practicing chiropractic medicine
10			without a license.
11	461.012(1)	3rd	Practicing podiatric medicine
12			without a license.
13	462.17	3rd	Practicing naturopathy without a
14			license.
15	463.015(1)	3rd	Practicing optometry without a
16			license.
17	464.016(1)	3rd	Practicing nursing without a
18			license.
19	465.015(2)	3rd	Practicing pharmacy without a
20			license.
21	466.026(1)	3rd	Practicing dentistry or dental
22			hygiene without a license.
23	467.201	3rd	Practicing midwifery without a
24			license.
25	468.366	3rd	Delivering respiratory care
26			services without a license.
27	483.828(1)	3rd	Practicing as clinical laboratory
28			personnel without a license.
29	483.901(9)	3rd	Practicing medical physics
30			without a license.
31			

Amendment No. 01 (for drafter's use only)

1	484.013(1)(c)	3rd	Preparing or dispensing optical
2			devices without a prescription.
3	484.053	3rd	Dispensing hearing aids without a
4			license.
5	494.0018(2)	1st	Conviction of any violation of
6			ss. 494.001-494.0077 in which the
7			total money and property
8			unlawfully obtained exceeded
9			\$50,000 and there were five or
10			more victims.
11	560.123(8)(b)1.	3rd	Failure to report currency or
12			payment instruments exceeding
13			\$300 but less than \$20,000 by
14			money transmitter.
15	560.125(5)(a)	3rd	Money transmitter business by
16			unauthorized person, currency or
17			payment instruments exceeding
18			\$300 but less than \$20,000.
19	655.50(10)(b)1.	3rd	Failure to report financial
20			transactions exceeding \$300 but
21			less than \$20,000 by financial
22			institution.
23	782.051(3)	2nd	Attempted felony murder of a
24			person by a person other than the
25			perpetrator or the perpetrator of
26			an attempted felony.
27	782.07(1)	2nd	Killing of a human being by the
28			act, procurement, or culpable
29			negligence of another
30			(manslaughter).
31			

Amendment No. 01 (for drafter's use only)

1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.07(2)(d)	1st	Aggravated battery on law
19			enforcement officer.
20	784.074(1)(a)	1st	Aggravated battery on sexually
21			violent predators facility staff.
22	784.08(2)(a)	1st	Aggravated battery on a person 65
23			years of age or older.
24	784.081(1)	1st	Aggravated battery on specified
25			official or employee.
26	784.082(1)	1st	Aggravated battery by detained
27			person on visitor or other
28			detainee.
29	784.083(1)	1st	Aggravated battery on code
30			inspector.
31			

Amendment No. 01 (for drafter's use only)

1	790.07(4)	1st	Specified weapons violation
2			subsequent to previous conviction
3			of s. 790.07(1) or (2).
4	790.16(1)	1st	Discharge of a machine gun under
5			specified circumstances.
6	<u>790.165(2)</u>	<u>2nd</u>	<u>Manufacture, sell, possess, or</u>
7			<u>deliver hoax bomb.</u>
8	<u>790.165(3)</u>	<u>2nd</u>	<u>Possessing, displaying, or</u>
9			<u>threatening to use any hoax bomb</u>
10			<u>while committing or attempting to</u>
11			<u>commit a felony.</u>
12	790.166(3)	2nd	Possessing, selling, using, or
13			attempting to use a hoax weapon
14			of mass destruction.
15	<u>790.166(4)</u>	<u>2nd</u>	<u>Possessing, displaying, or</u>
16			<u>threatening to use a hoax weapon</u>
17			<u>of mass destruction while</u>
18			<u>committing or attempting to</u>
19			<u>commit a felony.</u>
20	796.03	2nd	Procuring any person under 16
21			years for prostitution.
22	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
23			victim less than 12 years of age;
24			offender less than 18 years.
25	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
26			victim 12 years of age or older
27			but less than 16 years; offender
28			18 years or older.
29	806.01(2)	2nd	Maliciously damage structure by
30			fire or explosive.
31			

Amendment No. 01 (for drafter's use only)

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; cargo stolen
9			valued at \$50,000, or more;
10			property stolen while causing
11			other property damage; 1st degree
12			grand theft.
13	812.014(2)(b)2.	2nd	Property stolen, emergency
14			medical equipment; 2nd degree
15			grand theft.
16	812.019(2)	1st	Stolen property; initiates,
17			organizes, plans, etc., the theft
18			of property and traffics in
19			stolen property.
20	812.131(2)(a)	2nd	Robbery by sudden snatching.
21	812.133(2)(b)	1st	Carjacking; no firearm, deadly
22			weapon, or other weapon.
23	817.234(11)(c)	1st	Insurance fraud; property value
24			\$100,000 or more.
25	825.102(3)(b)	2nd	Neglecting an elderly person or
26			disabled adult causing great
27			bodily harm, disability, or
28			disfigurement.
29	825.1025(2)	2nd	Lewd or lascivious battery upon
30			an elderly person or disabled
31			adult.

Amendment No. 01 (for drafter's use only)

1	825.103(2)(b)	2nd	Exploiting an elderly person or
2			disabled adult and property is
3			valued at \$20,000 or more, but
4			less than \$100,000.
5	827.03(3)(b)	2nd	Neglect of a child causing great
6			bodily harm, disability, or
7			disfigurement.
8	827.04(3)	3rd	Impregnation of a child under 16
9			years of age by person 21 years
10			of age or older.
11	837.05(2)	3rd	Giving false information about
12			alleged capital felony to a law
13			enforcement officer.
14	872.06	2nd	Abuse of a dead human body.
15	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
16			cocaine (or other drug prohibited
17			under s. 893.03(1)(a), (1)(b),
18			(1)(d), (2)(a), (2)(b), or
19			(2)(c)4.) within 1,000 feet of a
20			child care facility or school.
21	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
22			cocaine or other drug prohibited
23			under s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4., within 1,000 feet of
26			property used for religious
27			services or a specified business
28			site.
29	893.13(4)(a)	1st	Deliver to minor cocaine (or
30			other s. 893.03(1)(a), (1)(b),
31			(1)(d), (2)(a), (2)(b), or

Amendment No. 01 (for drafter's use only)

1			(2)(c)4. drugs).
2			
3	893.135(1)(a)1.	1st	Trafficking in cannabis, more
4			than 25 lbs., less than 2,000
5			lbs.
6			
7	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than
8			28 grams, less than 200 grams.
9	893.135		
10	(1)(c)1.a.	1st	Trafficking in illegal drugs,
11			more than 4 grams, less than 14
12			grams.
13	893.135		
14	(1)(d)1.	1st	Trafficking in phencyclidine,
15			more than 28 grams, less than 200
16			grams.
17	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
18			than 200 grams, less than 5
19			kilograms.
20	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
21			than 14 grams, less than 28
22			grams.
23	893.135		
24	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
25			grams or more, less than 14
26			grams.
27	893.135		
28	(1)(h)1.a.	1st	Trafficking in
29			gamma-hydroxybutyric acid (GHB),
30			1 kilogram or more, less than 5
31			kilograms.

Amendment No. 01 (for drafter's use only)

1
2 893.135(1)(i)1.a. 1st Trafficking in 1,4-Butanediol, 1
3 kilogram or more, less than 5
4 kilograms.
5
6 893.135(1)(j)2.a. 1st Trafficking in Phenethylamines,
7 10 grams or more, less than 200
8 grams.
9 896.101(5)(a) 3rd Money laundering, financial
10 transactions exceeding \$300 but
11 less than \$20,000.
12 896.104(4)(a)1. 3rd Structuring transactions to evade
13 reporting or registration
14 requirements, financial
15 transactions exceeding \$300 but
16 less than \$20,000.
17 Section 6. This act shall take effect July 1, 2002.
18
19

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

21 And the title is amended as follows:

22 On page 1, lines 11 through page 2, line 5
23 remove: all of saidlines
24

25 and insert:

26 of intent to deceive or provide misinformation;
27 authorizing court to order restitution;
28 amending s. 790.165, F.S.; revising the
29 elements of the offense of planting a hoax bomb
30 to prohibit sending, mailing, or using a hoax
31 bomb or threatening, attempting, or conspiring

Amendment No. 01 (for drafter's use only)

1 to use a hoax bomb; enhancing the penalty
2 imposed for committing such offense;
3 authorizing court to order restitution;
4 amending s. 790.166, F.S.; redefining the term
5 "weapon of mass destruction" to include a
6 device or object that is intended to kill or
7 injure an animal, that involves a biological
8 agent, or that is designed to release radiation
9 or any biological agent, toxin, vector, or
10 delivery system; prohibiting the court from
11 suspending or withholding adjudication of guilt
12 or imposition of sentence for the offense of
13 manufacturing, possessing, selling, sending, or
14 using a weapon of mass destruction; providing
15 that proof a device caused injury or death or
16 released radiation is prima facie evidence that
17 the device was designed or intended to cause
18 such death, injury, or release; providing that
19 it is a felony of the second degree to possess,
20 display, or threaten to use a hoax weapon of
21 mass destruction while committing or attempting
22 to commit a felony; authorizing court to order
23 restitution; amending s. 921.0022, F.S.,
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