

By Representative Gelber

1                                   A bill to be entitled  
2           An act relating to criminal justice; amending  
3           ss. 790.163, 790.164, F.S.; prohibiting making  
4           a false report concerning the placing or  
5           planting of a weapon of mass destruction;  
6           providing a penalty; prohibiting the court from  
7           suspending or withholding adjudication of guilt  
8           or imposition of sentence for such offense;  
9           providing that proof of a person knowingly  
10          making a false report is prima facie evidence  
11          of intent to deceive or provide misinformation;  
12          amending s. 790.165, F.S.; revising the  
13          elements of the offense of planting a hoax bomb  
14          to prohibit sending, mailing, or using a hoax  
15          bomb or threatening, attempting, or conspiring  
16          to use a hoax bomb; enhancing the penalty  
17          imposed for committing such offense; amending  
18          s. 790.166, F.S.; redefining the term "weapon  
19          of mass destruction" to include a device or  
20          object that is intended to kill or injure an  
21          animal, that involves a biological agent, or  
22          that is designed to release radiation or any  
23          biological agent, toxin, vector, or delivery  
24          system; prohibiting the court from suspending  
25          or withholding adjudication of guilt or  
26          imposition of sentence for the offense of  
27          manufacturing, possessing, selling, sending, or  
28          using a weapon of mass destruction; providing  
29          that proof a device caused injury or death or  
30          released radiation is prima facie evidence that  
31          the device was designed or intended to cause

1 such death, injury, or release; providing that  
2 it is a felony of the second degree to possess,  
3 display, or threaten to use a hoax weapon of  
4 mass destruction while committing or attempting  
5 to commit a felony; amending s. 921.0022, F.S.,  
6 relating to the offense severity ranking chart  
7 of the Criminal Punishment Code; conforming  
8 cross-references and provisions to changes made  
9 by the act; providing an effective date.

10

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

12

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

15 790.163 False report about planting bomb,~~or~~  
16 explosive, or weapon of mass destruction; penalty.--

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

25 (2) Notwithstanding any other law, adjudication of  
26 guilt or imposition of sentence for a violation of this  
27 section may not be suspended, deferred, or withheld. However,  
28 the state attorney may move the sentencing court to reduce or  
29 suspend the sentence of any person who is convicted of a  
30 violation of this section and who provides substantial  
31 assistance in the identification, arrest, or conviction of any

1 of his or her accomplices, accessories, coconspirators, or  
2 principals.

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

7 Section 2. Section 790.164, Florida Statutes, is  
8 amended to read:

9 790.164 False reports concerning planting a bomb,  
10 explosive, or weapon of mass destruction in, ~~of bombing~~ or  
11 committing arson against, state-owned property; penalty;  
12 reward.--

13 (1) It is unlawful for any person to make a false  
14 report, with intent to deceive, mislead, or otherwise  
15 misinform any person, concerning the placing or planting of  
16 any bomb, dynamite, ~~or~~ other deadly explosive, or weapon of  
17 mass destruction as defined in s. 790.166, or concerning any  
18 act of arson or other violence to property owned by the state  
19 or any political subdivision. Any person violating ~~the~~  
20 provisions of this subsection ~~commits is guilty of~~ a felony of  
21 the second degree, punishable as provided in s. 775.082, s.  
22 775.083, or s. 775.084.

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

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

5           ~~(4)(2)~~(a) There shall be a \$5,000 reward for the  
6 giving of information to any law enforcement agency in the  
7 state, which information leads to the arrest and conviction of  
8 any person violating the provisions of this section. Any  
9 person claiming such reward shall apply to the law enforcement  
10 agency developing the case and be paid by the Department of  
11 Law Enforcement from the deficiency fund.

12           (b) There shall be only one reward given for each  
13 case, regardless of how many persons are arrested and  
14 convicted in connection with the case and regardless of how  
15 many persons submit claims for the reward.

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

21           Section 3. Section 790.165, Florida Statutes, is  
22 amended to read:

23           790.165 Planting of "hoax bomb" prohibited;  
24 penalties.--

25           (1) For the purposes of this section, "hoax bomb"  
26 means any device or object that by its design, construction,  
27 content, or characteristics appears to be, or to contain, or  
28 is represented to be or to contain, a destructive device or  
29 explosive as defined in this chapter, but is, in fact, an  
30 inoperative facsimile or imitation of such a destructive  
31

1 device or explosive, or contains no destructive device or  
2 explosive as was represented.

3 (2) Any person who, without lawful authority,  
4 manufactures, possesses, sells, or delivers, sends, mails,  
5 displays, uses, threatens to use, attempts to use, or  
6 conspires to use, or who makes readily accessible to others, a  
7 ~~hoax bomb or mails or sends a hoax bomb to another person~~  
8 commits a felony of the second ~~third~~ degree, punishable as  
9 provided in s. 775.082, s. 775.083, or s. 775.084.

10 (3) Any person who, while committing or attempting to  
11 commit any felony, possesses, displays, or threatens to use  
12 any hoax bomb commits a felony of the second degree,  
13 punishable as provided in s. 775.082, s. 775.083, or s.  
14 775.084. Notwithstanding any other law ~~the provisions of s.~~  
15 ~~948.01~~, adjudication of guilt or imposition of sentence may  
16 ~~shall~~ not be suspended, deferred, or withheld. However, the  
17 state attorney or defense attorney may move the sentencing  
18 court to reduce or suspend the sentence of any person who is  
19 convicted of a violation of this section and who provides  
20 substantial assistance in the identification, arrest, or  
21 conviction of any of his or her accomplices, accessories,  
22 coconspirators, or principals.

23 (4) ~~The provisions of Subsection (2) does~~ shall not  
24 apply to any law enforcement officer, firefighter, person, or  
25 corporation licensed pursuant to chapter 493, or member of the  
26 armed forces of the United States while engaged in training or  
27 other lawful activity within the scope of his or her  
28 employment, or to any person properly authorized to test a  
29 security system, or to any security personnel, while operating  
30 within the scope of their employment, including, but not  
31 limited to, security personnel in airports and other

1 controlled access areas, or to any member of a theatrical  
2 company or production using ~~utilizing~~ a hoax bomb as property  
3 during the course of a rehearsal or performance.  
4 Section 4. Section 790.166, Florida Statutes, is  
5 amended to read:  
6 790.166 Manufacture, possession, sale, delivery,  
7 display, use, or attempted or threatened use of a weapon of  
8 mass destruction or hoax weapon of mass destruction  
9 prohibited; definitions; penalties.--  
10 (1) As used in this section, the term:  
11 (a) "Weapon of mass destruction" means:  
12 1. Any device or object that is designed or intended  
13 to cause death or serious bodily injury to any human or animal  
14 through the release, dissemination, or impact of toxic or  
15 poisonous chemicals, or their precursors;  
16 2. Any device or object involving a biological agent  
17 ~~disease organism; or~~  
18 3. Any device or object that is designed to release  
19 radiation or radioactivity at a level dangerous to human or  
20 animal life; or-  
21 4. Any biological agent, toxin, vector, or delivery  
22 system.  
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, sends, mails,  
3 displays, uses, threatens to use, attempts to use, or  
4 conspires to use, or who makes readily accessible to others a  
5 weapon of mass destruction, ~~including any biological agent,~~  
6 ~~toxin, vector, or delivery system as those terms are defined~~  
7 ~~in this section,~~ commits a felony of the first degree,  
8 punishable by imprisonment for a term of years not exceeding  
9 life or as provided in s. 775.082, s. 775.083, or s. 775.084,  
10 and if 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, mails, sends,  
14 displays, uses, threatens to use, attempts to use, or  
15 conspires to use, or who makes readily accessible to others,  
16 or mails or sends a hoax weapon of mass destruction ~~with the~~  
17 ~~intent to deceive or otherwise mislead another person into~~  
18 ~~believing that the hoax weapon of mass destruction will cause~~  
19 ~~terror, bodily harm, or property damage~~ commits a felony of  
20 the second degree, punishable as provided in s. 775.082, s.  
21 775.083, or s. 775.084.

22           (4) Any person who, while committing or attempting to  
23 commit any felony, possesses, displays, or threatens to use  
24 any hoax weapon of mass destruction commits a felony of the  
25 second degree, punishable as provided in s. 775.082, s.  
26 775.083, or s. 775.084.

27           (5) Notwithstanding any other law, adjudication of  
28 guilt or imposition of sentence may not be suspended,  
29 deferred, or withheld for a violation of this section.  
30 However, the state attorney may move the sentencing court to  
31 reduce or suspend the sentence of any person who is convicted



1 of a violation of this section and who provides substantial  
2 assistance in the identification, arrest, or conviction of any  
3 of his or her accomplices, accessories, coconspirators, or  
4 principals.

5 (6) Proof that a device or object described in  
6 subparagraph (1)(a)1. caused death or serious bodily injury to  
7 a human or animal through the release, dissemination, or  
8 impact of toxic or poisonous chemicals, or their precursors,  
9 is prima facie evidence that the device or object was designed  
10 or intended to cause such death or serious bodily injury.

11 Proof that a device or object described in subparagraph  
12 (1)(a)3. released radiation or radioactivity at a level  
13 dangerous to human or animal life is prima facie evidence that  
14 the device or object was designed for such release.

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

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

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

30 (3) OFFENSE SEVERITY RANKING CHART

31

1	Florida	Felony	
2	Statute	Degree	Description
3			
4			
5			(b) LEVEL 2
6	403.413(5)(c)	3rd	Dumps waste litter exceeding 500
7			lbs. in weight or 100 cubic feet
8			in volume or any quantity for
9			commercial purposes, or hazardous
10			waste.
11	517.07	3rd	Registration of securities and
12			furnishing of prospectus
13			required.
14	590.28(1)	3rd	<u>Intentional or reckless burning</u>
15			<u>of lands</u> <del>Willful, malicious, or</del>
16			<del>intentional burning.</del>
17	784.05(3)	3rd	Storing or leaving a loaded
18			firearm within reach of minor who
19			uses it to inflict injury or
20			death.
21	787.04(1)	3rd	In violation of court order,
22			take, entice, etc., minor beyond
23			state limits.
24	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
25			or more to public communication
26			or any other public service.
27	810.09(2)(e)	3rd	Trespassing on posted commercial
28			horticulture property.
29	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
30			more but less than \$5,000.
31			

1	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
2			more but less than \$300, taken
3			from unenclosed curtilage of
4			dwelling.
5	812.015(7)	3rd	Possession, use, or attempted use
6			of an antishoplifting or
7			inventory control device
8			countermeasure.
9	817.234(1)(a)2.	3rd	False statement in support of
10			insurance claim.
11	817.481(3)(a)	3rd	Obtain credit or purchase with
12			false, expired, counterfeit,
13			etc., credit card, value over
14			\$300.
15	817.52(3)	3rd	Failure to redeliver hired
16			vehicle.
17	817.54	3rd	With intent to defraud, obtain
18			mortgage note, etc., by false
19			representation.
20	817.60(5)	3rd	Dealing in credit cards of
21			another.
22	817.60(6)(a)	3rd	Forgery; purchase goods, services
23			with false card.
24	817.61	3rd	Fraudulent use of credit cards
25			over \$100 or more within 6
26			months.
27	826.04	3rd	Knowingly marries or has sexual
28			intercourse with person to whom
29			related.
30	831.01	3rd	Forgery.
31			

1	831.02	3rd	Uttering forged instrument;
2			utters or publishes alteration
3			with intent to defraud.
4	831.07	3rd	Forging bank bills, checks,
5			drafts, or promissory notes.
6	831.08	3rd	Possessing 10 or more forged
7			notes, bills, checks, or drafts.
8	831.09	3rd	Uttering forged notes, bills,
9			checks, drafts, or promissory
10			notes.
11	831.11	3rd	Bringing into the state forged
12			bank bills, checks, drafts, or
13			notes.
14	832.05(3)(a)	3rd	Cashing or depositing item with
15			intent to defraud.
16	843.08	3rd	Falsely impersonating an officer.
17	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
18			(2)(c)1., (2)(c)2., (2)(c)3.,
19			(2)(c)5., (2)(c)6., (2)(c)7.,
20			(2)(c)8., (2)(c)9., (3), or (4)
21			drugs other than cannabis.
22	893.147(2)	3rd	Manufacture or delivery of drug
23			paraphernalia.
24			(e) LEVEL 5
25	316.027(1)(a)	3rd	Accidents involving personal
26			injuries, failure to stop;
27			leaving scene.
28	316.1935(4)	2nd	Aggravated fleeing or eluding.
29			
30			
31			

1	322.34(6)	3rd	Careless operation of motor
2			vehicle with suspended license,
3			resulting in death or serious
4			bodily injury.
5	327.30(5)	3rd	Vessel accidents involving
6			personal injury; leaving scene.
7	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
8			knowing HIV positive.
9	790.01(2)	3rd	Carrying a concealed firearm.
10	790.162	2nd	Threat to throw or discharge
11			destructive device.
12	<u>790.163(1)</u> <del>790.163</del>	2nd	False report of deadly explosive
13			<u>or weapon of mass destruction.</u>
14	<del>790.165(2)</del>	<del>3rd</del>	<del>Manufacture, sell, possess, or</del>
15			<del>deliver hoax bomb.</del>
16	790.221(1)	2nd	Possession of short-barreled
17			shotgun or machine gun.
18	790.23	2nd	Felons in possession of firearms
19			or electronic weapons or devices.
20	800.04(6)(c)	3rd	Lewd or lascivious conduct;
21			offender less than 18 years.
22	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
23			offender 18 years or older.
24	806.111(1)	3rd	Possess, manufacture, or dispense
25			fire bomb with intent to damage
26			any structure or property.
27	812.015(8)	3rd	Retail theft; property stolen is
28			valued at \$300 or more and one or
29			more specified acts.
30	812.019(1)	2nd	Stolen property; dealing in or
31			trafficking in.

1	812.131(2)(b)	3rd	Robbery by sudden snatching.
2	812.16(2)	3rd	Owning, operating, or conducting
3			a chop shop.
4	817.034(4)(a)2.	2nd	Communications fraud, value
5			\$20,000 to \$50,000.
6	817.234(11)(b)	2nd	Insurance fraud; property value
7			\$20,000 or more but less than
8			\$100,000.
9	817.568(2)(b)	2nd	Fraudulent use of personal
10			identification information; value
11			of benefit, services received,
12			payment avoided, or amount of
13			injury or fraud, \$75,000 or more.
14	817.625(2)(b)	2nd	Second or subsequent fraudulent
15			use of scanning device or
16			reencoder.
17	825.1025(4)	3rd	Lewd or lascivious exhibition in
18			the presence of an elderly person
19			or disabled adult.
20	827.071(4)	2nd	Possess with intent to promote
21			any photographic material, motion
22			picture, etc., which includes
23			sexual conduct by a child.
24	843.01	3rd	Resist officer with violence to
25			person; resist arrest with
26			violence.
27	874.05(2)	2nd	Encouraging or recruiting another
28			to join a criminal street gang;
29			second or subsequent offense.
30			
31			

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

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			(f) LEVEL 6
13	316.027(1)(b)	2nd	Accident involving death, failure
14			to stop; leaving scene.
15	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
16			conviction.
17	775.0875(1)	3rd	Taking firearm from law
18			enforcement officer.
19	775.21(10)	3rd	Sexual predators; failure to
20			register; failure to renew
21			driver's license or
22			identification card.
23	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
24			without intent to kill.
25	784.021(1)(b)	3rd	Aggravated assault; intent to
26			commit felony.
27	784.041	3rd	Felony battery.
28	784.048(3)	3rd	Aggravated stalking; credible
29			threat.
30	784.048(5)	3rd	Aggravated stalking of person
31			under 16.



1	784.07(2)(c)	2nd	Aggravated assault on law
2			enforcement officer.
3	784.074(1)(b)	2nd	Aggravated assault on sexually
4			violent predators facility staff.
5	784.08(2)(b)	2nd	Aggravated assault on a person 65
6			years of age or older.
7	784.081(2)	2nd	Aggravated assault on specified
8			official or employee.
9	784.082(2)	2nd	Aggravated assault by detained
10			person on visitor or other
11			detainee.
12	784.083(2)	2nd	Aggravated assault on code
13			inspector.
14	787.02(2)	3rd	False imprisonment; restraining
15			with purpose other than those in
16			s. 787.01.
17	790.115(2)(d)	2nd	Discharging firearm or weapon on
18			school property.
19	790.161(2)	2nd	Make, possess, or throw
20			destructive device with intent to
21			do bodily harm or damage
22			property.
23	790.164(1)	2nd	False report of deadly explosive, <u>weapon of mass destruction,</u> or
24			act of arson or violence to state
25			property.
26			
27	790.19	2nd	Shooting or throwing deadly
28			missiles into dwellings, vessels,
29			or vehicles.
30			
31			

1	794.011(8)(a)	3rd	Solicitation of minor to
2			participate in sexual activity by
3			custodial adult.
4	794.05(1)	2nd	Unlawful sexual activity with
5			specified minor.
6	800.04(5)(d)	3rd	Lewd or lascivious molestation;
7			victim 12 years of age or older
8			but less than 16 years; offender
9			less than 18 years.
10	800.04(6)(b)	2nd	Lewd or lascivious conduct;
11			offender 18 years of age or
12			older.
13	806.031(2)	2nd	Arson resulting in great bodily
14			harm to firefighter or any other
15			person.
16	810.02(3)(c)	2nd	Burglary of occupied structure;
17			unarmed; no assault or battery.
18	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
19			but less than \$100,000, grand
20			theft in 2nd degree.
21	812.014(2)(b)2.	2nd	Property stolen cargo valued at
22			less than \$50,000, grand theft in
23			2nd degree.
24	812.015(9)	2nd	Retail theft; property stolen
25			\$300 or more; second or
26			subsequent conviction.
27	812.13(2)(c)	2nd	Robbery, no firearm or other
28			weapon (strong-arm robbery).
29	817.034(4)(a)1.	1st	Communications fraud, value
30			greater than \$50,000.
31			

1	817.4821(5)	2nd	Possess cloning paraphernalia
2			with intent to create cloned
3			cellular telephones.
4	825.102(1)	3rd	Abuse of an elderly person or
5			disabled adult.
6	825.102(3)(c)	3rd	Neglect of an elderly person or
7			disabled adult.
8	825.1025(3)	3rd	Lewd or lascivious molestation of
9			an elderly person or disabled
10			adult.
11	825.103(2)(c)	3rd	Exploiting an elderly person or
12			disabled adult and property is
13			valued at less than \$20,000.
14	827.03(1)	3rd	Abuse of a child.
15	827.03(3)(c)	3rd	Neglect of a child.
16	827.071(2)&(3)	2nd	Use or induce a child in a sexual
17			performance, or promote or direct
18			such performance.
19	836.05	2nd	Threats; extortion.
20	836.10	2nd	Written threats to kill or do
21			bodily injury.
22	843.12	3rd	Aids or assists person to escape.
23	847.0135(3)	3rd	Solicitation of a child, via a
24			computer service, to commit an
25			unlawful sex act.
26	914.23	2nd	Retaliation against a witness,
27			victim, or informant, with bodily
28			injury.
29	943.0435(9)	3rd	Sex offenders; failure to comply
30			with reporting requirements.
31			

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

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			

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			

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			

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			



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.

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			
30			
31			

1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), (2)(b), or
4			(2)(c)4. drugs).
5			
6	893.135(1)(a)1.	1st	Trafficking in cannabis, more
7			than 25 lbs., less than 2,000
8			lbs.
9			
10	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than
11			28 grams, less than 200 grams.
12	893.135		
13	(1)(c)1.a.	1st	Trafficking in illegal drugs,
14			more than 4 grams, less than 14
15			grams.
16	893.135		
17	(1)(d)1.	1st	Trafficking in phencyclidine,
18			more than 28 grams, less than 200
19			grams.
20	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
21			than 200 grams, less than 5
22			kilograms.
23	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
24			than 14 grams, less than 28
25			grams.
26	893.135		
27	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
28			grams or more, less than 14
29			grams.
30			
31			

1	893.135		
2	(1)(h)1.a.	1st	Trafficking in
3			gamma-hydroxybutyric acid (GHB),
4			1 kilogram or more, less than 5
5			kilograms.
6	<u>893.135(1)(j)1.a.</u>		
7	<del>893.135(1)(i)1.a.</del>	1st	Trafficking in 1,4-Butanediol, 1
8			kilogram or more, less than 5
9			kilograms.
10	<u>893.135(1)(k)2.a.</u>		
11	<del>893.135(1)(j)2.a.</del>	1st	Trafficking in Phenethylamines,
12			10 grams or more, less than 200
13			grams.
14	896.101(5)(a)	3rd	Money laundering, financial
15			transactions exceeding \$300 but
16			less than \$20,000.
17	896.104(4)(a)1.	3rd	Structuring transactions to evade
18			reporting or registration
19			requirements, financial
20			transactions exceeding \$300 but
21			less than \$20,000.
22			(h) LEVEL 8
23	316.193		
24	(3)(c)3.a.	2nd	DUI manslaughter.
25	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
26	560.123(8)(b)2.	2nd	Failure to report currency or
27			payment instruments totaling or
28			exceeding \$20,000, but less than
29			\$100,000 by money transmitter.
30			
31			

1	560.125(5)(b)	2nd	Money transmitter business by
2			unauthorized person, currency or
3			payment instruments totaling or
4			exceeding \$20,000, but less than
5			\$100,000.
6	655.50(10)(b)2.	2nd	Failure to report financial
7			transactions totaling or
8			exceeding \$20,000, but less than
9			\$100,000 by financial
10			institutions.
11	777.03(2)(a)	1st	Accessory after the fact, capital
12			felony.
13	782.04(4)	2nd	Killing of human without design
14			when engaged in act or attempt of
15			any felony other than arson,
16			sexual battery, robbery,
17			burglary, kidnapping, aircraft
18			piracy, or unlawfully discharging
19			bomb.
20	782.051(2)	1st	Attempted felony murder while
21			perpetrating or attempting to
22			perpetrate a felony not
23			enumerated in s. 782.04(3).
24	782.071(1)(b)	1st	Committing vehicular homicide and
25			failing to render aid or give
26			information.
27	782.072(2)	1st	Committing vessel homicide and
28			failing to render aid or give
29			information.
30			
31			

1	790.161(3)	1st	Discharging a destructive device
2			which results in bodily harm or
3			property damage.
4	794.011(5)	2nd	Sexual battery, victim 12 years
5			or over, offender does not use
6			physical force likely to cause
7			serious injury.
8	800.04(4)	2nd	Lewd or lascivious battery.
9	806.01(1)	1st	Maliciously damage dwelling or
10			structure by fire or explosive,
11			believing person in structure.
12	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
13	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
14			or dangerous weapon.
15	810.02(2)(c)	1st	Burglary of a dwelling or
16			structure causing structural
17			damage or \$1,000 or more property
18			damage.
19	812.13(2)(b)	1st	Robbery with a weapon.
20	812.135(2)	1st	Home-invasion robbery.
21	825.102(2)	2nd	Aggravated abuse of an elderly
22			person or disabled adult.
23	825.103(2)(a)	1st	Exploiting an elderly person or
24			disabled adult and property is
25			valued at \$100,000 or more.
26	837.02(2)	2nd	Perjury in official proceedings
27			relating to prosecution of a
28			capital felony.
29			
30			
31			

1	837.021(2)	2nd	Making contradictory statements
2			in official proceedings relating
3			to prosecution of a capital
4			felony.
5	860.121(2)(c)	1st	Shooting at or throwing any
6			object in path of railroad
7			vehicle resulting in great bodily
8			harm.
9	860.16	1st	Aircraft piracy.
10	893.13(1)(b)	1st	Sell or deliver in excess of 10
11			grams of any substance specified
12			in s. 893.03(1)(a) or (b).
13	893.13(2)(b)	1st	Purchase in excess of 10 grams of
14			any substance specified in s.
15			893.03(1)(a) or (b).
16	893.13(6)(c)	1st	Possess in excess of 10 grams of
17			any substance specified in s.
18			893.03(1)(a) or (b).
19	893.135(1)(a)2.	1st	Trafficking in cannabis, more
20			than 2,000 lbs., less than 10,000
21			lbs.
22	893.135		
23	(1)(b)1.b.	1st	Trafficking in cocaine, more than
24			200 grams, less than 400 grams.
25	893.135		
26	(1)(c)1.b.	1st	Trafficking in illegal drugs,
27			more than 14 grams, less than 28
28			grams.
29			
30			
31			

1	893.135		
2	(1)(d)1.b.	1st	Trafficking in phencyclidine,
3			more than 200 grams, less than
4			400 grams.
5	893.135		
6	(1)(e)1.b.	1st	Trafficking in methaqualone, more
7			than 5 kilograms, less than 25
8			kilograms.
9	893.135		
10	(1)(f)1.b.	1st	Trafficking in amphetamine, more
11			than 28 grams, less than 200
12			grams.
13	893.135		
14	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
15			grams or more, less than 28
16			grams.
17	893.135		
18	(1)(h)1.b.	1st	Trafficking in
19			gamma-hydroxybutyric acid (GHB),
20			5 kilograms or more, less than 10
21			kilograms.
22	<u>893.135(1)(j)1.b.</u>		
23	<del>893.135(1)(i)1.b.</del>	1st	Trafficking in 1,4-Butanediol, 5
24			kilograms or more, less than 10
25			kilograms.
26	<u>893.135(1)(k)2.b.</u>		
27	<del>893.135(1)(j)2.b.</del>	1st	Trafficking in Phenethylamines,
28			200 grams or more, less than 400
29			grams.
30			
31			



1	895.03(1)	1st	Use or invest proceeds derived
2			from pattern of racketeering
3			activity.
4	895.03(2)	1st	Acquire or maintain through
5			racketeering activity any
6			interest in or control of any
7			enterprise or real property.
8	895.03(3)	1st	Conduct or participate in any
9			enterprise through pattern of
10			racketeering activity.
11	896.101(5)(b)	2nd	Money laundering, financial
12			transactions totaling or
13			exceeding \$20,000, but less than
14			\$100,000.
15	896.104(4)(a)2.	2nd	Structuring transactions to evade
16			reporting or registration
17			requirements, financial
18			transactions totaling or
19			exceeding \$20,000 but less than
20			\$100,000.
21			(i) LEVEL 9
22	316.193		
23	(3)(c)3.b.	1st	DUI manslaughter; failing to
24			render aid or give information.
25	560.123(8)(b)3.	1st	Failure to report currency or
26			payment instruments totaling or
27			exceeding \$100,000 by money
28			transmitter.
29			
30			
31			

1	560.125(5)(c)	1st	Money transmitter business by
2			unauthorized person, currency, or
3			payment instruments totaling or
4			exceeding \$100,000.
5	655.50(10)(b)3.	1st	Failure to report financial
6			transactions totaling or
7			exceeding \$100,000 by financial
8			institution.
9	<u>775.0844</u> <del>755.0844</del>	1st	Aggravated white collar crime.
10	782.04(1)	1st	Attempt, conspire, or solicit to
11			commit premeditated murder.
12	782.04(3)	1st,PBL	Accomplice to murder in
13			connection with arson, sexual
14			battery, robbery, burglary, and
15			other specified felonies.
16	782.051(1)	1st	Attempted felony murder while
17			perpetrating or attempting to
18			perpetrate a felony enumerated in
19			s. 782.04(3).
20	782.07(2)	1st	Aggravated manslaughter of an
21			elderly person or disabled adult.
22	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
23			reward or as a shield or hostage.
24	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
25			or facilitate commission of any
26			felony.
27	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
28			interfere with performance of any
29			governmental or political
30			function.
31			

1	787.02(3)(a)	1st	False imprisonment; child under
2			age 13; perpetrator also commits
3			aggravated child abuse, sexual
4			battery, or lewd or lascivious
5			battery, molestation, conduct, or
6			exhibition.
7	790.161	1st	Attempted capital destructive
8			device offense.
9	790.166(2)	1st,PBL	Possessing, selling, using, or
10			attempting to use a weapon of
11			mass destruction.
12	794.011(2)	1st	Attempted sexual battery; victim
13			less than 12 years of age.
14	794.011(2)	Life	Sexual battery; offender younger
15			than 18 years and commits sexual
16			battery on a person less than 12
17			years.
18	794.011(4)	1st	Sexual battery; victim 12 years
19			or older, certain circumstances.
20	794.011(8)(b)	1st	Sexual battery; engage in sexual
21			conduct with minor 12 to 18 years
22			by person in familial or
23			custodial authority.
24	800.04(5)(b)	1st	Lewd or lascivious molestation;
25			victim less than 12 years;
26			offender 18 years or older.
27	812.13(2)(a)	1st,PBL	Robbery with firearm or other
28			deadly weapon.
29	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
30			deadly weapon.
31	827.03(2)	1st	Aggravated child abuse.

1	847.0145(1)	1st	Selling, or otherwise
2			transferring custody or control,
3			of a minor.
4	847.0145(2)	1st	Purchasing, or otherwise
5			obtaining custody or control, of
6			a minor.
7	859.01	1st	Poisoning or introducing
8			bacteria, radioactive materials,
9			viruses, or chemical compounds
10			into food, drink, medicine, or
11			water with intent to kill or
12			injure another person.
13	893.135	1st	Attempted capital trafficking
14			offense.
15	893.135(1)(a)3.	1st	Trafficking in cannabis, more
16			than 10,000 lbs.
17	893.135		
18	(1)(b)1.c.	1st	Trafficking in cocaine, more than
19			400 grams, less than 150
20			kilograms.
21	893.135		
22	(1)(c)1.c.	1st	Trafficking in illegal drugs,
23			more than 28 grams, less than 30
24			kilograms.
25	893.135		
26	(1)(d)1.c.	1st	Trafficking in phencyclidine,
27			more than 400 grams.
28	893.135		
29	(1)(e)1.c.	1st	Trafficking in methaqualone, more
30			than 25 kilograms.
31			

1 893.135  
2 (1)(f)1.c. 1st Trafficking in amphetamine, more  
3 than 200 grams.  
4 893.135  
5 (1)(h)1.c. 1st Trafficking in  
6 gamma-hydroxybutyric acid (GHB),  
7 10 kilograms or more.  
8 893.135(1)(j)1.c.  
9 ~~893.135(1)(i)1.c.~~1st Trafficking in 1,4-Butanediol, 10  
10 kilograms or more.  
11 893.135(1)(k)2.c.  
12 ~~893.135(1)(j)2.c.~~1st Trafficking in Phenethylamines,  
13 400 grams or more.  
14 896.101(5)(c) 1st Money laundering, financial  
15 instruments totaling or exceeding  
16 \$100,000.  
17 896.104(4)(a)3. 1st Structuring transactions to evade  
18 reporting or registration  
19 requirements, financial  
20 transactions totaling or  
21 exceeding \$100,000.  
22 Section 6. This act shall take effect July 1, 2002.  
23  
24  
25  
26  
27  
28  
29  
30  
31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Provides that it is a second-degree felony to make a false report concerning the placing or planting of a weapon of mass destruction. Provides that the court may not reduce, suspend, or withhold adjudication of guilt or imposition of sentence for a person convicted of committing such offense. Revises the elements of the offense of planting a hoax bomb. Increases the penalty for such offense from a third-degree felony to a second-degree felony. Redefines the term "weapon of mass destruction" to include any biological agent, a device designed to release radiation, or a toxin, vector, or delivery system. Provides that the court may not reduce, suspend, or withhold adjudication of guilt or imposition of sentence for a person convicted of manufacturing, possessing, selling, sending, or using a weapon of mass destruction. Provides that it is a second-degree felony to possess, display, or threaten to use a hoax weapon of mass destruction while committing or attempting to commit a felony. (See bill for details.)