

By the Committees on Appropriations; Criminal Justice; and  
Senators Brown-Waite and Smith

309-2278-02

1                                   A bill to be entitled  
2           An act relating to piracy of transportation;  
3           amending s. 860.16, F.S.; specifying the  
4           elements constituting the offenses of  
5           aggravated aircraft piracy; providing  
6           penalties; creating s. 860.161, F.S.; providing  
7           definitions; specifying the elements  
8           constituting the offense of vessel piracy;  
9           providing a penalty; specifying the offenses  
10          constituting the offenses of aggravated vessel  
11          piracy; providing penalties; creating s.  
12          860.162, F.S.; providing definitions;  
13          specifying the elements constituting the  
14          offense of ground transport piracy; providing a  
15          penalty; specifying the elements constituting  
16          the offenses of aggravated ground transport  
17          piracy; providing penalties; amending s.  
18          921.0022, F.S., relating to the offense  
19          severity ranking chart of the Criminal  
20          Punishment Code; conforming provisions to  
21          changes made by the act; providing an effective  
22          date.

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

26           Section 1. Section 860.16, Florida Statutes, is  
27 amended to read:

28           860.16 Aircraft piracy; aggravated aircraft piracy;  
29 penalties ~~penalty~~.--

30           (1) Whoever without lawful authority seizes or  
31 exercises control, by use or threat of force or violence and

1 with wrongful intent, of any aircraft containing a  
2 nonconsenting person ~~or persons~~ within this state commits is  
3 ~~guilty of the offense crime~~ of aircraft piracy, a felony of  
4 the first degree, punishable as provided in s. 775.082, s.  
5 775.083, or s. 775.084.

6 (2) Except as provided in subsection (3) or subsection  
7 (4), any person who without lawful authority seizes or  
8 exercises control, by use or threat of force or violence and  
9 with wrongful intent, of any aircraft containing a  
10 nonconsenting person within this state and who intentionally  
11 crashes that aircraft commits the offense of aggravated  
12 aircraft piracy, a felony of the first degree, punishable by a  
13 minimum term of life imprisonment or as provided in s.  
14 775.082, s. 775.083, or s. 775.084.

15 (3) A person who violates subsection (2) and, in the  
16 course of such violation, causes the permanent physical  
17 injury, impairment, or disability of another person commits  
18 the offense of aggravated aircraft piracy, a life felony,  
19 punishable by a minimum term of life imprisonment as provided  
20 in s. 775.082, s. 775.083, or s. 775.084.

21 (4) A person who violates subsection (2) and, in the  
22 course of such violation, causes the death of another person  
23 commits the offense of aggravated aircraft piracy, a capital  
24 felony, punishable as provided in s. 775.082.

25 Section 2. Section 860.161, Florida Statutes, is  
26 created to read:

27 860.161 Vessel piracy; aggravated vessel piracy;  
28 definitions; penalties.--

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

30 (a) "Vessel" means a watercraft that is propelled by  
31 power other than wind or muscular power and that is used to

1 transport persons or property. The term does not include a  
2 seaplane, personal watercraft, specialty prop-craft, or  
3 inflatable watercraft.

4 (b) "Personal watercraft" means a watercraft that uses  
5 an inboard motor powering a water jet pump as its primary  
6 source of motive power and that is designed to be operated by  
7 a person sitting, standing, or kneeling on the watercraft,  
8 rather than in the conventional manner of sitting or standing  
9 inside the watercraft.

10 (c) "Specialty prop-craft" means a watercraft that is  
11 similar in appearance and operation to a personal watercraft  
12 but that is powered by an outboard or propeller-driven motor.

13 (2) Any person who without lawful authority seizes or  
14 exercises control, by use or threat of force or violence and  
15 with wrongful intent, of any vessel containing a nonconsenting  
16 person within this state commits the offense of vessel piracy,  
17 a felony of the first degree, punishable as provided in s.  
18 775.082, s. 775.083, or s. 775.084.

19 (3) Except as provided in subsection (4) or subsection  
20 (5), any person who without lawful authority seizes or  
21 exercises control, by use or threat of force or violence and  
22 with wrongful intent, of any vessel containing a nonconsenting  
23 person within this state and who intentionally crashes or  
24 sinks that vessel commits the offense of aggravated vessel  
25 piracy, a felony of the first degree, punishable by a minimum  
26 term of life imprisonment or as provided in s. 775.082, s.  
27 775.083, or s. 775.084.

28 (4) Any person who violates subsection (3) and, in the  
29 course of such violation, causes the permanent physical  
30 injury, impairment, or disability of another person commits  
31 the offense of aggravated vessel piracy, a life felony,

1 punishable by a minimum term of life imprisonment as provided  
2 in s. 775.082, s. 775.083, or s. 775.084.

3 (5) Any person who violates subsection (3) and, in the  
4 course of such violation, causes the death of another person  
5 commits the offense of aggravated vessel piracy, a capital  
6 felony, punishable as provided in s. 775.082.

7 Section 3. Section 860.162, Florida Statutes, is  
8 created to read:

9 860.162 Ground transport piracy; aggravated ground  
10 transport piracy; definitions; penalties.--

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

12 (a) "Ground transport" means a motor vehicle, railroad  
13 train, or other vehicle that is propelled by power other than  
14 muscular power, that runs upon a single rail or upon a track  
15 or guideway, and that is used to transport persons or  
16 property.

17 (b) "Motor vehicle" means a vehicle that is propelled  
18 by power other than muscular power, that is operated on the  
19 roads of this state, and that is used to transport persons or  
20 property. The term does not include a traction engine, road  
21 roller, motorcycle, moped, scooter, or bicycle.

22 (c) "Railroad train" means a steam engine,  
23 electric-powered engine, or other motor engine that is  
24 operated upon rails, with or without a car coupled to the  
25 engine, or a car that is or can be coupled to such an engine  
26 and that is operated upon rails.

27 (2) Any person who without lawful authority seizes or  
28 exercises control, by use or threat of force or violence and  
29 with wrongful intent, of any ground transport containing a  
30 nonconsenting person within this state commits the offense of  
31 ground transport piracy, a felony of the first degree,

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

3 (3) Except as provided in subsection (4) or subsection  
4 (5), any person who without lawful authority seizes or  
5 exercises control, by use or threat of force or violence and  
6 with wrongful intent, of any ground transport containing a  
7 nonconsenting person within this state and who intentionally  
8 crashes that ground transport or intentionally detaches that  
9 ground transport from a rail or rails, a track, or a guideway  
10 commits the offense of aggravated ground transport piracy, a  
11 felony of the first degree, punishable by a minimum term of  
12 life imprisonment or as provided in s. 775.082, s. 775.083, or  
13 s. 775.084.

14 (4) Any person who violates subsection (3) and, in the  
15 course of such violation, causes the permanent physical  
16 injury, impairment, or disability of another person commits  
17 the offense of aggravated ground transport piracy, a life  
18 felony, punishable by a minimum term of life imprisonment as  
19 provided in s. 775.082, s. 775.083, or s. 775.084.

20 (5) Any person who violates subsection (3) and, in the  
21 course of such violation, causes the death of another person  
22 commits the offense of aggravated ground transport piracy, a  
23 capital felony, punishable as provided in s. 775.082.

24 Section 4. Paragraphs (h), (i), and (j) 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

1	Florida	Felony	
2	Statute	Degree	Description
3			
4			
5			(h) LEVEL 8
6	316.193		
7	(3)(c)3.a.	2nd	DUI manslaughter.
8	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
9	560.123(8)(b)2.	2nd	Failure to report currency or
10			payment instruments totaling or
11			exceeding \$20,000, but less than
12			\$100,000 by money transmitter.
13	560.125(5)(b)	2nd	Money transmitter business by
14			unauthorized person, currency or
15			payment instruments totaling or
16			exceeding \$20,000, but less than
17			\$100,000.
18	655.50(10)(b)2.	2nd	Failure to report financial
19			transactions totaling or
20			exceeding \$20,000, but less than
21			\$100,000 by financial
22			institutions.
23	777.03(2)(a)	1st	Accessory after the fact, capital
24			felony.
25	782.04(4)	2nd	Killing of human without design
26			when engaged in act or attempt of
27			any felony other than arson,
28			sexual battery, robbery,
29			burglary, kidnapping, aircraft
30			piracy, or unlawfully discharging
31			bomb.

1	782.051(2)	1st	Attempted felony murder while
2			perpetrating or attempting to
3			perpetrate a felony not
4			enumerated in s. 782.04(3).
5	782.071(1)(b)	1st	Committing vehicular homicide and
6			failing to render aid or give
7			information.
8	782.072(2)	1st	Committing vessel homicide and
9			failing to render aid or give
10			information.
11	790.161(3)	1st	Discharging a destructive device
12			which results in bodily harm or
13			property damage.
14	794.011(5)	2nd	Sexual battery, victim 12 years
15			or over, offender does not use
16			physical force likely to cause
17			serious injury.
18	800.04(4)	2nd	Lewd or lascivious battery.
19	806.01(1)	1st	Maliciously damage dwelling or
20			structure by fire or explosive,
21			believing person in structure.
22	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
23	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
24			or dangerous weapon.
25	810.02(2)(c)	1st	Burglary of a dwelling or
26			structure causing structural
27			damage or \$1,000 or more property
28			damage.
29	812.13(2)(b)	1st	Robbery with a weapon.
30	812.135(2)	1st	Home-invasion robbery.
31			

1	825.102(2)	2nd	Aggravated abuse of an elderly
2			person or disabled adult.
3	825.103(2)(a)	1st	Exploiting an elderly person or
4			disabled adult and property is
5			valued at \$100,000 or more.
6	837.02(2)	2nd	Perjury in official proceedings
7			relating to prosecution of a
8			capital felony.
9	837.021(2)	2nd	Making contradictory statements
10			in official proceedings relating
11			to prosecution of a capital
12			felony.
13	860.121(2)(c)	1st	Shooting at or throwing any
14			object in path of railroad
15			vehicle resulting in great bodily
16			harm.
17	<u>860.16(1)</u> <del>860.16</del>	1st	Aircraft piracy.
18	<u>860.161(2)</u>	1st	<u>Vessel piracy.</u>
19	<u>860.162(2)</u>	1st	<u>Ground transport piracy.</u>
20	893.13(1)(b)	1st	Sell or deliver in excess of 10
21			grams of any substance specified
22			in s. 893.03(1)(a) or (b).
23	893.13(2)(b)	1st	Purchase in excess of 10 grams of
24			any substance specified in s.
25			893.03(1)(a) or (b).
26	893.13(6)(c)	1st	Possess in excess of 10 grams of
27			any substance specified in s.
28			893.03(1)(a) or (b).
29	893.135(1)(a)2.	1st	Trafficking in cannabis, more
30			than 2,000 lbs., less than 10,000
31			lbs.



1	893.135		
2	(1)(b)1.b.	1st	Trafficking in cocaine, more than
3			200 grams, less than 400 grams.
4	893.135		
5	(1)(c)1.b.	1st	Trafficking in illegal drugs,
6			more than 14 grams, less than 28
7			grams.
8	893.135		
9	(1)(d)1.b.	1st	Trafficking in phencyclidine,
10			more than 200 grams, less than
11			400 grams.
12	893.135		
13	(1)(e)1.b.	1st	Trafficking in methaqualone, more
14			than 5 kilograms, less than 25
15			kilograms.
16	893.135		
17	(1)(f)1.b.	1st	Trafficking in amphetamine, more
18			than 28 grams, less than 200
19			grams.
20	893.135		
21	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
22			grams or more, less than 28
23			grams.
24	893.135		
25	(1)(h)1.b.	1st	Trafficking in
26			gamma-hydroxybutyric acid (GHB),
27			5 kilograms or more, less than 10
28			kilograms.
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1	893.135		
2	(1)(i)1.b.	1st	Trafficking in 1,4-Butanediol, 5
3			kilograms or more, less than 10
4			kilograms.
5	893.135		
6	(1)(j)2.b.	1st	Trafficking in Phenethylamines,
7			200 grams or more, less than 400
8			grams.
9	895.03(1)	1st	Use or invest proceeds derived
10			from pattern of racketeering
11			activity.
12	895.03(2)	1st	Acquire or maintain through
13			racketeering activity any
14			interest in or control of any
15			enterprise or real property.
16	895.03(3)	1st	Conduct or participate in any
17			enterprise through pattern of
18			racketeering activity.
19	896.101(5)(b)	2nd	Money laundering, financial
20			transactions totaling or
21			exceeding \$20,000, but less than
22			\$100,000.
23	896.104(4)(a)2.	2nd	Structuring transactions to evade
24			reporting or registration
25			requirements, financial
26			transactions totaling or
27			exceeding \$20,000 but less than
28			\$100,000.
29			(i) LEVEL 9
30			
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1	316.193		
2	(3)(c)3.b.	1st	DUI manslaughter; failing to
3			render aid or give information.
4	560.123(8)(b)3.	1st	Failure to report currency or
5			payment instruments totaling or
6			exceeding \$100,000 by money
7			transmitter.
8	560.125(5)(c)	1st	Money transmitter business by
9			unauthorized person, currency, or
10			payment instruments totaling or
11			exceeding \$100,000.
12	655.50(10)(b)3.	1st	Failure to report financial
13			transactions totaling or
14			exceeding \$100,000 by financial
15			institution.
16	755.0844	1st	Aggravated white collar crime.
17	782.04(1)	1st	Attempt, conspire, or solicit to
18			commit premeditated murder.
19	782.04(3)	1st,PBL	Accomplice to murder in
20			connection with arson, sexual
21			battery, robbery, burglary, and
22			other specified felonies.
23	782.051(1)	1st	Attempted felony murder while
24			perpetrating or attempting to
25			perpetrate a felony enumerated in
26			s. 782.04(3).
27	782.07(2)	1st	Aggravated manslaughter of an
28			elderly person or disabled adult.
29	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
30			reward or as a shield or hostage.
31			

1	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
2			or facilitate commission of any
3			felony.
4	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
5			interfere with performance of any
6			governmental or political
7			function.
8	787.02(3)(a)	1st	False imprisonment; child under
9			age 13; perpetrator also commits
10			aggravated child abuse, sexual
11			battery, or lewd or lascivious
12			battery, molestation, conduct, or
13			exhibition.
14	790.161	1st	Attempted capital destructive
15			device offense.
16	790.166(2)	1st,PBL	Possessing, selling, using, or
17			attempting to use a weapon of
18			mass destruction.
19	794.011(2)	1st	Attempted sexual battery; victim
20			less than 12 years of age.
21	794.011(2)	Life	Sexual battery; offender younger
22			than 18 years and commits sexual
23			battery on a person less than 12
24			years.
25	794.011(4)	1st	Sexual battery; victim 12 years
26			or older, certain circumstances.
27	794.011(8)(b)	1st	Sexual battery; engage in sexual
28			conduct with minor 12 to 18 years
29			by person in familial or
30			custodial authority.
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1	800.04(5)(b)	1st	Lewd or lascivious molestation;
2			victim less than 12 years;
3			offender 18 years or older.
4	812.13(2)(a)	1st,PBL	Robbery with firearm or other
5			deadly weapon.
6	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
7			deadly weapon.
8	827.03(2)	1st	Aggravated child abuse.
9	847.0145(1)	1st	Selling, or otherwise
10			transferring custody or control,
11			of a minor.
12	847.0145(2)	1st	Purchasing, or otherwise
13			obtaining custody or control, of
14			a minor.
15	859.01	1st	Poisoning or introducing
16			bacteria, radioactive materials,
17			viruses, or chemical compounds
18			into food, drink, medicine, or
19			water with intent to kill or
20			injure another person.
21	<u>860.160(2)</u>	<u>1st,PBL</u>	<u>Aggravated aircraft piracy.</u>
22	<u>860.161(3)</u>	<u>1st,PBL</u>	<u>Aggravated vessel piracy.</u>
23	<u>860.162(3)</u>	<u>1st,PBL</u>	<u>Aggravated ground transport</u>
24			<u>piracy.</u>
25	893.135	1st	Attempted capital trafficking
26			offense.
27	893.135(1)(a)3.	1st	Trafficking in cannabis, more
28			than 10,000 lbs.
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1	893.135		
2	(1)(b)1.c.	1st	Trafficking in cocaine, more than
3			400 grams, less than 150
4			kilograms.
5	893.135		
6	(1)(c)1.c.	1st	Trafficking in illegal drugs,
7			more than 28 grams, less than 30
8			kilograms.
9	893.135		
10	(1)(d)1.c.	1st	Trafficking in phencyclidine,
11			more than 400 grams.
12	893.135		
13	(1)(e)1.c.	1st	Trafficking in methaqualone, more
14			than 25 kilograms.
15	893.135		
16	(1)(f)1.c.	1st	Trafficking in amphetamine, more
17			than 200 grams.
18	893.135		
19	(1)(h)1.c.	1st	Trafficking in
20			gamma-hydroxybutyric acid (GHB),
21			10 kilograms or more.
22	893.135		
23	(1)(i)1.c.	1st	Trafficking in 1,4-Butanediol, 10
24			kilograms or more.
25	893.135		
26	(1)(j)2.c.	1st	Trafficking in Phenethylamines,
27			400 grams or more.
28	896.101(5)(c)	1st	Money laundering, financial
29			instruments totaling or exceeding
30			\$100,000.
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1	896.104(4)(a)3.	1st	Structuring transactions to evade
2			reporting or registration
3			requirements, financial
4			transactions totaling or
5			exceeding \$100,000.
6			(j) LEVEL 10
7	782.04(2)	1st,PBL	Unlawful killing of human; act is
8			homicide, unpremeditated.
9	787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm
10			upon or terrorize victim.
11	787.01(3)(a)	Life	Kidnapping; child under age 13,
12			perpetrator also commits
13			aggravated child abuse, sexual
14			battery, or lewd or lascivious
15			battery, molestation, conduct, or
16			exhibition.
17	782.07(3)	1st	Aggravated manslaughter of a
18			child.
19	794.011(3)	Life	Sexual battery; victim 12 years
20			or older, offender uses or
21			threatens to use deadly weapon or
22			physical force to cause serious
23			injury.
24	<u>860.160(3)</u>	<u>Life</u>	<u>Aggravated aircraft piracy</u>
25			<u>causing permanent physical</u>
26			<u>injury, impairment, or</u>
27			<u>disability.</u>
28	<u>860.161(4)</u>	<u>Life</u>	<u>Aggravated vessel piracy causing</u>
29			<u>permanent physical injury,</u>
30			<u>impairment, or disability.</u>
31			

1	<u>860.162(4)</u>	<u>Life</u>	<u>Aggravated ground transport</u>
2			<u>piracy causing permanent physical</u>
3			<u>injury, impairment, or</u>
4			<u>disability.</u>
5	876.32	1st	Treason against the state.
6	Section 5. This act shall take effect July 1, 2002.		
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8	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN		
9	COMMITTEE SUBSTITUTE FOR		
10	<u>CS/SB 438</u>		
11	Specifies that the offenses of aggravated aircraft piracy,		
12	aggravated vessel piracy, and aggravated ground transport		
13	piracy in which death does not occur require a minimum		
14	sentence of life imprisonment.		
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