

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Gelber 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,

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

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.

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.~~

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

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  
7 animal, or severe emotional or mental harm to any human,  
8 through the release, dissemination, or impact of toxic or  
9 poisonous chemicals, or their precursors;

10 2. Any device or object involving a biological agent  
11 ~~disease organism; or~~

12 3. Any device or object that is designed or intended  
13 to release radiation or radioactivity at a level dangerous to  
14 human or animal life; or-

15 4. Any biological agent, toxin, vector, or delivery  
16 system.

17 (b) "Hoax weapon of mass destruction" means any device  
18 or object that by its design, construction, content, or  
19 characteristics appears to be or to contain, or is represented  
20 to be, constitute, or contain, a weapon of mass destruction as  
21 defined in this section, but which is, in fact, an inoperative  
22 facsimile, imitation, counterfeit, or representation of a  
23 weapon of mass destruction which does not meet the definition  
24 of a weapon of mass destruction or which does not actually  
25 contain or constitute a weapon, biological agent, toxin,  
26 vector, or delivery system prohibited by this section.

27 (c) "Biological agent" means any microorganism, virus,  
28 infectious substance, or biological product that may be  
29 engineered through biotechnology, or any naturally occurring  
30 or bioengineered component of any such microorganism, virus,  
31 infectious substance, or biological product, capable of

1 causing:

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

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

6 3. Deleterious alteration of the environment.

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

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

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

16 (e) "Delivery system" means:

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

20 2. Any vector.

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

25 (2) A person who, without lawful authority,  
26 manufactures, possesses, sells, delivers, sends, mails,  
27 displays, uses, threatens to use, attempts to use, or  
28 conspires to use, or who makes readily accessible to others a  
29 weapon of mass destruction, ~~including any biological agent,~~  
30 ~~toxin, vector, or delivery system as those terms are defined~~  
31 ~~in this section,~~ commits a felony of the first degree,

1 punishable by imprisonment for a term of years not exceeding  
2 life or as provided in s. 775.082, s. 775.083, or s. 775.084,  
3 and if death results, commits a capital felony, punishable as  
4 provided in s. 775.082.

5 (3) Any person who, without lawful authority,  
6 manufactures, possesses, sells, delivers, mails, sends,  
7 displays, uses, threatens to use, attempts to use, or  
8 conspires to use, or who makes readily accessible to others, a  
9 hoax weapon of mass destruction with the intent to deceive or  
10 otherwise mislead another person into believing that the hoax  
11 weapon of mass destruction will cause terror, bodily harm, or  
12 property damage commits a felony of the second degree,  
13 punishable as provided in s. 775.082, s. 775.083, or s.  
14 775.084.

15 (4) Any person who, while committing or attempting to  
16 commit any felony, possesses, displays, or threatens to use  
17 any hoax weapon of mass destruction commits a felony of the  
18 second degree, punishable as provided in s. 775.082, s.  
19 775.083, or s. 775.084.

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

29 (6) Proof that a device or object described in  
30 subparagraph (1)(a)1. caused death or serious bodily injury to  
31 a human or animal through the release, dissemination, or



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

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

18 (8) For purpose of this section, the term "weapon of  
19 mass destruction" does not include:

20 (a) A device or instrument that emits or discharges  
21 smoke or an offensive, noxious, or irritant liquid, powder,  
22 gas, or chemical for the purpose of immobilizing,  
23 incapacitating, or thwarting an attack by a person or animal  
24 and that is lawfully possessed or used by a person for the  
25 purpose of self-protection or, as provided in subsection (7),  
26 is lawfully possessed or used by any member or employee of the  
27 Armed Forces of the United States, a federal or state  
28 governmental agency, or a private entity. A member or employee  
29 of a federal or state governmental agency includes, but is not  
30 limited to, a law enforcement officer, as defined in s.  
31 784.07; a federal law enforcement officer, as defined in s.

1 901.1505; and an emergency service employee, as defined in s.  
2 496.404.

3 (b) The liquid, powder, gas, chemical, or smoke that  
4 is emitted or discharged from a device or instrument as  
5 specified in paragraph (a).

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

13 Section 5. Paragraphs (e), (f), and (g) of subsection  
14 (3) of section 921.0022, Florida Statutes, as amended by  
15 section 2 of chapter 2001-358, Laws of Florida, are amended to  
16 read:

17 921.0022 Criminal Punishment Code; offense severity  
18 ranking chart.--

19 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	Description
Statute	Degree	
		(e) LEVEL 5
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)	2nd	Aggravated fleeing or eluding.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license,

1			resulting in death or serious
2			bodily injury.
3	327.30(5)	3rd	Vessel accidents involving
4			personal injury; leaving scene.
5	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
6			knowing HIV positive.
7	790.01(2)	3rd	Carrying a concealed firearm.
8	790.162	2nd	Threat to throw or discharge
9			destructive device.
10	<u>790.163(1)</u> <del>790.163</del>	2nd	False report of deadly explosive
11			<u>or weapon of mass destruction.</u>
12	<del>790.165(2)</del>	<del>3rd</del>	<del>Manufacture, sell, possess, or</del>
13			<del>deliver hoax bomb.</del>
14	790.221(1)	2nd	Possession of short-barreled
15			shotgun or machine gun.
16	790.23	2nd	Felons in possession of firearms
17			or electronic weapons or devices.
18	800.04(6)(c)	3rd	Lewd or lascivious conduct;
19			offender less than 18 years.
20	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
21			offender 18 years or older.
22	806.111(1)	3rd	Possess, manufacture, or dispense
23			fire bomb with intent to damage
24			any structure or property.
25	812.015(8)	3rd	Retail theft; property stolen is
26			valued at \$300 or more and one or
27			more specified acts.
28	812.019(1)	2nd	Stolen property; dealing in or
29			trafficking in.
30	812.131(2)(b)	3rd	Robbery by sudden snatching.
31			

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1	812.16(2)	3rd	Owning, operating, or conducting
2			a chop shop.
3	817.034(4)(a)2.	2nd	Communications fraud, value
4			\$20,000 to \$50,000.
5	817.234(11)(b)	2nd	Insurance fraud; property value
6			\$20,000 or more but less than
7			\$100,000.
8	817.568(2)(b)	2nd	Fraudulent use of personal
9			identification information; value
10			of benefit, services received,
11			payment avoided, or amount of
12			injury or fraud, \$75,000 or more.
13	817.625(2)(b)	2nd	Second or subsequent fraudulent
14			use of scanning device or
15			reencoder.
16	825.1025(4)	3rd	Lewd or lascivious exhibition in
17			the presence of an elderly person
18			or disabled adult.
19	827.071(4)	2nd	Possess with intent to promote
20			any photographic material, motion
21			picture, etc., which includes
22			sexual conduct by a child.
23	843.01	3rd	Resist officer with violence to
24			person; resist arrest with
25			violence.
26	874.05(2)	2nd	Encouraging or recruiting another
27			to join a criminal street gang;
28			second or subsequent offense.
29	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
30			cocaine (or other s.
31			893.03(1)(a), (1)(b), (1)(d),

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

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1	893.13(4)(b)	2nd	Deliver to minor cannabis (or
2			other s. 893.03(1)(c), (2)(c)1.,
3			(2)(c)2., (2)(c)3., (2)(c)5.,
4			(2)(c)6., (2)(c)7., (2)(c)8.,
5			(2)(c)9., (3), or (4) drugs).
6			(f) LEVEL 6
7	316.027(1)(b)	2nd	Accident involving death, failure
8			to stop; leaving scene.
9	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
10			conviction.
11	775.0875(1)	3rd	Taking firearm from law
12			enforcement officer.
13	775.21(10)	3rd	Sexual predators; failure to
14			register; failure to renew
15			driver's license or
16			identification card.
17	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
18			without intent to kill.
19	784.021(1)(b)	3rd	Aggravated assault; intent to
20			commit felony.
21	784.041	3rd	Felony battery.
22	784.048(3)	3rd	Aggravated stalking; credible
23			threat.
24	784.048(5)	3rd	Aggravated stalking of person
25			under 16.
26	784.07(2)(c)	2nd	Aggravated assault on law
27			enforcement officer.
28	784.074(1)(b)	2nd	Aggravated assault on sexually
29			violent predators facility staff.
30	784.08(2)(b)	2nd	Aggravated assault on a person 65
31			years of age or older.

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1	784.081(2)	2nd	Aggravated assault on specified
2			official or employee.
3	784.082(2)	2nd	Aggravated assault by detained
4			person on visitor or other
5			detainee.
6	784.083(2)	2nd	Aggravated assault on code
7			inspector.
8	787.02(2)	3rd	False imprisonment; restraining
9			with purpose other than those in
10			s. 787.01.
11	790.115(2)(d)	2nd	Discharging firearm or weapon on
12			school property.
13	790.161(2)	2nd	Make, possess, or throw
14			destructive device with intent to
15			do bodily harm or damage
16			property.
17	790.164(1)	2nd	False report of deadly explosive, <u></u>
18			<u>weapon of mass destruction,</u> or
19			act of arson or violence to state
20			property.
21	790.19	2nd	Shooting or throwing deadly
22			missiles into dwellings, vessels,
23			or vehicles.
24	794.011(8)(a)	3rd	Solicitation of minor to
25			participate in sexual activity by
26			custodial adult.
27	794.05(1)	2nd	Unlawful sexual activity with
28			specified minor.
29	800.04(5)(d)	3rd	Lewd or lascivious molestation;
30			victim 12 years of age or older
31			but less than 16 years; offender

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1			less than 18 years.
2	800.04(6)(b)	2nd	Lewd or lascivious conduct;
3			offender 18 years of age or
4			older.
5	806.031(2)	2nd	Arson resulting in great bodily
6			harm to firefighter or any other
7			person.
8	810.02(3)(c)	2nd	Burglary of occupied structure;
9			unarmed; no assault or battery.
10	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
11			but less than \$100,000, grand
12			theft in 2nd degree.
13	812.014(2)(b)2.	2nd	Property stolen cargo valued at
14			less than \$50,000, grand theft in
15			2nd degree.
16	812.015(9)	2nd	Retail theft; property stolen
17			\$300 or more; second or
18			subsequent conviction.
19	812.13(2)(c)	2nd	Robbery, no firearm or other
20			weapon (strong-arm robbery).
21	817.034(4)(a)1.	1st	Communications fraud, value
22			greater than \$50,000.
23	817.4821(5)	2nd	Possess cloning paraphernalia
24			with intent to create cloned
25			cellular telephones.
26	825.102(1)	3rd	Abuse of an elderly person or
27			disabled adult.
28	825.102(3)(c)	3rd	Neglect of an elderly person or
29			disabled adult.
30	825.1025(3)	3rd	Lewd or lascivious molestation of
31			an elderly person or disabled



1			adult.
2	825.103(2)(c)	3rd	Exploiting an elderly person or
3			disabled adult and property is
4			valued at less than \$20,000.
5	827.03(1)	3rd	Abuse of a child.
6	827.03(3)(c)	3rd	Neglect of a child.
7	827.071(2)&(3)	2nd	Use or induce a child in a sexual
8			performance, or promote or direct
9			such performance.
10	836.05	2nd	Threats; extortion.
11	836.10	2nd	Written threats to kill or do
12			bodily injury.
13	843.12	3rd	Aids or assists person to escape.
14	847.0135(3)	3rd	Solicitation of a child, via a
15			computer service, to commit an
16			unlawful sex act.
17	914.23	2nd	Retaliation against a witness,
18			victim, or informant, with bodily
19			injury.
20	943.0435(9)	3rd	Sex offenders; failure to comply
21			with reporting requirements.
22	944.35(3)(a)2.	3rd	Committing malicious battery upon
23			or inflicting cruel or inhuman
24			treatment on an inmate or
25			offender on community
26			supervision, resulting in great
27			bodily harm.
28	944.40	2nd	Escapes.
29	944.46	3rd	Harboring, concealing, aiding
30			escaped prisoners.
31			

1	944.47(1)(a)5.	2nd	Introduction of contraband
2			(firearm, weapon, or explosive)
3			into correctional facility.
4	951.22(1)	3rd	Intoxicating drug, firearm, or
5			weapon introduced into county
6			facility.
7			(g) LEVEL 7
8	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
9			injury.
10	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
11			bodily injury.
12	402.319(2)	2nd	Misrepresentation and negligence
13			or intentional act resulting in
14			great bodily harm, permanent
15			disfiguration, permanent
16			disability, or death.
17	409.920(2)	3rd	Medicaid provider fraud.
18	456.065(2)	3rd	Practicing a health care
19			profession without a license.
20	456.065(2)	2nd	Practicing a health care
21			profession without a license
22			which results in serious bodily
23			injury.
24	458.327(1)	3rd	Practicing medicine without a
25			license.
26	459.013(1)	3rd	Practicing osteopathic medicine
27			without a license.
28	460.411(1)	3rd	Practicing chiropractic medicine
29			without a license.
30	461.012(1)	3rd	Practicing podiatric medicine
31			without a license.

HOUSE AMENDMENT

Bill No. CS for SB 998, 1st Eng.

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

1	462.17	3rd	Practicing naturopathy without a
2			license.
3	463.015(1)	3rd	Practicing optometry without a
4			license.
5	464.016(1)	3rd	Practicing nursing without a
6			license.
7	465.015(2)	3rd	Practicing pharmacy without a
8			license.
9	466.026(1)	3rd	Practicing dentistry or dental
10			hygiene without a license.
11	467.201	3rd	Practicing midwifery without a
12			license.
13	468.366	3rd	Delivering respiratory care
14			services without a license.
15	483.828(1)	3rd	Practicing as clinical laboratory
16			personnel without a license.
17	483.901(9)	3rd	Practicing medical physics
18			without a license.
19	484.013(1)(c)	3rd	Preparing or dispensing optical
20			devices without a prescription.
21	484.053	3rd	Dispensing hearing aids without a
22			license.
23	494.0018(2)	1st	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
29	560.123(8)(b)1.	3rd	Failure to report currency or
30			payment instruments exceeding
31			\$300 but less than \$20,000 by

1			money transmitter.
2	560.125(5)(a)	3rd	Money transmitter business by
3			unauthorized person, currency or
4			payment instruments exceeding
5			\$300 but less than \$20,000.
6	655.50(10)(b)1.	3rd	Failure to report financial
7			transactions exceeding \$300 but
8			less than \$20,000 by financial
9			institution.
10	782.051(3)	2nd	Attempted felony murder of a
11			person by a person other than the
12			perpetrator or the perpetrator of
13			an attempted felony.
14	782.07(1)	2nd	Killing of a human being by the
15			act, procurement, or culpable
16			negligence of another
17			(manslaughter).
18	782.071	2nd	Killing of human being or viable
19			fetus by the operation of a motor
20			vehicle in a reckless manner
21			(vehicular homicide).
22	782.072	2nd	Killing of a human being by the
23			operation of a vessel in a
24			reckless manner (vessel
25			homicide).
26	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
27			causing great bodily harm or
28			disfigurement.
29	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
30			weapon.
31			

1	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2			
3	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
4			
5	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
6			
7	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
8			
9	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
10			
11	784.081(1)	1st	Aggravated battery on specified official or employee.
12			
13	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
14			
15			
16	784.083(1)	1st	Aggravated battery on code inspector.
17			
18	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
19			
20			
21	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
22			
23	<u>790.165(2)</u>	<u>2nd</u>	<u>Manufacture, sell, possess, or deliver hoax bomb.</u>
24			
25	<u>790.165(3)</u>	<u>2nd</u>	<u>Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.</u>
26			
27			
28			
29	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
30			
31			

1	<u>790.166(4)</u>	<u>2nd</u>	<u>Possessing, displaying, or</u>
2			<u>threatening to use a hoax weapon</u>
3			<u>of mass destruction while</u>
4			<u>committing or attempting to</u>
5			<u>commit a felony.</u>
6	796.03	2nd	Procuring any person under 16
7			years for prostitution.
8	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
9			victim less than 12 years of age;
10			offender less than 18 years.
11	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
12			victim 12 years of age or older
13			but less than 16 years; offender
14			18 years or older.
15	806.01(2)	2nd	Maliciously damage structure by
16			fire or explosive.
17	810.02(3)(a)	2nd	Burglary of occupied dwelling;
18			unarmed; no assault or battery.
19	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
20			unarmed; no assault or battery.
21	810.02(3)(d)	2nd	Burglary of occupied conveyance;
22			unarmed; no assault or battery.
23	812.014(2)(a)	1st	Property stolen, valued at
24			\$100,000 or more; cargo stolen
25			valued at \$50,000, or more;
26			property stolen while causing
27			other property damage; 1st degree
28			grand theft.
29	812.014(2)(b)2.	2nd	Property stolen, emergency
30			medical equipment; 2nd degree
31			grand theft.

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

1	812.019(2)	1st	Stolen property; initiates,
2			organizes, plans, etc., the theft
3			of property and traffics in
4			stolen property.
5	812.131(2)(a)	2nd	Robbery by sudden snatching.
6	812.133(2)(b)	1st	Carjacking; no firearm, deadly
7			weapon, or other weapon.
8	817.234(11)(c)	1st	Insurance fraud; property value
9			\$100,000 or more.
10	825.102(3)(b)	2nd	Neglecting an elderly person or
11			disabled adult causing great
12			bodily harm, disability, or
13			disfigurement.
14	825.1025(2)	2nd	Lewd or lascivious battery upon
15			an elderly person or disabled
16			adult.
17	825.103(2)(b)	2nd	Exploiting an elderly person or
18			disabled adult and property is
19			valued at \$20,000 or more, but
20			less than \$100,000.
21	827.03(3)(b)	2nd	Neglect of a child causing great
22			bodily harm, disability, or
23			disfigurement.
24	827.04(3)	3rd	Impregnation of a child under 16
25			years of age by person 21 years
26			of age or older.
27	837.05(2)	3rd	Giving false information about
28			alleged capital felony to a law
29			enforcement officer.
30	872.06	2nd	Abuse of a dead human body.
31			

1	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), (2)(b), or
5			(2)(c)4.) within 1,000 feet of a
6			child care facility or school.
7	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
8			cocaine or other drug prohibited
9			under s. 893.03(1)(a), (1)(b),
10			(1)(d), (2)(a), (2)(b), or
11			(2)(c)4., within 1,000 feet of
12			property used for religious
13			services or a specified business
14			site.
15	893.13(4)(a)	1st	Deliver to minor cocaine (or
16			other s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4. drugs).
19			
20	893.135(1)(a)1.	1st	Trafficking in cannabis, more
21			than 25 lbs., less than 2,000
22			lbs.
23			
24	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than
25			28 grams, less than 200 grams.
26	893.135		
27	(1)(c)1.a.	1st	Trafficking in illegal drugs,
28			more than 4 grams, less than 14
29			grams.
30	893.135		
31	(1)(d)1.	1st	Trafficking in phencyclidine,



1			more than 28 grams, less than 200
2			grams.
3	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
4			than 200 grams, less than 5
5			kilograms.
6	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
7			than 14 grams, less than 28
8			grams.
9	893.135		
10	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
11			grams or more, less than 14
12			grams.
13	893.135		
14	(1)(h)1.a.	1st	Trafficking in
15			gamma-hydroxybutyric acid (GHB),
16			1 kilogram or more, less than 5
17			kilograms.
18			
19	893.135(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1
20			kilogram or more, less than 5
21			kilograms.
22			
23	893.135(1)(j)2.a.	1st	Trafficking in Phenethylamines,
24			10 grams or more, less than 200
25			grams.
26	896.101(5)(a)	3rd	Money laundering, financial
27			transactions exceeding \$300 but
28			less than \$20,000.
29	896.104(4)(a)1.	3rd	Structuring transactions to evade
30			reporting or registration
31			requirements, financial

1 transactions exceeding \$300 but  
2 less than \$20,000.

3 Section 6. This act shall take effect July 1, 2002.  
4  
5

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

7 And the title is amended as follows:

- 8 On page 1, line 11,
- 9 On page 1, line 17,
- 10 On page 2, line 6,

11  
12  
13 after the semicolon, insert:  
14 authorizing court to order restitution;  
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