

By the Committee on Criminal Justice; and Senator Smith

307-1788-02

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 specified offenses  
27          involving a hoax weapon of mass destruction;  
28          providing that proof a device caused injury or  
29          death or released radiation is prima facie  
30          evidence that the device was designed or  
31          intended to cause such death, injury, or

1 release; providing that it is a felony of the  
2 second degree to possess, display, or threaten  
3 to use a hoax weapon of mass destruction while  
4 committing or attempting to commit a felony;  
5 providing that certain devices or instruments  
6 are not weapons of mass destruction; amending  
7 s. 921.0022, F.S., relating to the offense  
8 severity ranking chart of the Criminal  
9 Punishment Code; conforming cross-references  
10 and provisions to changes made by the act;  
11 providing an effective date.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
14

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

17 790.163 False report about planting bomb, ~~or~~  
18 explosive, or weapon of mass destruction; penalty.--

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

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

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

9 Section 2. Section 790.164, Florida Statutes, is  
10 amended to read:

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

15 (1) It is unlawful for any person to make a false  
16 report, with intent to deceive, mislead, or otherwise  
17 misinform any person, concerning the placing or planting of  
18 any bomb, dynamite, ~~or~~ other deadly explosive, or weapon of  
19 mass destruction as defined in s. 790.166, or concerning any  
20 act of arson or other violence to property owned by the state  
21 or any political subdivision. Any person violating ~~the~~  
22 ~~provisions of this subsection~~ commits ~~is guilty of~~ a felony of  
23 the second degree, punishable as provided in s. 775.082, s.  
24 775.083, or 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 (4)(2)(a) There shall be a \$5,000 reward for the  
8 giving of information to any law enforcement agency in the  
9 state, which information leads to the arrest and conviction of  
10 any person violating the provisions of this section. Any  
11 person claiming such reward shall apply to the law enforcement  
12 agency developing the case and be paid by the Department of  
13 Law Enforcement from the deficiency fund.

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

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

23 Section 3. Section 790.165, Florida Statutes, is  
24 amended to read:

25 790.165 Planting of "hoax bomb" prohibited;  
26 penalties.--

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

1 inoperative facsimile or imitation of such a destructive  
2 device or explosive, or contains no destructive device or  
3 explosive as was represented.

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

11           (3) Any person who, while committing or attempting to  
12 commit any felony, possesses, displays, or threatens to use  
13 any hoax bomb commits a felony of the second degree,  
14 punishable as provided in s. 775.082, s. 775.083, or s.  
15 775.084.

16           (4) Notwithstanding any other law ~~the provisions of s.~~  
17 ~~948.01~~, adjudication of guilt or imposition of sentence may  
18 ~~shall~~ not be suspended, deferred, or withheld. However, the  
19 state attorney ~~or defense attorney~~ may move the sentencing  
20 court to reduce or suspend the sentence of any person who is  
21 convicted of a violation of this section and who provides  
22 substantial assistance in the identification, arrest, or  
23 conviction of any of his or her accomplices, accessories,  
24 coconspirators, or principals.

25           ~~(5)~~(4) ~~The provisions of~~ Subsection (2) does ~~shall~~ not  
26 apply to any law enforcement officer, firefighter, person, or  
27 corporation licensed pursuant to chapter 493, or member of the  
28 armed forces of the United States while engaged in training or  
29 other lawful activity within the scope of his or her  
30 employment, or to any person properly authorized to test a  
31 security system, or to any security personnel, while operating

1 within the scope of their employment, including, but not  
2 limited to, security personnel in airports and other  
3 controlled access areas, or to any member of a theatrical  
4 company or production using ~~utilizing~~ a hoax bomb as property  
5 during the course of a rehearsal or performance.

6 Section 4. Section 790.166, Florida Statutes, is  
7 amended to read:

8 790.166 Manufacture, possession, sale, delivery,  
9 display, use, or attempted or threatened use of a weapon of  
10 mass destruction or hoax weapon of mass destruction  
11 prohibited; definitions; penalties.--

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

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

14 1. Any device or object that is designed or intended  
15 to cause death or serious bodily injury to any human or animal  
16 through the release, dissemination, or impact of toxic or  
17 poisonous chemicals, or their precursors;

18 2. Any device or object involving a biological agent  
19 ~~disease organism; or~~

20 3. Any device or object that is designed to release  
21 radiation or radioactivity at a level dangerous to human or  
22 animal life; or-

23 4. Any biological agent, toxin, vector, or delivery  
24 system.

25 (b) "Hoax weapon of mass destruction" means any device  
26 or object that by its design, construction, content, or  
27 characteristics appears to be or to contain, or is represented  
28 to be, constitute, or contain, a weapon of mass destruction as  
29 defined in this section, but which is, in fact, an inoperative  
30 facsimile, imitation, counterfeit, or representation of a  
31 weapon of mass destruction which does not meet the definition

1 of a weapon of mass destruction or which does not actually  
2 contain or constitute a weapon, biological agent, toxin,  
3 vector, or delivery system prohibited by this section.

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

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

12 2. Deterioration of food, water, equipment, supplies,  
13 or material of any kind; or

14 3. Deleterious alteration of the environment.

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

19 1. Any poisonous substance or biological product that  
20 may be engineered through biotechnology produced by a living  
21 organism; or

22 2. Any poisonous isomer or biological product,  
23 homolog, or derivative of such substance.

24 (e) "Delivery system" means:

25 1. Any apparatus, equipment, device, or means of  
26 delivery specifically designed to deliver or disseminate a  
27 biological agent, toxin, or vector; or

28 2. Any vector.

29 (f) "Vector" means a living organism or molecule,  
30 including a recombinant molecule or biological product that  
31

1 may be engineered through biotechnology, capable of carrying a  
2 biological agent or toxin to a host.

3 (2) A person who, without lawful authority,  
4 manufactures, possesses, sells, 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 ~~weapon of mass destruction, including any biological agent,~~  
8 ~~toxin, vector, or delivery system as those terms are defined~~  
9 ~~in this section,~~ commits a felony of the first degree,  
10 punishable by imprisonment for a term of years not exceeding  
11 life or as provided in s. 775.082, s. 775.083, or s. 775.084,  
12 and if death results, commits a capital felony, punishable as  
13 provided in s. 775.082.

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

24 (4) Any person who, while committing or attempting to  
25 commit any felony, possesses, displays, or threatens to use  
26 any hoax weapon of mass destruction commits a felony of the  
27 second degree, punishable as provided in s. 775.082, s.  
28 775.083, or s. 775.084.

29 (5) Notwithstanding any other law, adjudication of  
30 guilt or imposition of sentence may not be suspended,  
31 deferred, or withheld for a violation of subsection (3) or



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

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

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

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

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

28 (a) A device or instrument that emits or discharges  
29 smoke or an offensive, noxious, or irritant liquid, powder,  
30 gas, or chemical for the purpose of immobilizing,  
31 incapacitating, or thwarting an attack by a person or animal

1 and that is lawfully possessed or used by a person for the  
2 purpose of self-protection or, as provided in subsection (7),  
3 is lawfully possessed or used by any member or employee of the  
4 Armed Forces of the United States, a federal or state  
5 governmental agency, or a private entity. A member or employee  
6 of a federal or state governmental agency includes, but is not  
7 limited to, a law enforcement officer, as defined in s.  
8 784.07; a federal law enforcement officer, as defined in s.  
9 901.1505; and an emergency service employee, as defined in s.  
10 496.404.

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

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

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

20 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(b) LEVEL 2
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

1	517.07	3rd	Registration of securities and
2			furnishing of prospectus
3			required.
4	590.28(1)	3rd	<u>Intentional or reckless burning</u>
5			<u>of lands</u> <del>Willful, malicious, or</del>
6			<del>intentional</del> burning.
7	784.05(3)	3rd	Storing or leaving a loaded
8			firearm within reach of minor who
9			uses it to inflict injury or
10			death.
11	787.04(1)	3rd	In violation of court order,
12			take, entice, etc., minor beyond
13			state limits.
14	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
15			or more to public communication
16			or any other public service.
17	810.09(2)(e)	3rd	Trespassing on posted commercial
18			horticulture property.
19	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
20			more but less than \$5,000.
21	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
22			more but less than \$300, taken
23			from unenclosed curtilage of
24			dwelling.
25	812.015(7)	3rd	Possession, use, or attempted use
26			of an antishoplifting or
27			inventory control device
28			countermeasure.
29	817.234(1)(a)2.	3rd	False statement in support of
30			insurance claim.
31			

1	817.481(3)(a)	3rd	Obtain credit or purchase with
2			false, expired, counterfeit,
3			etc., credit card, value over
4			\$300.
5	817.52(3)	3rd	Failure to redeliver hired
6			vehicle.
7	817.54	3rd	With intent to defraud, obtain
8			mortgage note, etc., by false
9			representation.
10	817.60(5)	3rd	Dealing in credit cards of
11			another.
12	817.60(6)(a)	3rd	Forgery; purchase goods, services
13			with false card.
14	817.61	3rd	Fraudulent use of credit cards
15			over \$100 or more within 6
16			months.
17	826.04	3rd	Knowingly marries or has sexual
18			intercourse with person to whom
19			related.
20	831.01	3rd	Forgery.
21	831.02	3rd	Uttering forged instrument;
22			utters or publishes alteration
23			with intent to defraud.
24	831.07	3rd	Forging bank bills, checks,
25			drafts, or promissory notes.
26	831.08	3rd	Possessing 10 or more forged
27			notes, bills, checks, or drafts.
28	831.09	3rd	Uttering forged notes, bills,
29			checks, drafts, or promissory
30			notes.
31			

1	831.11	3rd	Bringing into the state forged
2			bank bills, checks, drafts, or
3			notes.
4	832.05(3)(a)	3rd	Cashing or depositing item with
5			intent to defraud.
6	843.08	3rd	Falsely impersonating an officer.
7	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
8			(2)(c)1., (2)(c)2., (2)(c)3.,
9			(2)(c)5., (2)(c)6., (2)(c)7.,
10			(2)(c)8., (2)(c)9., (3), or (4)
11			drugs other than cannabis.
12	893.147(2)	3rd	Manufacture or delivery of drug
13			paraphernalia.
14			(e) LEVEL 5
15	316.027(1)(a)	3rd	Accidents involving personal
16			injuries, failure to stop;
17			leaving scene.
18	316.1935(4)	2nd	Aggravated fleeing or eluding.
19	322.34(6)	3rd	Careless operation of motor
20			vehicle with suspended license,
21			resulting in death or serious
22			bodily injury.
23	327.30(5)	3rd	Vessel accidents involving
24			personal injury; leaving scene.
25	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
26			knowing HIV positive.
27	790.01(2)	3rd	Carrying a concealed firearm.
28	790.162	2nd	Threat to throw or discharge
29			destructive device.
30	<u>790.163(1)</u> <del>790.163</del>	2nd	False report of deadly explosive
31			<u>or weapon of mass destruction.</u>

1	<del>790.165(2)</del>	3rd	<del>Manufacture, sell, possess, or</del>
2			<del>deliver hoax bomb.</del>
3	790.221(1)	2nd	Possession of short-barreled
4			shotgun or machine gun.
5	790.23	2nd	Felons in possession of firearms
6			or electronic weapons or devices.
7	800.04(6)(c)	3rd	Lewd or lascivious conduct;
8			offender less than 18 years.
9	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
10			offender 18 years or older.
11	806.111(1)	3rd	Possess, manufacture, or dispense
12			fire bomb with intent to damage
13			any structure or property.
14	812.015(8)	3rd	Retail theft; property stolen is
15			valued at \$300 or more and one or
16			more specified acts.
17	812.019(1)	2nd	Stolen property; dealing in or
18			trafficking in.
19	812.131(2)(b)	3rd	Robbery by sudden snatching.
20	812.16(2)	3rd	Owning, operating, or conducting
21			a chop shop.
22	817.034(4)(a)2.	2nd	Communications fraud, value
23			\$20,000 to \$50,000.
24	817.234(11)(b)	2nd	Insurance fraud; property value
25			\$20,000 or more but less than
26			\$100,000.
27	817.568(2)(b)	2nd	Fraudulent use of personal
28			identification information; value
29			of benefit, services received,
30			payment avoided, or amount of
31			injury or fraud, \$75,000 or more.

1	817.625(2)(b)	2nd	Second or subsequent fraudulent
2			use of scanning device or
3			reencoder.
4	825.1025(4)	3rd	Lewd or lascivious exhibition in
5			the presence of an elderly person
6			or disabled adult.
7	827.071(4)	2nd	Possess with intent to promote
8			any photographic material, motion
9			picture, etc., which includes
10			sexual conduct by a child.
11	843.01	3rd	Resist officer with violence to
12			person; resist arrest with
13			violence.
14	874.05(2)	2nd	Encouraging or recruiting another
15			to join a criminal street gang;
16			second or subsequent offense.
17	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
18			cocaine (or other s.
19			893.03(1)(a), (1)(b), (1)(d),
20			(2)(a), (2)(b), or (2)(c)4.
21			drugs).
22	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
23			cannabis (or other s.
24			893.03(1)(c), (2)(c)1., (2)(c)2.,
25			(2)(c)3., (2)(c)5., (2)(c)6.,
26			(2)(c)7., (2)(c)8., (2)(c)9.,
27			(3), or (4) drugs) within 1,000
28			feet of a child care facility or
29			school.
30			
31			

1	893.13(1)(d)1.	1st	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) within 200 feet of
6			university or public park.
7	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
8			cannabis or other drug prohibited
9			under s. 893.03(1)(c), (2)(c)1.,
10			(2)(c)2., (2)(c)3., (2)(c)5.,
11			(2)(c)6., (2)(c)7., (2)(c)8.,
12			(2)(c)9., (3), or (4) within
13			1,000 feet of property used for
14			religious services or a specified
15			business site.
16	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
17			cocaine (or other s.
18			893.03(1)(a), (1)(b), (1)(d), or
19			(2)(a), (2)(b), or (2)(c)4.
20			drugs) within 200 feet of public
21			housing facility.
22	893.13(4)(b)	2nd	Deliver to minor cannabis (or
23			other s. 893.03(1)(c), (2)(c)1.,
24			(2)(c)2., (2)(c)3., (2)(c)5.,
25			(2)(c)6., (2)(c)7., (2)(c)8.,
26			(2)(c)9., (3), or (4) drugs).
27			(f) LEVEL 6
28	316.027(1)(b)	2nd	Accident involving death, failure
29			to stop; leaving scene.
30	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
31			conviction.



1	775.0875(1)	3rd	Taking firearm from law
2			enforcement officer.
3	775.21(10)	3rd	Sexual predators; failure to
4			register; failure to renew
5			driver's license or
6			identification card.
7	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
8			without intent to kill.
9	784.021(1)(b)	3rd	Aggravated assault; intent to
10			commit felony.
11	784.041	3rd	Felony battery.
12	784.048(3)	3rd	Aggravated stalking; credible
13			threat.
14	784.048(5)	3rd	Aggravated stalking of person
15			under 16.
16	784.07(2)(c)	2nd	Aggravated assault on law
17			enforcement officer.
18	784.074(1)(b)	2nd	Aggravated assault on sexually
19			violent predators facility staff.
20	784.08(2)(b)	2nd	Aggravated assault on a person 65
21			years of age or older.
22	784.081(2)	2nd	Aggravated assault on specified
23			official or employee.
24	784.082(2)	2nd	Aggravated assault by detained
25			person on visitor or other
26			detainee.
27	784.083(2)	2nd	Aggravated assault on code
28			inspector.
29	787.02(2)	3rd	False imprisonment; restraining
30			with purpose other than those in
31			s. 787.01.

1	790.115(2)(d)	2nd	Discharging firearm or weapon on
2			school property.
3	790.161(2)	2nd	Make, possess, or throw
4			destructive device with intent to
5			do bodily harm or damage
6			property.
7	790.164(1)	2nd	False report of deadly explosive, <u>weapon of mass destruction,</u> or
8			
9			act of arson or violence to state
10			property.
11	790.19	2nd	Shooting or throwing deadly
12			missiles into dwellings, vessels,
13			or vehicles.
14	794.011(8)(a)	3rd	Solicitation of minor to
15			participate in sexual activity by
16			custodial adult.
17	794.05(1)	2nd	Unlawful sexual activity with
18			specified minor.
19	800.04(5)(d)	3rd	Lewd or lascivious molestation;
20			victim 12 years of age or older
21			but less than 16 years; offender
22			less than 18 years.
23	800.04(6)(b)	2nd	Lewd or lascivious conduct;
24			offender 18 years of age or
25			older.
26	806.031(2)	2nd	Arson resulting in great bodily
27			harm to firefighter or any other
28			person.
29	810.02(3)(c)	2nd	Burglary of occupied structure;
30			unarmed; no assault or battery.
31			

1	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
2			but less than \$100,000, grand
3			theft in 2nd degree.
4	812.014(2)(b)2.	2nd	Property stolen cargo valued at
5			less than \$50,000, grand theft in
6			2nd degree.
7	812.015(9)	2nd	Retail theft; property stolen
8			\$300 or more; second or
9			subsequent conviction.
10	812.13(2)(c)	2nd	Robbery, no firearm or other
11			weapon (strong-arm robbery).
12	817.034(4)(a)1.	1st	Communications fraud, value
13			greater than \$50,000.
14	817.4821(5)	2nd	Possess cloning paraphernalia
15			with intent to create cloned
16			cellular telephones.
17	825.102(1)	3rd	Abuse of an elderly person or
18			disabled adult.
19	825.102(3)(c)	3rd	Neglect of an elderly person or
20			disabled adult.
21	825.1025(3)	3rd	Lewd or lascivious molestation of
22			an elderly person or disabled
23			adult.
24	825.103(2)(c)	3rd	Exploiting an elderly person or
25			disabled adult and property is
26			valued at less than \$20,000.
27	827.03(1)	3rd	Abuse of a child.
28	827.03(3)(c)	3rd	Neglect of a child.
29	827.071(2)&(3)	2nd	Use or induce a child in a sexual
30			performance, or promote or direct
31			such performance.

1	836.05	2nd	Threats; extortion.
2	836.10	2nd	Written threats to kill or do
3			bodily injury.
4	843.12	3rd	Aids or assists person to escape.
5	847.0135(3)	3rd	Solicitation of a child, via a
6			computer service, to commit an
7			unlawful sex act.
8	914.23	2nd	Retaliation against a witness,
9			victim, or informant, with bodily
10			injury.
11	943.0435(9)	3rd	Sex offenders; failure to comply
12			with reporting requirements.
13	944.35(3)(a)2.	3rd	Committing malicious battery upon
14			or inflicting cruel or inhuman
15			treatment on an inmate or
16			offender on community
17			supervision, resulting in great
18			bodily harm.
19	944.40	2nd	Escapes.
20	944.46	3rd	Harboring, concealing, aiding
21			escaped prisoners.
22	944.47(1)(a)5.	2nd	Introduction of contraband
23			(firearm, weapon, or explosive)
24			into correctional facility.
25	951.22(1)	3rd	Intoxicating drug, firearm, or
26			weapon introduced into county
27			facility.
28			(g) LEVEL 7
29	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
30			injury.
31			

1	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
2			bodily injury.
3	402.319(2)	2nd	Misrepresentation and negligence
4			or intentional act resulting in
5			great bodily harm, permanent
6			disfiguration, permanent
7			disability, or death.
8	409.920(2)	3rd	Medicaid provider fraud.
9	456.065(2)	3rd	Practicing a health care
10			profession without a license.
11	456.065(2)	2nd	Practicing a health care
12			profession without a license
13			which results in serious bodily
14			injury.
15	458.327(1)	3rd	Practicing medicine without a
16			license.
17	459.013(1)	3rd	Practicing osteopathic medicine
18			without a license.
19	460.411(1)	3rd	Practicing chiropractic medicine
20			without a license.
21	461.012(1)	3rd	Practicing podiatric medicine
22			without a license.
23	462.17	3rd	Practicing naturopathy without a
24			license.
25	463.015(1)	3rd	Practicing optometry without a
26			license.
27	464.016(1)	3rd	Practicing nursing without a
28			license.
29	465.015(2)	3rd	Practicing pharmacy without a
30			license.
31			

1	466.026(1)	3rd	Practicing dentistry or dental
2			hygiene without a license.
3	467.201	3rd	Practicing midwifery without a
4			license.
5	468.366	3rd	Delivering respiratory care
6			services without a license.
7	483.828(1)	3rd	Practicing as clinical laboratory
8			personnel without a license.
9	483.901(9)	3rd	Practicing medical physics
10			without a license.
11	484.013(1)(c)	3rd	Preparing or dispensing optical
12			devices without a prescription.
13	484.053	3rd	Dispensing hearing aids without a
14			license.
15	494.0018(2)	1st	Conviction of any violation of
16			ss. 494.001-494.0077 in which the
17			total money and property
18			unlawfully obtained exceeded
19			\$50,000 and there were five or
20			more victims.
21	560.123(8)(b)1.	3rd	Failure to report currency or
22			payment instruments exceeding
23			\$300 but less than \$20,000 by
24			money transmitter.
25	560.125(5)(a)	3rd	Money transmitter business by
26			unauthorized person, currency or
27			payment instruments exceeding
28			\$300 but less than \$20,000.
29			
30			
31			

1	655.50(10)(b)1.	3rd	Failure to report financial
2			transactions exceeding \$300 but
3			less than \$20,000 by financial
4			institution.
5	782.051(3)	2nd	Attempted felony murder of a
6			person by a person other than the
7			perpetrator or the perpetrator of
8			an attempted felony.
9	782.07(1)	2nd	Killing of a human being by the
10			act, procurement, or culpable
11			negligence of another
12			(manslaughter).
13	782.071	2nd	Killing of human being or viable
14			fetus by the operation of a motor
15			vehicle in a reckless manner
16			(vehicular homicide).
17	782.072	2nd	Killing of a human being by the
18			operation of a vessel in a
19			reckless manner (vessel
20			homicide).
21	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
22			causing great bodily harm or
23			disfigurement.
24	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
25			weapon.
26	784.045(1)(b)	2nd	Aggravated battery; perpetrator
27			aware victim pregnant.
28	784.048(4)	3rd	Aggravated stalking; violation of
29			injunction or court order.
30	784.07(2)(d)	1st	Aggravated battery on law
31			enforcement officer.

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



1	796.03	2nd	Procuring any person under 16
2			years for prostitution.
3	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
4			victim less than 12 years of age;
5			offender less than 18 years.
6	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
7			victim 12 years of age or older
8			but less than 16 years; offender
9			18 years or older.
10	806.01(2)	2nd	Maliciously damage structure by
11			fire or explosive.
12	810.02(3)(a)	2nd	Burglary of occupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
15			unarmed; no assault or battery.
16	810.02(3)(d)	2nd	Burglary of occupied conveyance;
17			unarmed; no assault or battery.
18	812.014(2)(a)	1st	Property stolen, valued at
19			\$100,000 or more; cargo stolen
20			valued at \$50,000, or more;
21			property stolen while causing
22			other property damage; 1st degree
23			grand theft.
24	812.014(2)(b)2.	2nd	Property stolen, emergency
25			medical equipment; 2nd degree
26			grand theft.
27	812.019(2)	1st	Stolen property; initiates,
28			organizes, plans, etc., the theft
29			of property and traffics in
30			stolen property.
31	812.131(2)(a)	2nd	Robbery by sudden snatching.

1	812.133(2)(b)	1st	Carjacking; no firearm, deadly
2			weapon, or other weapon.
3	817.234(11)(c)	1st	Insurance fraud; property value
4			\$100,000 or more.
5	825.102(3)(b)	2nd	Neglecting an elderly person or
6			disabled adult causing great
7			bodily harm, disability, or
8			disfigurement.
9	825.1025(2)	2nd	Lewd or lascivious battery upon
10			an elderly person or disabled
11			adult.
12	825.103(2)(b)	2nd	Exploiting an elderly person or
13			disabled adult and property is
14			valued at \$20,000 or more, but
15			less than \$100,000.
16	827.03(3)(b)	2nd	Neglect of a child causing great
17			bodily harm, disability, or
18			disfigurement.
19	827.04(3)	3rd	Impregnation of a child under 16
20			years of age by person 21 years
21			of age or older.
22	837.05(2)	3rd	Giving false information about
23			alleged capital felony to a law
24			enforcement officer.
25	872.06	2nd	Abuse of a dead human body.
26	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
27			cocaine (or other drug prohibited
28			under s. 893.03(1)(a), (1)(b),
29			(1)(d), (2)(a), (2)(b), or
30			(2)(c)4.) within 1,000 feet of a
31			child care facility or school.

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

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

1	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
2	560.123(8)(b)2.	2nd	Failure to report currency or
3			payment instruments totaling or
4			exceeding \$20,000, but less than
5			\$100,000 by money transmitter.
6	560.125(5)(b)	2nd	Money transmitter business by
7			unauthorized person, currency or
8			payment instruments totaling or
9			exceeding \$20,000, but less than
10			\$100,000.
11	655.50(10)(b)2.	2nd	Failure to report financial
12			transactions totaling or
13			exceeding \$20,000, but less than
14			\$100,000 by financial
15			institutions.
16	777.03(2)(a)	1st	Accessory after the fact, capital
17			felony.
18	782.04(4)	2nd	Killing of human without design
19			when engaged in act or attempt of
20			any felony other than arson,
21			sexual battery, robbery,
22			burglary, kidnapping, aircraft
23			piracy, or unlawfully discharging
24			bomb.
25	782.051(2)	1st	Attempted felony murder while
26			perpetrating or attempting to
27			perpetrate a felony not
28			enumerated in s. 782.04(3).
29	782.071(1)(b)	1st	Committing vehicular homicide and
30			failing to render aid or give
31			information.

1	782.072(2)	1st	Committing vessel homicide and
2			failing to render aid or give
3			information.
4	790.161(3)	1st	Discharging a destructive device
5			which results in bodily harm or
6			property damage.
7	794.011(5)	2nd	Sexual battery, victim 12 years
8			or over, offender does not use
9			physical force likely to cause
10			serious injury.
11	800.04(4)	2nd	Lewd or lascivious battery.
12	806.01(1)	1st	Maliciously damage dwelling or
13			structure by fire or explosive,
14			believing person in structure.
15	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
16	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
17			or dangerous weapon.
18	810.02(2)(c)	1st	Burglary of a dwelling or
19			structure causing structural
20			damage or \$1,000 or more property
21			damage.
22	812.13(2)(b)	1st	Robbery with a weapon.
23	812.135(2)	1st	Home-invasion robbery.
24	825.102(2)	2nd	Aggravated abuse of an elderly
25			person or disabled adult.
26	825.103(2)(a)	1st	Exploiting an elderly person or
27			disabled adult and property is
28			valued at \$100,000 or more.
29	837.02(2)	2nd	Perjury in official proceedings
30			relating to prosecution of a
31			capital felony.

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 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
25 COMMITTEE SUBSTITUTE FOR  
26 Senate Bill 998

- 27 - Applicable to hoax weapon of mass destruction offenses,  
28 authorizes a state attorney to move for a reduction or  
29 suspension of sentence based upon the defendant's  
30 substantial assistance.  
31 - Clarifies that definition of "weapons of mass  
destruction" does not include certain instruments or  
devices lawfully used for self-protection or used by law  
enforcement officers or others, as specified, in the  
course of their official duties.