

1
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 authorizing court to order restitution;
13 amending s. 790.165, F.S.; revising the
14 elements of the offense of planting a hoax bomb
15 to prohibit sending, mailing, or using a hoax
16 bomb or threatening, attempting, or conspiring
17 to use a hoax bomb; enhancing the penalty
18 imposed for committing such offense;
19 authorizing court to order restitution;
20 amending s. 790.166, F.S.; redefining the term
21 "weapon of mass destruction" to include a
22 device or object that is intended to kill or
23 injure an animal, that involves a biological
24 agent, or that is designed to release radiation
25 or any biological agent, toxin, vector, or
26 delivery system; prohibiting the court from
27 suspending or withholding adjudication of guilt
28 or imposition of sentence for specified
29 offenses involving a hoax weapon of mass
30 destruction; providing that proof a device
31 caused injury or death or released radiation is

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

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 790.163, Florida Statutes, is
19 amended to read:

20 790.163 False report about planting bomb,~~or~~
21 explosive, or weapon of mass destruction; penalty.--

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

30 (2) Notwithstanding any other law, adjudication of
31 guilt or imposition of sentence for a violation of this

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

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

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

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

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

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

1 ~~provisions of this subsection commits is guilty of~~ a felony of
2 the second degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084.

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

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

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

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

28 (c) The Department of Law Enforcement shall establish
29 procedures to be used by all reward applicants, and the
30 circuit judge in whose jurisdiction the action occurs shall
31

1 review all such applications and make final determination as
2 to those applicants entitled to receive an award.

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

10 Section 3. Section 790.165, Florida Statutes, is
11 amended to read:

12 790.165 Planting of "hoax bomb" prohibited;
13 penalties.--

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

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

29 (3) Any person who, while committing or attempting to
30 commit any felony, possesses, displays, or threatens to use
31 any hoax bomb commits a felony of the second degree,

1 punishable as provided in s. 775.082, s. 775.083, or s.
2 775.084. Notwithstanding any other law ~~the provisions of s.~~
3 ~~948.01~~, adjudication of guilt or imposition of sentence may
4 ~~shall~~ not be suspended, deferred, or withheld. However, the
5 state attorney ~~or defense attorney~~ may move the sentencing
6 court to reduce or suspend the sentence of any person who is
7 convicted of a violation of this section and who provides
8 substantial assistance in the identification, arrest, or
9 conviction of any of his or her accomplices, accessories,
10 coconspirators, or principals.

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

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

30 Section 4. Section 790.166, Florida Statutes, is
31 amended to read:

1 790.166 Manufacture, possession, sale, delivery,
2 display, use, or attempted or threatened use of a weapon of
3 mass destruction or hoax weapon of mass destruction
4 prohibited; definitions; penalties.--

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

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

7 1. Any device or object that is designed or intended
8 to cause death or serious bodily injury to any human or
9 animal, or severe emotional or mental harm to any human,
10 through the release, dissemination, or impact of toxic or
11 poisonous chemicals, or their precursors;

12 2. Any device or object involving a biological agent
13 ~~disease organism; or~~

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

17 4. Any biological agent, toxin, vector, or delivery
18 system.

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

29 (c) "Biological agent" means any microorganism, virus,
30 infectious substance, or biological product that may be
31 engineered through biotechnology, or any naturally occurring

1 or bioengineered component of any such microorganism, virus,
2 infectious substance, or biological product, capable of
3 causing:

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

6 2. Deterioration of food, water, equipment, supplies,
7 or material of any kind; or

8 3. Deleterious alteration of the environment.

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

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

16 2. Any poisonous isomer or biological product,
17 homolog, or derivative of such substance.

18 (e) "Delivery system" means:

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

22 2. Any vector.

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

27 (2) A person who, without lawful authority,
28 manufactures, possesses, sells, delivers, sends, mails,
29 displays, uses, threatens to use, attempts to use, or
30 conspires to use, or who makes readily accessible to others a
31 weapon of mass destruction, ~~including any biological agent,~~

1 ~~toxin, vector, or delivery system as those terms are defined~~
2 ~~in this section,~~ commits a felony of the first degree,
3 punishable by imprisonment for a term of years not exceeding
4 life or as provided in s. 775.082, s. 775.083, or s. 775.084,
5 and if death results, commits a capital felony, punishable as
6 provided in s. 775.082.

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

17 (4) Any person who, while committing or attempting to
18 commit any felony, possesses, displays, or threatens to use
19 any hoax weapon of mass destruction commits a felony of the
20 second degree, punishable as provided in s. 775.082, s.
21 775.083, or s. 775.084.

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

31

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

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

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

23 (a) A device or instrument that emits or discharges
24 smoke or an offensive, noxious, or irritant liquid, powder,
25 gas, or chemical for the purpose of immobilizing,
26 incapacitating, or thwarting an attack by a person or animal
27 and that is lawfully possessed or used by a person for the
28 purpose of self-protection or, as provided in subsection (7),
29 is lawfully possessed or used by any member or employee of the
30 Armed Forces of the United States, a federal or state
31 governmental agency, or a private entity. A member or employee

1 of a federal or state governmental agency includes, but is not
 2 limited to, a law enforcement officer, as defined in s.
 3 784.07; a federal law enforcement officer, as defined in s.
 4 901.1505; and an emergency service employee, as defined in s.
 5 496.404.

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

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

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

20 921.0022 Criminal Punishment Code; offense severity
 21 ranking chart.--

22 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	Description
Statute	Degree	Description
316.027(1)(a)	3rd	(e) LEVEL 5 Accidents involving personal injuries, failure to stop; leaving scene.

ENROLLED

2002 Legislature

CS for SB 998, 2nd Engrossed

1	316.1935(4)	2nd	Aggravated fleeing or eluding.
2	322.34(6)	3rd	Careless operation of motor
3			vehicle with suspended license,
4			resulting in death or serious
5			bodily injury.
6	327.30(5)	3rd	Vessel accidents involving
7			personal injury; leaving scene.
8	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
9			knowing HIV positive.
10	790.01(2)	3rd	Carrying a concealed firearm.
11	790.162	2nd	Threat to throw or discharge
12			destructive device.
13	<u>790.163(1)</u> 790.163	2nd	False report of deadly explosive
14			<u>or weapon of mass destruction.</u>
15	790.165(2)	3rd	Manufacture, sell, possess, or
16			deliver hoax bomb.
17	790.221(1)	2nd	Possession of short-barreled
18			shotgun or machine gun.
19	790.23	2nd	Felons in possession of firearms
20			or electronic weapons or devices.
21	800.04(6)(c)	3rd	Lewd or lascivious conduct;
22			offender less than 18 years.
23	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
24			offender 18 years or older.
25	806.111(1)	3rd	Possess, manufacture, or dispense
26			fire bomb with intent to damage
27			any structure or property.
28	812.015(8)	3rd	Retail theft; property stolen is
29			valued at \$300 or more and one or
30			more specified acts.
31			

ENROLLED

2002 Legislature

CS for SB 998, 2nd Engrossed

1	812.019(1)	2nd	Stolen property; dealing in or
2			trafficking in.
3	812.131(2)(b)	3rd	Robbery by sudden snatching.
4	812.16(2)	3rd	Owning, operating, or conducting
5			a chop shop.
6	817.034(4)(a)2.	2nd	Communications fraud, value
7			\$20,000 to \$50,000.
8	817.234(11)(b)	2nd	Insurance fraud; property value
9			\$20,000 or more but less than
10			\$100,000.
11	817.568(2)(b)	2nd	Fraudulent use of personal
12			identification information; value
13			of benefit, services received,
14			payment avoided, or amount of
15			injury or fraud, \$75,000 or more.
16	817.625(2)(b)	2nd	Second or subsequent fraudulent
17			use of scanning device or
18			reencoder.
19	825.1025(4)	3rd	Lewd or lascivious exhibition in
20			the presence of an elderly person
21			or disabled adult.
22	827.071(4)	2nd	Possess with intent to promote
23			any photographic material, motion
24			picture, etc., which includes
25			sexual conduct by a child.
26	843.01	3rd	Resist officer with violence to
27			person; resist arrest with
28			violence.
29	874.05(2)	2nd	Encouraging or recruiting another
30			to join a criminal street gang;
31			second or subsequent offense.

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

1	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other s.
3			893.03(1)(a), (1)(b), (1)(d), or
4			(2)(a), (2)(b), or (2)(c)4.
5			drugs) within 200 feet of public
6			housing facility.
7	893.13(4)(b)	2nd	Deliver to minor cannabis (or
8			other s. 893.03(1)(c), (2)(c)1.,
9			(2)(c)2., (2)(c)3., (2)(c)5.,
10			(2)(c)6., (2)(c)7., (2)(c)8.,
11			(2)(c)9., (3), or (4) drugs).
12			(f) LEVEL 6
13	316.027(1)(b)	2nd	Accident involving death, failure
14			to stop; leaving scene.
15	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
16			conviction.
17	775.0875(1)	3rd	Taking firearm from law
18			enforcement officer.
19	775.21(10)	3rd	Sexual predators; failure to
20			register; failure to renew
21			driver's license or
22			identification card.
23	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
24			without intent to kill.
25	784.021(1)(b)	3rd	Aggravated assault; intent to
26			commit felony.
27	784.041	3rd	Felony battery.
28	784.048(3)	3rd	Aggravated stalking; credible
29			threat.
30	784.048(5)	3rd	Aggravated stalking of person
31			under 16.

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

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

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

1	944.35(3)(a)2.	3rd	Committing malicious battery upon
2			or inflicting cruel or inhuman
3			treatment on an inmate or
4			offender on community
5			supervision, resulting in great
6			bodily harm.
7	944.40	2nd	Escapes.
8	944.46	3rd	Harboring, concealing, aiding
9			escaped prisoners.
10	944.47(1)(a)5.	2nd	Introduction of contraband
11			(firearm, weapon, or explosive)
12			into correctional facility.
13	951.22(1)	3rd	Intoxicating drug, firearm, or
14			weapon introduced into county
15			facility.
16			(g) LEVEL 7
17	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
18			injury.
19	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
20			bodily injury.
21	402.319(2)	2nd	Misrepresentation and negligence
22			or intentional act resulting in
23			great bodily harm, permanent
24			disfiguration, permanent
25			disability, or death.
26	409.920(2)	3rd	Medicaid provider fraud.
27	456.065(2)	3rd	Practicing a health care
28			profession without a license.
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1	456.065(2)	2nd	Practicing a health care
2			profession without a license
3			which results in serious bodily
4			injury.
5	458.327(1)	3rd	Practicing medicine without a
6			license.
7	459.013(1)	3rd	Practicing osteopathic medicine
8			without a license.
9	460.411(1)	3rd	Practicing chiropractic medicine
10			without a license.
11	461.012(1)	3rd	Practicing podiatric medicine
12			without a license.
13	462.17	3rd	Practicing naturopathy without a
14			license.
15	463.015(1)	3rd	Practicing optometry without a
16			license.
17	464.016(1)	3rd	Practicing nursing without a
18			license.
19	465.015(2)	3rd	Practicing pharmacy without a
20			license.
21	466.026(1)	3rd	Practicing dentistry or dental
22			hygiene without a license.
23	467.201	3rd	Practicing midwifery without a
24			license.
25	468.366	3rd	Delivering respiratory care
26			services without a license.
27	483.828(1)	3rd	Practicing as clinical laboratory
28			personnel without a license.
29	483.901(9)	3rd	Practicing medical physics
30			without a license.
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1	484.013(1)(c)	3rd	Preparing or dispensing optical
2			devices without a prescription.
3	484.053	3rd	Dispensing hearing aids without a
4			license.
5	494.0018(2)	1st	Conviction of any violation of
6			ss. 494.001-494.0077 in which the
7			total money and property
8			unlawfully obtained exceeded
9			\$50,000 and there were five or
10			more victims.
11	560.123(8)(b)1.	3rd	Failure to report currency or
12			payment instruments exceeding
13			\$300 but less than \$20,000 by
14			money transmitter.
15	560.125(5)(a)	3rd	Money transmitter business by
16			unauthorized person, currency or
17			payment instruments exceeding
18			\$300 but less than \$20,000.
19	655.50(10)(b)1.	3rd	Failure to report financial
20			transactions exceeding \$300 but
21			less than \$20,000 by financial
22			institution.
23	782.051(3)	2nd	Attempted felony murder of a
24			person by a person other than the
25			perpetrator or the perpetrator of
26			an attempted felony.
27	782.07(1)	2nd	Killing of a human being by the
28			act, procurement, or culpable
29			negligence of another
30			(manslaughter).
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1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.07(2)(d)	1st	Aggravated battery on law
19			enforcement officer.
20	784.074(1)(a)	1st	Aggravated battery on sexually
21			violent predators facility staff.
22	784.08(2)(a)	1st	Aggravated battery on a person 65
23			years of age or older.
24	784.081(1)	1st	Aggravated battery on specified
25			official or employee.
26	784.082(1)	1st	Aggravated battery by detained
27			person on visitor or other
28			detainee.
29	784.083(1)	1st	Aggravated battery on code
30			inspector.
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1	790.07(4)	1st	Specified weapons violation
2			subsequent to previous conviction
3			of s. 790.07(1) or (2).
4	790.16(1)	1st	Discharge of a machine gun under
5			specified circumstances.
6	<u>790.165(2)</u>	<u>2nd</u>	<u>Manufacture, sell, possess, or</u>
7			<u>deliver hoax bomb.</u>
8	<u>790.165(3)</u>	<u>2nd</u>	<u>Possessing, displaying, or</u>
9			<u>threatening to use any hoax bomb</u>
10			<u>while committing or attempting to</u>
11			<u>commit a felony.</u>
12	790.166(3)	2nd	Possessing, selling, using, or
13			attempting to use a hoax weapon
14			of mass destruction.
15	<u>790.166(4)</u>	<u>2nd</u>	<u>Possessing, displaying, or</u>
16			<u>threatening to use a hoax weapon</u>
17			<u>of mass destruction while</u>
18			<u>committing or attempting to</u>
19			<u>commit a felony.</u>
20	796.03	2nd	Procuring any person under 16
21			years for prostitution.
22	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
23			victim less than 12 years of age;
24			offender less than 18 years.
25	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
26			victim 12 years of age or older
27			but less than 16 years; offender
28			18 years or older.
29	806.01(2)	2nd	Maliciously damage structure by
30			fire or explosive.
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1	810.02(3)(a)	2nd	Burglary of occupied dwelling;
2			unarmed; no assault or battery.
3	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(d)	2nd	Burglary of occupied conveyance;
6			unarmed; no assault or battery.
7	812.014(2)(a)	1st	Property stolen, valued at
8			\$100,000 or more; cargo stolen
9			valued at \$50,000, or more;
10			property stolen while causing
11			other property damage; 1st degree
12			grand theft.
13	812.014(2)(b)2.	2nd	Property stolen, emergency
14			medical equipment; 2nd degree
15			grand theft.
16	812.019(2)	1st	Stolen property; initiates,
17			organizes, plans, etc., the theft
18			of property and traffics in
19			stolen property.
20	812.131(2)(a)	2nd	Robbery by sudden snatching.
21	812.133(2)(b)	1st	Carjacking; no firearm, deadly
22			weapon, or other weapon.
23	817.234(11)(c)	1st	Insurance fraud; property value
24			\$100,000 or more.
25	825.102(3)(b)	2nd	Neglecting an elderly person or
26			disabled adult causing great
27			bodily harm, disability, or
28			disfigurement.
29	825.1025(2)	2nd	Lewd or lascivious battery upon
30			an elderly person or disabled
31			adult.

1	825.103(2)(b)	2nd	Exploiting an elderly person or
2			disabled adult and property is
3			valued at \$20,000 or more, but
4			less than \$100,000.
5	827.03(3)(b)	2nd	Neglect of a child causing great
6			bodily harm, disability, or
7			disfigurement.
8	827.04(3)	3rd	Impregnation of a child under 16
9			years of age by person 21 years
10			of age or older.
11	837.05(2)	3rd	Giving false information about
12			alleged capital felony to a law
13			enforcement officer.
14	872.06	2nd	Abuse of a dead human body.
15	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
16			cocaine (or other drug prohibited
17			under s. 893.03(1)(a), (1)(b),
18			(1)(d), (2)(a), (2)(b), or
19			(2)(c)4.) within 1,000 feet of a
20			child care facility or school.
21	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
22			cocaine or other drug prohibited
23			under s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4., within 1,000 feet of
26			property used for religious
27			services or a specified business
28			site.
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1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), (2)(b), or
4			(2)(c)4. drugs).
5			
6	893.135(1)(a)1.	1st	Trafficking in cannabis, more
7			than 25 lbs., less than 2,000
8			lbs.
9			
10	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than
11			28 grams, less than 200 grams.
12	893.135		
13	(1)(c)1.a.	1st	Trafficking in illegal drugs,
14			more than 4 grams, less than 14
15			grams.
16	893.135		
17	(1)(d)1.	1st	Trafficking in phencyclidine,
18			more than 28 grams, less than 200
19			grams.
20	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
21			than 200 grams, less than 5
22			kilograms.
23	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
24			than 14 grams, less than 28
25			grams.
26	893.135		
27	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
28			grams or more, less than 14
29			grams.
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1 893.135
2 (1)(h)1.a. 1st Trafficking in
3 gamma-hydroxybutyric acid (GHB),
4 1 kilogram or more, less than 5
5 kilograms.
6
7 893.135(1)(i)1.a. 1st Trafficking in 1,4-Butanediol, 1
8 kilogram or more, less than 5
9 kilograms.
10
11 893.135(1)(j)2.a. 1st Trafficking in Phenethylamines,
12 10 grams or more, less than 200
13 grams.
14 896.101(5)(a) 3rd Money laundering, financial
15 transactions exceeding \$300 but
16 less than \$20,000.
17 896.104(4)(a)1. 3rd Structuring transactions to evade
18 reporting or registration
19 requirements, financial
20 transactions exceeding \$300 but
21 less than \$20,000.

22 Section 6. This act shall take effect July 1, 2002.
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