

Committee Substitute for Senate Bill No. 998

An act relating to criminal justice; amending ss. 790.163, 790.164, F.S.; prohibiting making a false report concerning the placing or planting of a weapon of mass destruction; providing a penalty; prohibiting the court from suspending or withholding adjudication of guilt or imposition of sentence for such offense; providing that proof of a person knowingly making a false report is prima facie evidence of intent to deceive or provide misinformation; authorizing court to order restitution; amending s. 790.165, F.S.; revising the elements of the offense of planting a hoax bomb to prohibit sending, mailing, or using a hoax bomb or threatening, attempting, or conspiring to use a hoax bomb; enhancing the penalty imposed for committing such offense; authorizing court to order restitution; amending s. 790.166, F.S.; redefining the term “weapon of mass destruction” to include a device or object that is intended to kill or injure an animal, that involves a biological agent, or that is designed to release radiation or any biological agent, toxin, vector, or delivery system; prohibiting the court from suspending or withholding adjudication of guilt or imposition of sentence for specified offenses involving a hoax weapon of mass destruction; providing that proof a device caused injury or death or released radiation is prima facie evidence that the device was designed or intended to cause such death, injury, or release; providing that it is a felony of the second degree to possess, display, or threaten to use a hoax weapon of mass destruction while committing or attempting to commit a felony; providing that certain devices or instruments are not weapons of mass destruction; authorizing court to order restitution; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming cross-references and provisions to changes made by the act; providing an effective date.

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

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, the state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation

of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals.

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

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

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

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

(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, or concerning any act of arson or other violence to property owned by the state or any political subdivision. Any person violating ~~the provisions of this subsection~~ 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, the state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals.

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

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

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

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

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

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

790.165 Planting of “hoax bomb” prohibited; penalties.—

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

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

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

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

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

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

790.166 Manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction or hoax weapon of mass destruction prohibited; definitions; penalties.—

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

(a) “Weapon of mass destruction” means:

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

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

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

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

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

(c) “Biological agent” means any microorganism, virus, infectious substance, or biological product that may be engineered through biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, capable of causing:

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

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

3. Deleterious alteration of the environment.

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

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

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

(e) “Delivery system” means:

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

2. Any vector.

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

(2) A person who, without lawful authority, manufactures, possesses, sells, delivers, sends, mails, displays, uses, threatens to use, attempts to use, or conspires to use, or who makes readily accessible to others a weapon of mass destruction, ~~including any biological agent, toxin, vector, or delivery system as those terms are defined in this section,~~ commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084, and if death results, commits a capital felony, punishable as provided in s. 775.082.

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

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

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

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

level dangerous to human or animal life is prima facie evidence that the device or object was designed or intended for such release.

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

(8) For purpose of this section, the term “weapon of mass destruction” does not include:

(a) A device or instrument that emits or discharges smoke or an offensive, noxious, or irritant liquid, powder, gas, or chemical for the purpose of immobilizing, incapacitating, or thwarting an attack by a person or animal and that is lawfully possessed or used by a person for the purpose of self-protection or, as provided in subsection (7), is lawfully possessed or used by any member or employee of the Armed Forces of the United States, a federal or state governmental agency, or a private entity. A member or employee of a federal or state governmental agency includes, but is not limited to, a law enforcement officer, as defined in s. 784.07; a federal law enforcement officer, as defined in s. 901.1505; and an emergency service employee, as defined in s. 496.404.

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

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|
| | | (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. |

| Florida Statute | Felony Degree | Description |
|---|----------------|--|
| 322.34(6) | 3rd | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 327.30(5) | 3rd | Vessel accidents involving personal injury; leaving scene. |
| 381.0041(11)(b) | 3rd | Donate blood, plasma, or organs knowing HIV positive. |
| 790.01(2) | 3rd | Carrying a concealed firearm. |
| 790.162 | 2nd | Threat to throw or discharge destructive device. |
| <u>790.163(1)</u> 790.163 | 2nd | False report of deadly explosive or <u>weapon of mass destruction</u> . |
| 790.165(2) | 3rd | Manufacture, sell, possess, or deliver hoax bomb. |
| 790.221(1) | 2nd | Possession of short-barreled shotgun or machine gun. |
| 790.23 | 2nd | Felons in possession of firearms or electronic weapons or devices. |
| 800.04(6)(c) | 3rd | Lewd or lascivious conduct; offender less than 18 years. |
| 800.04(7)(c) | 2nd | Lewd or lascivious exhibition; offender 18 years or older. |
| 806.111(1) | 3rd | Possess, manufacture, or dispense fire bomb with intent to damage any structure or property. |
| 812.015(8) | 3rd | Retail theft; property stolen is valued at \$300 or more and one or more specified acts. |
| 812.019(1) | 2nd | Stolen property; dealing in or trafficking in. |
| 812.131(2)(b) | 3rd | Robbery by sudden snatching. |
| 812.16(2) | 3rd | Owning, operating, or conducting a chop shop. |
| 817.034(4)(a)2. | 2nd | Communications fraud, value \$20,000 to \$50,000. |
| 817.234(11)(b) | 2nd | Insurance fraud; property value \$20,000 or more but less than \$100,000. |
| 817.568(2)(b) | 2nd | Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$75,000 or more. |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|
| 817.625(2)(b) | 2nd | Second or subsequent fraudulent use of scanning device or reencoder. |
| 825.1025(4) | 3rd | Lewd or lascivious exhibition in the presence of an elderly person or disabled adult. |
| 827.071(4) | 2nd | Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child. |
| 843.01 | 3rd | Resist officer with violence to person; resist arrest with violence. |
| 874.05(2) | 2nd | Encouraging or recruiting another to join a criminal street gang; second or subsequent offense. |
| 893.13(1)(a)1. | 2nd | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs). |
| 893.13(1)(c)2. | 2nd | Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility or school. |
| 893.13(1)(d)1. | 1st | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park. |
| 893.13(1)(e)2. | 2nd | Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site. |
| 893.13(1)(f)1. | 1st | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility. |
| 893.13(4)(b) | 2nd | Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs). |
| | | (f) LEVEL 6 |
| 316.027(1)(b) | 2nd | Accident involving death, failure to stop; leaving scene. |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|
| 316.193(2)(b) | 3rd | Felony DUI, 4th or subsequent conviction. |
| 775.0875(1) | 3rd | Taking firearm from law enforcement officer. |
| 775.21(10) | 3rd | Sexual predators; failure to register; failure to renew driver's license or identification card. |
| 784.021(1)(a) | 3rd | Aggravated assault; deadly weapon without intent to kill. |
| 784.021(1)(b) | 3rd | Aggravated assault; intent to commit felony. |
| 784.041 | 3rd | Felony battery. |
| 784.048(3) | 3rd | Aggravated stalking; credible threat. |
| 784.048(5) | 3rd | Aggravated stalking of person under 16. |
| 784.07(2)(c) | 2nd | Aggravated assault on law enforcement officer. |
| 784.074(1)(b) | 2nd | Aggravated assault on sexually violent predators facility staff. |
| 784.08(2)(b) | 2nd | Aggravated assault on a person 65 years of age or older. |
| 784.081(2) | 2nd | Aggravated assault on specified official or employee. |
| 784.082(2) | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 784.083(2) | 2nd | Aggravated assault on code inspector. |
| 787.02(2) | 3rd | False imprisonment; restraining with purpose other than those in s. 787.01. |
| 790.115(2)(d) | 2nd | Discharging firearm or weapon on school property. |
| 790.161(2) | 2nd | Make, possess, or throw destructive device with intent to do bodily harm or damage property. |
| 790.164(1) | 2nd | False report of deadly explosive, <u>weapon of mass destruction</u> , or act of arson or violence to state property. |
| 790.19 | 2nd | Shooting or throwing deadly missiles into dwellings, vessels, or vehicles. |
| 794.011(8)(a) | 3rd | Solicitation of minor to participate in sexual activity by custodial adult. |
| 794.05(1) | 2nd | Unlawful sexual activity with specified minor. |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|
| 800.04(5)(d) | 3rd | Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years. |
| 800.04(6)(b) | 2nd | Lewd or lascivious conduct; offender 18 years of age or older. |
| 806.031(2) | 2nd | Arson resulting in great bodily harm to firefighter or any other person. |
| 810.02(3)(c) | 2nd | Burglary of occupied structure; unarmed; no assault or battery. |
| 812.014(2)(b)1. | 2nd | Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree. |
| 812.014(2)(b)2. | 2nd | Property stolen cargo valued at less than \$50,000, grand theft in 2nd degree. |
| 812.015(9) | 2nd | Retail theft; property stolen \$300 or more; second or subsequent conviction. |
| 812.13(2)(c) | 2nd | Robbery, no firearm or other weapon (strong-arm robbery). |
| 817.034(4)(a)1. | 1st | Communications fraud, value greater than \$50,000. |
| 817.4821(5) | 2nd | Possess cloning paraphernalia with intent to create cloned cellular telephones. |
| 825.102(1) | 3rd | Abuse of an elderly person or disabled adult. |
| 825.102(3)(c) | 3rd | Neglect of an elderly person or disabled adult. |
| 825.1025(3) | 3rd | Lewd or lascivious molestation of an elderly person or disabled adult. |
| 825.103(2)(c) | 3rd | Exploiting an elderly person or disabled adult and property is valued at less than \$20,000. |
| 827.03(1) | 3rd | Abuse of a child. |
| 827.03(3)(c) | 3rd | Neglect of a child. |
| 827.071(2)&(3) | 2nd | Use or induce a child in a sexual performance, or promote or direct such performance. |
| 836.05 | 2nd | Threats; extortion. |
| 836.10 | 2nd | Written threats to kill or do bodily injury. |
| 843.12 | 3rd | Aids or assists person to escape. |
| 847.0135(3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |
| 914.23 | 2nd | Retaliation against a witness, victim, or informant, with bodily injury. |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|---|
| 943.0435(9) | 3rd | Sex offenders; failure to comply with reporting requirements. |
| 944.35(3)(a)2. | 3rd | Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm. |
| 944.40 | 2nd | Escapes. |
| 944.46 | 3rd | Harboring, concealing, aiding escaped prisoners. |
| 944.47(1)(a)5. | 2nd | Introduction of contraband (firearm, weapon, or explosive) into correctional facility. |
| 951.22(1) | 3rd | Intoxicating drug, firearm, or weapon introduced into county facility. |
| | | (g) LEVEL 7 |
| 316.193(3)(c)2. | 3rd | DUI resulting in serious bodily injury. |
| 327.35(3)(c)2. | 3rd | Vessel BUI resulting in serious bodily injury. |
| 402.319(2) | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death. |
| 409.920(2) | 3rd | Medicaid provider fraud. |
| 456.065(2) | 3rd | Practicing a health care profession without a license. |
| 456.065(2) | 2nd | Practicing a health care profession without a license which results in serious bodily injury. |
| 458.327(1) | 3rd | Practicing medicine without a license. |
| 459.013(1) | 3rd | Practicing osteopathic medicine without a license. |
| 460.411(1) | 3rd | Practicing chiropractic medicine without a license. |
| 461.012(1) | 3rd | Practicing podiatric medicine without a license. |
| 462.17 | 3rd | Practicing naturopathy without a license. |
| 463.015(1) | 3rd | Practicing optometry without a license. |
| 464.016(1) | 3rd | Practicing nursing without a license. |
| 465.015(2) | 3rd | Practicing pharmacy without a license. |
| 466.026(1) | 3rd | Practicing dentistry or dental hygiene without a license. |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|
| 467.201 | 3rd | Practicing midwifery without a license. |
| 468.366 | 3rd | Delivering respiratory care services without a license. |
| 483.828(1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| 483.901(9) | 3rd | Practicing medical physics without a license. |
| 484.013(1)(c) | 3rd | Preparing or dispensing optical devices without a prescription. |
| 484.053 | 3rd | Dispensing hearing aids without a license. |
| 494.0018(2) | 1st | Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims. |
| 560.123(8)(b)1. | 3rd | Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter. |
| 560.125(5)(a) | 3rd | Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000. |
| 655.50(10)(b)1. | 3rd | Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution. |
| 782.051(3) | 2nd | Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony. |
| 782.07(1) | 2nd | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter). |
| 782.071 | 2nd | Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 782.072 | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). |
| 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly weapon. |
| 784.045(1)(b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |

| Florida Statute | Felony Degree | Description |
|-------------------|---------------|---|
| 784.048(4) | 3rd | Aggravated stalking; violation of injunction or court order. |
| 784.07(2)(d) | 1st | Aggravated battery on law enforcement officer. |
| 784.074(1)(a) | 1st | Aggravated battery on sexually violent predators facility staff. |
| 784.08(2)(a) | 1st | Aggravated battery on a person 65 years of age or older. |
| 784.081(1) | 1st | Aggravated battery on specified official or employee. |
| 784.082(1) | 1st | Aggravated battery by detained person on visitor or other detainee. |
| 784.083(1) | 1st | Aggravated battery on code inspector. |
| 790.07(4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). |
| 790.16(1) | 1st | Discharge of a machine gun under specified circumstances. |
| <u>790.165(2)</u> | <u>2nd</u> | <u>Manufacture, sell, possess, or deliver hoax bomb.</u> |
| <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> |
| 790.166(3) | 2nd | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction. |
| <u>790.166(4)</u> | <u>2nd</u> | <u>Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.</u> |
| 796.03 | 2nd | Procuring any person under 16 years for prostitution. |
| 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years. |
| 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older. |
| 806.01(2) | 2nd | Maliciously damage structure by fire or explosive. |
| 810.02(3)(a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 810.02(3)(b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|
| 810.02(3)(d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 812.014(2)(a) | 1st | Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000, or more; property stolen while causing other property damage; 1st degree grand theft. |
| 812.014(2)(b)2. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 812.019(2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 812.131(2)(a) | 2nd | Robbery by sudden snatching. |
| 812.133(2)(b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| 817.234(11)(c) | 1st | Insurance fraud; property value \$100,000 or more. |
| 825.102(3)(b) | 2nd | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement. |
| 825.1025(2) | 2nd | Lewd or lascivious battery upon an elderly person or disabled adult. |
| 825.103(2)(b) | 2nd | Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000. |
| 827.03(3)(b) | 2nd | Neglect of a child causing great bodily harm, disability, or disfigurement. |
| 827.04(3) | 3rd | Impregnation of a child under 16 years of age by person 21 years of age or older. |
| 837.05(2) | 3rd | Giving false information about alleged capital felony to a law enforcement officer. |
| 872.06 | 2nd | Abuse of a dead human body. |
| 893.13(1)(c)1. | 1st | Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school. |
| 893.13(1)(e)1. | 1st | Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site. |

| Florida Statute | Felony Degree | Description |
|--------------------|---------------|--|
| 893.13(4)(a) | 1st | Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs). |
| 893.135(1)(a)1. | 1st | Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs. |
| 893.135 (1)(b)1.a. | 1st | Trafficking in cocaine, more than 28 grams, less than 200 grams. |
| 893.135 (1)(c)1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14 grams. |
| 893.135 (1)(d)1. | 1st | Trafficking in phencyclidine, more than 28 grams, less than 200 grams. |
| 893.135(1)(e)1. | 1st | Trafficking in methaqualone, more than 200 grams, less than 5 kilograms. |
| 893.135(1)(f)1. | 1st | Trafficking in amphetamine, more than 14 grams, less than 28 grams. |
| 893.135 (1)(g)1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| 893.135 (1)(h)1.a. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms. |
| 893.135(1)(i)1.a. | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 893.135(1)(j)2.a. | 1st | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| 896.101(5)(a) | 3rd | Money laundering, financial transactions exceeding \$300 but less than \$20,000. |
| 896.104(4)(a)1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000. |

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

Approved by the Governor April 16, 2002.

Filed in Office Secretary of State April 16, 2002.