

By the Committees on Appropriations; and Criminal Justice; and
Senators Simpson and Dean

576-04190-16

2016436c2

1 A bill to be entitled

2 An act relating to relating to the crime of making
3 threats of terror or violence; amending ss. 790.163
4 and 790.164, F.S.; creating the crime of falsely
5 reporting the use of firearms in a violent manner
6 against a person or persons; creating s. 836.12, F.S.;
7 defining the terms "family member of a person" and
8 "law enforcement officer"; providing a criminal
9 penalty for a violation of specified provisions under
10 certain circumstances; requiring payment of
11 restitution; amending s. 921.0022, F.S.; conforming
12 provisions to changes made by the act; reenacting ss.
13 1006.07(2)(m) and 1006.13(3)(b), F.S., relating to
14 district school board duties relating to student
15 discipline and school safety and a policy of zero
16 tolerance for crime and victimization, respectively,
17 to incorporate the amendment made to s. 790.163, F.S.,
18 in references thereto; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 790.163, Florida Statutes, is amended to
23 read:

24 790.163 False report concerning ~~about~~ planting a bomb, an
25 explosive, or a weapon of mass destruction, or concerning the
26 use of firearms in a violent manner; penalty.—

27 (1) It is unlawful for any person to make a false report,
28 with intent to deceive, mislead, or otherwise misinform any
29 person, concerning the placing or planting of any bomb,
30 dynamite, other deadly explosive, or weapon of mass destruction
31 as defined in s. 790.166, or concerning the use of firearms in a

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32 violent manner against a person or persons. A person who
33 violates this subsection; ~~and any person convicted thereof~~
34 commits a felony of the second degree, punishable as provided in
35 s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

57 790.164 False reports concerning planting a bomb,
58 explosive, or weapon of mass destruction in, or committing arson
59 against, state-owned property, or concerning the use of firearms
60 in a violent manner; penalty; reward.-

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61 (1) It is unlawful for any person to make a false report,
62 with intent to deceive, mislead, or otherwise misinform any
63 person, concerning the placing or planting of any bomb,
64 dynamite, other deadly explosive, or weapon of mass destruction
65 as defined in s. 790.166, ~~or~~ concerning any act of arson or
66 other violence to property owned by the state or any political
67 subdivision, or concerning the use of firearms in a violent
68 manner against a person or persons. A Any person who violates
69 ~~violating~~ this subsection commits a felony of the second degree,
70 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

106 Section 3. Section 836.12, Florida Statutes, is created to
107 read:

108 836.12 Threats.-

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

110 (a) "Family member" means:

111 1. An individual related to another individual by blood or
112 marriage; or

113 2. An individual who stands in loco parentis to another
114 individual.

115 (b) "Law enforcement officer" means:

116 1. A law enforcement officer as defined in s. 943.10; or

117 2. A federal law enforcement officer as defined in s.

118 901.1505.

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119 (2) Any person who threatens a law enforcement officer, a
 120 state attorney, an assistant state attorney, a firefighter, a
 121 judge, or an elected official, or a family member of such
 122 persons, with death or serious bodily harm commits a misdemeanor
 123 of the first degree, punishable as provided in s. 775.082 or s.
 124 775.083.

125 (3) A person who commits a second or subsequent violation
 126 of subsection (2) commits a felony of the third degree,
 127 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

128 Section 4. Paragraphs (e) and (f) of subsection (3) of
 129 section 921.0022, Florida Statutes, are amended to read:

130 921.0022 Criminal Punishment Code; offense severity ranking
 131 chart.—

132 (3) OFFENSE SEVERITY RANKING CHART

133 (e) LEVEL 5

134

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
322.34(6)	3rd	Careless operation of

135

136

137

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motor vehicle with
suspended license,
resulting in death or
serious bodily injury.

138

327.30 (5)

3rd

Vessel accidents
involving personal
injury; leaving scene.

139

379.367 (4)

3rd

Willful molestation of a
commercial harvester's
spiny lobster trap,
line, or buoy.

140

379.3671
(2) (c) 3.

3rd

Willful molestation,
possession, or removal
of a commercial
harvester's trap
contents or trap gear by
another harvester.

141

381.0041 (11) (b)

3rd

Donate blood, plasma, or
organs knowing HIV
positive.

142

440.10 (1) (g)

2nd

Failure to obtain
workers' compensation
coverage.

143

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144	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
145	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
146	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
147	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
148	790.01 (2)	3rd	Carrying a concealed firearm.
	790.162	2nd	Threat to throw or discharge destructive

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device.

149

790.163 (1)

2nd

False report of bomb,
~~deadly~~ explosive, ~~or~~
 weapon of mass
 destruction, or use of
firearms in violent
manner.

150

790.221 (1)

2nd

Possession of short-
 barreled shotgun or
 machine gun.

151

790.23

2nd

Felons in possession of
 firearms, ammunition, or
 electronic weapons or
 devices.

152

796.05 (1)

2nd

Live on earnings of a
 prostitute; 1st offense.

153

800.04 (6) (c)

3rd

Lewd or lascivious
 conduct; offender less
 than 18 years of age.

154

800.04 (7) (b)

2nd

Lewd or lascivious
 exhibition; offender 18
 years of age or older.

155

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156	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
157	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
158	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
159	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
160	812.131 (2) (b)	3rd	Robbery by sudden snatching.
161	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
162	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
	817.234 (11) (b)	2nd	Insurance fraud;

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property value \$20,000
or more but less than
\$100,000.

163

817.2341 (1),
(2) (a) & (3) (a)

3rd

Filing false financial
statements, making false
entries of material fact
or false statements
regarding property
values relating to the
solvency of an insuring
entity.

164

817.568 (2) (b)

2nd

Fraudulent use of
personal identification
information; value of
benefit, services
received, payment
avoided, or amount of
injury or fraud, \$5,000
or more or use of
personal identification
information of 10 or
more persons.

165

817.625 (2) (b)

2nd

Second or subsequent
fraudulent use of
scanning device or
reencoder.

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166

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

167

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

168

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

169

839.13 (2) (b)

2nd

Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

170

843.01

3rd

Resist officer with violence to person;

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resist arrest with
violence.

171

847.0135 (5) (b)

2nd

Lewd or lascivious
exhibition using
computer; offender 18
years or older.

172

847.0137
(2) & (3)

3rd

Transmission of
pornography by
electronic device or
equipment.

173

847.0138
(2) & (3)

3rd

Transmission of material
harmful to minors to a
minor by electronic
device or equipment.

174

874.05 (1) (b)

2nd

Encouraging or
recruiting another to
join a criminal gang;
second or subsequent
offense.

175

874.05 (2) (a)

2nd

Encouraging or
recruiting person under
13 years of age to join
a criminal gang.

176

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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).

177

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, school, or state, county, or municipal park or publicly owned recreational facility or community center.

178

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 1,000 feet

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of university.

179

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.

180

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 1,000 feet of public housing facility.

181

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.,

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(2) (c) 7., (2) (c) 8.,
 (2) (c) 9., (3), or (4)
 drugs).

182

893.1351 (1)

3rd

Ownership, lease, or
 rental for trafficking
 in or manufacturing of
 controlled substance.

183

184

185

186

(f) LEVEL 6

187

Florida
 Statute

Felony
 Degree

Description

188

316.027 (2) (b)

2nd

Leaving the scene of a crash
 involving serious bodily injury.

189

316.193 (2) (b)

3rd

Felony DUI, 4th or subsequent
 conviction.

190

400.9935 (4) (c)

2nd

Operating a clinic, or offering
 services requiring licensure,
 without a license.

191

499.0051 (3)

2nd

Knowing forgery of pedigree
 papers.

192

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193	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
194	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
195	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
196	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
197	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
198	784.041	3rd	Felony battery; domestic battery by strangulation.
199	784.048 (3)	3rd	Aggravated stalking; credible threat.
200	784.048 (5)	3rd	Aggravated stalking of person under 16.
201	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.

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202	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
203	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
204	784.081 (2)	2nd	Aggravated assault on specified official or employee.
205	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
206	784.083 (2)	2nd	Aggravated assault on code inspector.
207	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
208	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
209	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 <u>concerning bomb</u> , of deadly explosive, weapon of mass

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217

810.145 (8) (b) 2nd Video voyeurism; certain minor victims; 2nd or subsequent offense.

218

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

219

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

220

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

221

812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

222

812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

223

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

224

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

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234

- 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 (3) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
- 827.03 (2) (c) 3rd Abuse of a child.
- 827.03 (2) (d) 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.
- 847.011 3rd Distributing, offering to distribute, or possessing with

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intent to distribute obscene materials depicting minors.

235

847.012

3rd

Knowingly using a minor in the production of materials harmful to minors.

236

847.0135 (2)

3rd

Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

237

914.23

2nd

Retaliation against a witness, victim, or informant, with bodily injury.

238

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.

239

944.40

2nd

Escapes.

240

944.46

3rd

Harboring, concealing, aiding escaped prisoners.

241

944.47 (1) (a) 5.

2nd

Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

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242

951.22(1) 3rd Intoxicating drug, firearm, or
weapon introduced into county
facility.

243

244 Section 5. For the purpose of incorporating the amendment
245 made by this act to section 790.163, Florida Statutes, in a
246 reference thereto, paragraph (m) of subsection (2) of section
247 1006.07, Florida Statutes, is reenacted to read:

248 1006.07 District school board duties relating to student
249 discipline and school safety.—The district school board shall
250 provide for the proper accounting for all students, for the
251 attendance and control of students at school, and for proper
252 attention to health, safety, and other matters relating to the
253 welfare of students, including:

254 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
255 conduct for elementary schools and a code of student conduct for
256 middle and high schools and distribute the appropriate code to
257 all teachers, school personnel, students, and parents, at the
258 beginning of every school year. Each code shall be organized and
259 written in language that is understandable to students and
260 parents and shall be discussed at the beginning of every school
261 year in student classes, school advisory council meetings, and
262 parent and teacher association or organization meetings. Each
263 code shall be based on the rules governing student conduct and
264 discipline adopted by the district school board and shall be
265 made available in the student handbook or similar publication.
266 Each code shall include, but is not limited to:

267 (m) Notice that any student who is determined to have made

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268 a threat or false report, as defined by ss. 790.162 and 790.163,
269 respectively, involving school or school personnel's property,
270 school transportation, or a school-sponsored activity will be
271 expelled, with or without continuing educational services, from
272 the student's regular school for a period of not less than 1
273 full year and referred for criminal prosecution. District school
274 boards may assign the student to a disciplinary program or
275 second chance school for the purpose of continuing educational
276 services during the period of expulsion. District school
277 superintendents may consider the 1-year expulsion requirement on
278 a case-by-case basis and request the district school board to
279 modify the requirement by assigning the student to a
280 disciplinary program or second chance school if it is determined
281 to be in the best interest of the student and the school system.

282 Section 6. For the purpose of incorporating the amendment
283 made by this act to section 790.163, Florida Statutes, in a
284 reference thereto, paragraph (b) of subsection (3) of section
285 1006.13, Florida Statutes, is reenacted to read:

286 1006.13 Policy of zero tolerance for crime and
287 victimization.—

288 (3) Zero-tolerance policies must require students found to
289 have committed one of the following offenses to be expelled,
290 with or without continuing educational services, from the
291 student's regular school for a period of not less than 1 full
292 year, and to be referred to the criminal justice or juvenile
293 justice system.

294 (b) Making a threat or false report, as defined by ss.
295 790.162 and 790.163, respectively, involving school or school
296 personnel's property, school transportation, or a school-

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297 sponsored activity.

298

299 District school boards may assign the student to a disciplinary
300 program for the purpose of continuing educational services
301 during the period of expulsion. District school superintendents
302 may consider the 1-year expulsion requirement on a case-by-case
303 basis and request the district school board to modify the
304 requirement by assigning the student to a disciplinary program
305 or second chance school if the request for modification is in
306 writing and it is determined to be in the best interest of the
307 student and the school system. If a student committing any of
308 the offenses in this subsection is a student who has a
309 disability, the district school board shall comply with
310 applicable State Board of Education rules.

311 Section 7. This act shall take effect October 1, 2016.