

By the Committee on Infrastructure and Security; and Senator Stargel

596-02228-20

2020728c1

1 A bill to be entitled  
2 An act relating to threats; amending s. 790.162, F.S.;  
3 prohibiting threats to use, including future threats  
4 to use, a firearm or weapon with specified intent;  
5 prohibiting a person from threatening the future  
6 throwing, projecting, placing, or discharging of any  
7 destructive device with specified intent; providing  
8 applicability; providing criminal penalties; amending  
9 s. 790.163, F.S.; prohibiting a person from making a  
10 false report with specified intent concerning the  
11 current or future placing or planting of any bomb,  
12 dynamite, other deadly explosive, or weapon of mass  
13 destruction or concerning the current or future use of  
14 a firearm in a violent manner against a person or  
15 persons; providing criminal penalties; amending s.  
16 790.164, F.S.; prohibiting a person from making a  
17 false report with specified intent concerning the  
18 current or future placing or planting of any bomb,  
19 dynamite, other deadly explosive, or weapon of mass  
20 destruction concerning any act of arson or other  
21 violence to property owned by the state or a political  
22 subdivision, or concerning the current or future use  
23 of firearms in a violent manner against a person or  
24 persons; providing criminal penalties; amending s.  
25 921.0022, F.S.; conforming a provision to changes made  
26 by the act; providing an effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Section 790.162, Florida Statutes, is amended to  
31 read:

32 790.162 Threats involving a firearm, weapon, or ~~Threat to~~  
33 ~~throw, project, place, or discharge any~~ destructive device,  
34 ~~felony; penalty.-~~

35 (1) It is unlawful for any person to threaten:

36 (a) The use of a firearm or any weapon, including the  
37 future use of a firearm or any weapon if the threat is  
38 sufficient to cause alarm in a reasonable person; or

39 (b) To ~~threaten to~~ throw, project, place, or discharge any  
40 destructive device, including the future throwing, projecting,  
41 placing, or discharging of any destructive device,

42  
43 with intent to do bodily harm to any person or with intent to do  
44 damage to any property of any person.

45 (2) A person does not violate subsection (1) if he or she  
46 uses or threatens to use a firearm or any other weapon in lawful  
47 self-defense, lawful defense of others, or lawful defense of  
48 property.

49 (3) A, ~~and any person who violates subsection (1)~~ ~~convicted~~  
50 thereof commits a felony of the second degree, punishable as  
51 provided in s. 775.082, s. 775.083, or s. 775.084.

52 Section 2. Subsection (1) of section 790.163, Florida  
53 Statutes, is amended to read:

54 790.163 False report concerning planting a bomb, an  
55 explosive, or a weapon of mass destruction, or concerning the  
56 use of firearms in a violent manner; penalty.-

57 (1) It is unlawful for any person to make a false report,  
58 with intent to deceive, mislead, or otherwise misinform any

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59 person, concerning the current or future placing or planting of  
60 any bomb, dynamite, other deadly explosive, or weapon of mass  
61 destruction as defined in s. 790.166, or concerning the current  
62 or future use of firearms in a violent manner against a person  
63 or persons. A person who violates this subsection commits a  
64 felony of the second degree, punishable as provided in s.  
65 775.082, s. 775.083, or s. 775.084.

66 Section 3. Subsection (1) of section 790.164, Florida  
67 Statutes, is amended to read:

68 790.164 False reports concerning planting a bomb,  
69 explosive, or weapon of mass destruction in, or committing arson  
70 against, state-owned property, or concerning the use of firearms  
71 in a violent manner; penalty; reward.—

72 (1) It is unlawful for any person to make a false report,  
73 with intent to deceive, mislead, or otherwise misinform any  
74 person, concerning the current or future placing or planting of  
75 any bomb, dynamite, other deadly explosive, or weapon of mass  
76 destruction as defined in s. 790.166, concerning any act of  
77 arson or other violence to property owned by the state or any  
78 political subdivision, or concerning the current or future use  
79 of firearms in a violent manner against a person or persons. A  
80 person who violates this subsection commits a felony of the  
81 second degree, punishable as provided in s. 775.082, s. 775.083,  
82 or s. 775.084.

83 Section 4. Paragraph (e) of subsection (3) of section  
84 921.0022, Florida Statutes, is amended to read:

85 921.0022 Criminal Punishment Code; offense severity ranking  
86 chart.—

87 (3) OFFENSE SEVERITY RANKING CHART

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88 (e) LEVEL 5

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Florida Statute	Felony Degree	Description
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316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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93

322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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94

327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
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95

379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or
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supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

96

379.367(4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

97

379.407(5)(b)3. 3rd Possession of 100 or more undersized spiny lobsters.

98

381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

99

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.

100

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

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108

440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
790.01 (2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat <u>involving firearm, weapon, or to throw or discharge</u> destructive device.
790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.

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109	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
110	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
111	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
112	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
113	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
114	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
115	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
	812.019 (1)	2nd	Stolen property; dealing in or

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trafficking in.

116

812.131 (2) (b) 3rd Robbery by sudden snatching.

117

812.16 (2) 3rd Owning, operating, or  
conducting a chop shop.

118

817.034 (4) (a) 2. 2nd Communications fraud, value  
\$20,000 to \$50,000.

119

817.234 (11) (b) 2nd Insurance fraud; property value  
\$20,000 or more but less than  
\$100,000.

120

817.2341 (1), 3rd Filing false financial  
(2) (a) & (3) (a) statements, making false  
entries of material fact or  
false statements regarding  
property values relating to the  
solvency of an insuring entity.

121

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



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persons.

122

817.611(2)(a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

123

817.625(2)(b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

124

825.1025(4)

3rd

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

125

827.071(4)

2nd

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

126

827.071(5)

3rd

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

127

828.12(2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or

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death.

128

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.

129

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

130

847.0135(5)(b)

2nd

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

131

847.0137  
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

132

847.0138  
(2) & (3)

3rd

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

133

874.05(1)(b)

2nd

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

134

874.05(2)(a)

2nd

Encouraging or recruiting



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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)6.,  
(2)(c)7., (2)(c)8., (2)(c)9.,  
(2)(c)10., (3), or (4) within  
1,000 feet of property used for  
religious services or a  
specified business site.

139

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)5.  
drugs) within 1,000 feet of  
public housing facility.

140

893.13(4)(b)            2nd    Use or hire of minor; deliver  
to minor other controlled  
substance.

141

893.1351(1)            3rd    Ownership, lease, or rental for  
trafficking in or manufacturing  
of controlled substance.

142

143            Section 5. This act shall take effect October 1, 2020.