

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Massullo offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 790.162, Florida Statutes, is amended to read:

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

(1) It is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property likely to result in bodily harm to ~~of~~ any person if

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14 the threat is sufficient to cause a well-founded fear in a
15 reasonable person that the threat will be imminently acted upon.
16 A person who violates this subsection, and any person convicted
17 thereof commits a felony of the third ~~second~~ degree, punishable
18 as provided in s. 775.082, s. 775.083, or s. 775.084.

19 (2) (a) It is unlawful for any person to threaten the use
20 of a firearm or weapon at a childcare facility as defined in s.
21 402.302, a school as defined in s. 790.115(2) (a), a religious
22 institution as defined in s. 496.404, a theme park complex as
23 defined in s. 817.361(1), or any building owned by a federal,
24 state, county, municipality, or other local government or
25 political subdivision, with intent to do bodily harm to any
26 person or with intent to do damage to any of the properties
27 listed in this paragraph that is likely to result in bodily harm
28 to any person, if the threat is sufficient to cause a well-
29 founded fear in a reasonable person that the threat will be
30 imminently acted upon. A person who violates this subsection
31 commits a felony of the third degree, punishable as provided in
32 s. 775.082, s. 775.083, or s. 775.084.

33 (b) A person does not violate this subsection if he or she
34 uses or threatens to use a firearm or weapon as defined in s.
35 790.001 in lawful self-defense, lawful defense of others, or
36 lawful defense of property.

37 Section 2. Section 836.10, Florida Statutes, is amended to
38 read:

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39 836.10 Written threats to kill, do bodily injury, or
40 conduct a mass shooting or an act of terrorism; punishment;
41 exemption from liability.—

42 (1) Any person who writes or composes and also sends or
43 procures the sending of any letter, inscribed communication, or
44 electronic communication, whether such letter or communication
45 be signed or anonymous, to another ~~any~~ person, containing a
46 threat to kill or to do bodily injury to the person to whom such
47 letter or communication is sent, or a threat to kill or do
48 bodily injury to any member of the family of the person to whom
49 such letter or communication is sent, commits a felony of the
50 third degree, punishable as provided in s. 775.082, s. 775.083,
51 or s. 775.084. ~~or~~

52 (2) Any person who makes, posts, or transmits a threat in
53 a writing or other record, including an electronic record, to
54 conduct a mass shooting or an act of terrorism, in any manner
55 that would allow another person to view the threat when such
56 threat is sufficient to cause a well-founded fear in a
57 reasonable person that the threat will be imminently acted upon,
58 commits a felony of the third ~~second~~ degree, punishable as
59 provided in s. 775.082, s. 775.083, or s. 775.084.

60 (3) ~~(2)~~ This section does not impose liability on a
61 provider of an interactive computer service, communications
62 services as defined in s. 202.11, a commercial mobile service,
63 or an information service, including, but not limited to, an

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64 Internet service provider or a hosting service provider, if it
 65 provides the transmission, storage, or caching of electronic
 66 communications or messages of others or provides another related
 67 telecommunications service, commercial mobile radio service, or
 68 information service for use by another person who violates this
 69 section. This exemption from liability is consistent with and in
 70 addition to any liability exemption provided under 47 U.S.C. s.
 71 230.

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

74 921.0022 Criminal Punishment Code; offense severity
 75 ranking chart.—

76 (3) OFFENSE SEVERITY RANKING CHART

77 (e) LEVEL 5

78

Florida	Felony	Description
Statute	Degree	
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.

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82	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
83	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
84	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
	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 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

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			crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
85	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
86	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
87	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
88	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
89	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
90	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of

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91			avoiding or reducing workers' compensation premiums.
92	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
93	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
94	790.01 (2)	3rd	Carrying a concealed firearm.
95	<u>790.162 (1)</u> 790.162	<u>3rd</u> 2nd	Threat to throw or discharge destructive device.
96	<u>790.162 (2)</u>	<u>3rd</u>	<u>Threat involving firearm or weapon.</u>
97	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

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98	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
99	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
100	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
101	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
102	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
103	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more

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but less than \$50,000.

104

812.015 3rd Retail theft; property stolen
(8) (a) & (c) - (e) is valued at \$750 or more and
one or more specified acts.

105

812.019 (1) 2nd Stolen property; dealing in or
trafficking in.

106

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

107

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

108

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

109

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

110

817.2341 (1), 3rd Filing false financial
(2) (a) & statements, making false
(3) (a) entries of material fact or
false statements regarding

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property values relating to the
solvency of an insuring entity.

111

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.

112

817.611 (2) (a)

2nd

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

113

817.625 (2) (b)

2nd

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

114

825.1025 (4)

3rd

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

115

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116	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
117	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
118	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
119	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.
	843.01	3rd	Resist officer with violence to person; resist arrest with

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violence.

120

847.0135 (5) (b) 2nd Lewd or lascivious exhibition
using computer; offender 18
years or older.

121

847.0137 3rd Transmission of pornography by
(2) & (3) electronic device or equipment.

122

847.0138 3rd Transmission of material
(2) & (3) harmful to minors to a minor by
electronic device or equipment.

123

874.05 (1) (b) 2nd Encouraging or recruiting
another to join a criminal
gang; second or subsequent
offense.

124

874.05 (2) (a) 2nd Encouraging or recruiting
person under 13 years of age to
join a criminal gang.

125

893.13 (1) (a) 1. 2nd Sell, manufacture, or deliver
cocaine (or other s.
893.03 (1) (a), (1) (b), (1) (d),

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(2) (a), (2) (b), or (2) (c) 5.
drugs).

126

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)6.,
(2)(c)7., (2)(c)8., (2)(c)9.,
(2)(c)10., (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.

127

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)5.
drugs) within 1,000 feet of
university.

128

893.13(1)(e)2. 2nd Sell, manufacture, or deliver
cannabis or other drug

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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.

129

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.

130

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

131

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

132

133 (f) LEVEL 6

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134	Florida	Felony	
	Statute	Degree	Description
135	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
136	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
137	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
138	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
139	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
140	499.0051 (4)	2nd	Knowing sale or transfer of

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prescription drug to
unauthorized person.

141

775.0875(1) 3rd Taking firearm from law
enforcement officer.

142

784.021(1)(a) 3rd Aggravated assault; deadly
weapon without intent to kill.

143

784.021(1)(b) 3rd Aggravated assault; intent to
commit felony.

144

784.041 3rd Felony battery; domestic
battery by strangulation.

145

784.048(3) 3rd Aggravated stalking; credible
threat.

146

784.048(5) 3rd Aggravated stalking of person
under 16.

147

784.07(2)(c) 2nd Aggravated assault on law
enforcement officer.

148

784.074(1)(b) 2nd Aggravated assault on sexually

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violent predators facility
staff.

149

784.08 (2) (b) 2nd Aggravated assault on a person
65 years of age or older.

150

784.081 (2) 2nd Aggravated assault on specified
official or employee.

151

784.082 (2) 2nd Aggravated assault by detained
person on visitor or other
detainee.

152

784.083 (2) 2nd Aggravated assault on code
inspector.

153

787.02 (2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

154

790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

155

790.161 (2) 2nd Make, possess, or throw
destructive device with intent

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to do bodily harm or damage
property.

156

790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
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157

790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
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158

794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
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159

794.05 (1)	2nd	Unlawful sexual activity with specified minor.
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160

800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
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161	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
162	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
163	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
164	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
165	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
166	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
167	812.015 (9) (a)	2nd	Retail theft; property stolen

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\$750 or more; second or
subsequent conviction.

168

812.015 (9) (b) 2nd Retail theft; aggregated
property stolen within 30 days
is \$3,000 or more; coordination
of others.

169

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

170

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

171

817.505 (4) (b) 2nd Patient brokering; 10 or more
patients.

172

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

173

825.102 (3) (c) 3rd Neglect of an elderly person or
disabled adult.

174

825.1025 (3) 3rd Lewd or lascivious molestation

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of an elderly person or
disabled adult.

175

825.103(3)(c) 3rd Exploiting an elderly person or
disabled adult and property is
valued at less than \$10,000.

176

827.03(2)(c) 3rd Abuse of a child.

177

827.03(2)(d) 3rd Neglect of a child.

178

827.071(2) & (3) 2nd Use or induce a child in a
sexual performance, or promote
or direct such performance.

179

836.05 2nd Threats; extortion.

180

836.10(1) & (2) ~~3rd 2nd~~ Written threats to kill, do
~~836.10~~ bodily injury, or conduct a
mass shooting or an act of
terrorism.

181

843.12 3rd Aids or assists person to
escape.

182

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183	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
184	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
185	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
186	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
187	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.

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206 to do damage to specified property likely to cause
207 bodily harm to any person; providing exceptions;
208 providing criminal penalties; amending s. 836.10,
209 F.S.; decreasing the penalty for making a written
210 threat to kill or to do bodily injury; requiring a
211 written or electronic threat to conduct a mass
212 shooting or an act of terrorism to be sufficient to
213 cause a well-founded fear in a reasonable person;
214 decreasing the penalty for making a written or
215 electronic threat to conduct a mass shooting or an act
216 of terrorism; amending s. 921.0022, F.S.; conforming
217 provisions to changes made by the act; ranking the
218 offense of threatening to use a firearm or weapon with
219 specified intent for the purposes of the Criminal
220 Punishment Code; providing an effective date.

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