



310752

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2016	.	
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Appropriations Subcommittee on Criminal and Civil Justice
(Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) It is unlawful for any person to make a false report,



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11 with intent to deceive, mislead, or otherwise misinform any
12 person, concerning the placing or planting of any bomb,
13 dynamite, other deadly explosive, or weapon of mass destruction
14 as defined in s. 790.166, or concerning the use of firearms in a
15 violent manner against a person or persons. A person who
16 violates this subsection; ~~and any person convicted thereof~~
17 commits a felony of the second degree, punishable as provided in
18 s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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



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40 790.164 False reports concerning planting a bomb,
41 explosive, or weapon of mass destruction in, or committing arson
42 against, state-owned property, or concerning use of firearms in
43 a violent manner; penalty; reward.-

44 (1) It is unlawful for any person to make a false report,
45 with intent to deceive, mislead, or otherwise misinform any
46 person, concerning the placing or planting of any bomb,
47 dynamite, other deadly explosive, or weapon of mass destruction
48 as defined in s. 790.166, ~~or~~ concerning any act of arson or
49 other violence to property owned by the state or any political
50 subdivision, or concerning the use of firearms in a violent
51 manner against a person or persons. A ~~Any~~ person who violates
52 ~~violating~~ this subsection commits a felony of the second degree,
53 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

66 (4) (a) There shall be a \$5,000 reward for the giving of
67 information to any law enforcement agency in the state, which
68 information leads to the arrest and conviction of any person



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69 violating the provisions of this section. Any person claiming
70 such reward shall apply to the law enforcement agency developing
71 the case and be paid by the Department of Law Enforcement from
72 the deficiency fund.

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

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

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

89 Section 3. Section 836.12, Florida Statutes, is created to
90 read:

91 836.12 Terroristic threats.-

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

93 (a) "Family member of a person" means:

94 1. An individual related to the person by blood or
95 marriage; or

96 2. An individual to whom the person stands in loco
97 parentis.



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98 (b) "Law enforcement officer" means:
99 1. Law enforcement officer as defined in s. 943.10; or
100 2. Federal law enforcement officer as defined in s.
101 901.1505.
102 (2) It is unlawful for a person to threaten to commit a
103 crime of violence with the intent to cause, or with reckless
104 disregard for the risk of causing:
105 (a) Terror; or
106 (b) The evacuation of a building, place of assembly, or
107 facility of public transportation.
108 (3) A person who violates s. 790.163 or s. 790.164 commits
109 a felony of the second degree, punishable as provided in s.
110 775.082, s. 775.083, or s. 775.084, if the violation:
111 (a) Causes the occupants of a building, place of assembly,
112 or facility of public transportation to be diverted from their
113 normal or customary operations;
114 (b) Involves a threat against a law enforcement officer, a
115 state attorney or assistant state attorney, a firefighter, a
116 judge, or an elected official; or
117 (c) Involves a threat against a family member of a person
118 identified in paragraph (b).
119 (4) A person convicted of violating subsection (3) shall,
120 in addition to any other restitution or penalty provided by law,
121 pay restitution for all costs and damages caused by an
122 evacuation resulting from the criminal violation.
123 Section 4. Paragraphs (e) and (f) of subsection (3) of
124 section 921.0022, Florida Statutes, are amended to read:
125 921.0022 Criminal Punishment Code; offense severity ranking
126 chart.-



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127 (3) OFFENSE SEVERITY RANKING CHART

128 (e) LEVEL 5

129

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 motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

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135	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
136	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
137	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
138	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
139	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
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141	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
142	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
143	790.01 (2)	3rd	Carrying a concealed firearm.
144	790.162	2nd	Threat to throw or discharge destructive device.
145	790.163 (1)	2nd	False report of <u>bomb, deadly explosive, or</u> weapon of mass <u>destruction, or use of firearms in violent manner.</u>
146	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.



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147	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
148	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
149	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
150	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
151	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
152	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more



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153			specified acts.
154	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
155	812.131(2)(b)	3rd	Robbery by sudden snatching.
156	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
157	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
158	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
159	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.



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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.

160

817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

161

825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

162

827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.



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163	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
164	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.
165	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
166	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
167	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
168			



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169	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
170	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
171	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
172	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.,



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(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.

173

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
of university.

174

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



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175

893.13(1)(f)1.

1st

specified business site.

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.

176

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).

177

893.1351(1)

3rd

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

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179

180

(f) LEVEL 6

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	Florida Statute	Felony Degree	Description
182	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
183	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
184	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
185	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
186	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
187	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
188	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
189	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.



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190	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
191	784.041	3rd	Felony battery; domestic battery by strangulation.
192	784.048 (3)	3rd	Aggravated stalking; credible threat.
193	784.048 (5)	3rd	Aggravated stalking of person under 16.
194	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
195	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
196	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
197	784.081 (2)	2nd	Aggravated assault on specified official or employee.
198	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
199			



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200	784.083 (2)	2nd	Aggravated assault on code inspector.
201	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
202	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
203	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
204	790.164 (1)	2nd	False report <u>concerning bomb, of deadly explosive, weapon of mass destruction, or act of arson or violence to state property, or use of firearms in violent manner.</u>
205	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
206	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.

207

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.

208

800.04 (6) (b) 2nd Lewd or lascivious conduct;
offender 18 years of age or older.

209

806.031 (2) 2nd Arson resulting in great bodily
harm to firefighter or any other
person.

210

810.02 (3) (c) 2nd Burglary of occupied structure;
unarmed; no assault or battery.

211

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

212

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

213

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

214

812.015 (9) (a) 2nd Retail theft; property stolen \$300



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or more; second or subsequent conviction.

215

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

216

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

217

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

218

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

219

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

220

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

221

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

222

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



223	827.03(2)(d)	3rd	Neglect of a child.
224	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
225	836.05	2nd	Threats; extortion.
226	836.10	2nd	Written threats to kill or do bodily injury.
227	843.12	3rd	Aids or assists person to escape.
228	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
229	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
230	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
231	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily



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injury.

232

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.

233

944.40 2nd Escapes.

234

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

235

944.47(1)(a)5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

236

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

237

238

239 Section 5. For the purpose of incorporating the amendment
240 made by this act to section 790.163, Florida Statutes, in a
241 reference thereto, paragraph (m) of subsection (2) of section
242 1006.07, Florida Statutes, is reenacted to read:

243 1006.07 District school board duties relating to student
244 discipline and school safety.—The district school board shall
245 provide for the proper accounting for all students, for the



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246 attendance and control of students at school, and for proper
247 attention to health, safety, and other matters relating to the
248 welfare of students, including:

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

262 (m) Notice that any student who is determined to have made
263 a threat or false report, as defined by ss. 790.162 and 790.163,
264 respectively, involving school or school personnel's property,
265 school transportation, or a school-sponsored activity will be
266 expelled, with or without continuing educational services, from
267 the student's regular school for a period of not less than 1
268 full year and referred for criminal prosecution. District school
269 boards may assign the student to a disciplinary program or
270 second chance school for the purpose of continuing educational
271 services during the period of expulsion. District school
272 superintendents may consider the 1-year expulsion requirement on
273 a case-by-case basis and request the district school board to
274 modify the requirement by assigning the student to a



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275 disciplinary program or second chance school if it is determined
276 to be in the best interest of the student and the school system.

277 Section 6. For the purpose of incorporating the amendment
278 made by this act to section 790.163, Florida Statutes, in a
279 reference thereto, paragraph (b) of subsection (3) of section
280 1006.13, Florida Statutes, is reenacted to read:

281 1006.13 Policy of zero tolerance for crime and
282 victimization.—

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

289 (b) Making a threat or false report, as defined by ss.
290 790.162 and 790.163, respectively, involving school or school
291 personnel's property, school transportation, or a school-
292 sponsored activity.

293
294 District school boards may assign the student to a disciplinary
295 program for the purpose of continuing educational services
296 during the period of expulsion. District school superintendents
297 may consider the 1-year expulsion requirement on a case-by-case
298 basis and request the district school board to modify the
299 requirement by assigning the student to a disciplinary program
300 or second chance school if the request for modification is in
301 writing and it is determined to be in the best interest of the
302 student and the school system. If a student committing any of
303 the offenses in this subsection is a student who has a



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304 disability, the district school board shall comply with
305 applicable State Board of Education rules.

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

307

308 ===== T I T L E A M E N D M E N T =====

309 And the title is amended as follows:

310 Delete everything before the enacting clause
311 and insert:

312 A bill to be entitled
313 An act relating to relating to the crime of making
314 threats of terror or violence ; amending ss. 790.163
315 and 790.164, F.S.; creating the crime of falsely
316 reporting the use of firearms in a violent manner
317 against a person or persons; creating s. 836.12, F.S.;
318 defining the terms "family member of a person" and
319 "law enforcement officer"; providing a criminal
320 penalty for a violation of specified provisions under
321 certain circumstances; requiring payment of
322 restitution; amending s. 921.0022, F.S.; conforming
323 provisions to changes made by the act; reenacting ss.
324 1006.07(2)(m) and 1006.13(3)(b), F.S., relating to
325 district school board duties relating to student
326 discipline and school safety and a policy of zero
327 tolerance for crime and victimization, respectively,
328 to incorporate the amendment made to s. 790.163, F.S.,
329 in references thereto; providing an effective date.