



418634

576-03396-16

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

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



418634

576-03396-16

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
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:



418634

576-03396-16

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 use of firearms in
60 a violent manner; penalty; reward.—

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



418634

576-03396-16

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.

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 Terroristic threats.-

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

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

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

113 2. An individual to whom the person stands in loco
114 parentis.



418634

576-03396-16

115 (b) "Law enforcement officer" means:
116 1. Law enforcement officer as defined in s. 943.10; or
117 2. Federal law enforcement officer as defined in s.
118 901.1505.
119 (2) It is unlawful for a person to threaten to commit a
120 crime of violence with the intent to cause, or with reckless
121 disregard for the risk of causing:
122 (a) Terror; or
123 (b) The evacuation of a building, place of assembly, or
124 facility of public transportation.
125 (3) A person who violates s. 790.163 or s. 790.164 commits
126 a felony of the second degree, punishable as provided in s.
127 775.082, s. 775.083, or s. 775.084, if the violation:
128 (a) Causes the occupants of a building, place of assembly,
129 or facility of public transportation to be diverted from their
130 normal or customary operations;
131 (b) Involves a threat against a law enforcement officer, a
132 state attorney or assistant state attorney, a firefighter, a
133 judge, or an elected official; or
134 (c) Involves a threat against a family member of a person
135 identified in paragraph (b).
136 (4) A person convicted of violating subsection (3) shall,
137 in addition to any other restitution or penalty provided by law,
138 pay restitution for all costs and damages caused by an
139 evacuation resulting from the criminal violation.
140 Section 4. Paragraphs (e) and (f) of subsection (3) of
141 section 921.0022, Florida Statutes, are amended to read:
142 921.0022 Criminal Punishment Code; offense severity ranking
143 chart.-



418634

576-03396-16

144 (3) OFFENSE SEVERITY RANKING CHART
145 (e) LEVEL 5
146

147	Florida Statute	Felony Degree	Description
	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
148	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
149	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
150	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
151	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.



418634

576-03396-16

158	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
159	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
160	790.01 (2)	3rd	Carrying a concealed firearm.
161	790.162	2nd	Threat to throw or discharge destructive device.
162	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>
163	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.



418634

576-03396-16

164	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
165	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
166	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
167	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
168	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
169	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



418634

576-03396-16

170
171
172
173
174
175
176

		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.
817.2341(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.



418634

576-03396-16

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.

177

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device or reencoder.

178

825.1025 (4)

3rd

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

179

827.071 (4)

2nd

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



418634

576-03396-16

180

827.071 (5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

181

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.

182

843.01 3rd Resist officer with violence to person; resist arrest with violence.

183

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

184

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

185



418634

576-03396-16

847.0138
(2) & (3)

3rd

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

186

874.05 (1) (b)

2nd

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

187

874.05 (2) (a)

2nd

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

188

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).

189

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.,



418634

576-03396-16

(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.

190

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.

191

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



418634

576-03396-16

192

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.

193

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).

194

893.1351(1)

3rd

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

195

196

197

198

(f) LEVEL 6

199



418634

576-03396-16

	Florida Statute	Felony Degree	Description
200	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
201	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
202	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
203	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
204	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
205	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
206	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
207	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.



418634

576-03396-16

208
209
210
211
212
213
214
215
216
217

784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
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.



418634

576-03396-16

218

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

219

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

220

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

221

790.161 (2) 2nd Make, possess, or throw
destructive device with intent to
do bodily harm or damage property.

222

790.164 (1) 2nd False report 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.

223

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

224

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

794.05 (1) 2nd Unlawful sexual activity with



418634

576-03396-16

specified minor.

225

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.

226

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

227

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

228

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

229

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

230

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

231

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

232

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



418634

576-03396-16

or more; second or subsequent conviction.

233

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

234

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

235

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

236

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

237

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

238

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

239

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

240

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



418634

576-03396-16

241			
	827.03(2)(d)	3rd	Neglect of a child.
242			
	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
243			
	836.05	2nd	Threats; extortion.
244			
	836.10	2nd	Written threats to kill or do bodily injury.
245			
	843.12	3rd	Aids or assists person to escape.
246			
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
247			
	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
248			
	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
249			
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily



418634

576-03396-16

264 attendance and control of students at school, and for proper
265 attention to health, safety, and other matters relating to the
266 welfare of students, including:

267 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
268 conduct for elementary schools and a code of student conduct for
269 middle and high schools and distribute the appropriate code to
270 all teachers, school personnel, students, and parents, at the
271 beginning of every school year. Each code shall be organized and
272 written in language that is understandable to students and
273 parents and shall be discussed at the beginning of every school
274 year in student classes, school advisory council meetings, and
275 parent and teacher association or organization meetings. Each
276 code shall be based on the rules governing student conduct and
277 discipline adopted by the district school board and shall be
278 made available in the student handbook or similar publication.
279 Each code shall include, but is not limited to:

280 (m) Notice that any student who is determined to have made
281 a threat or false report, as defined by ss. 790.162 and 790.163,
282 respectively, involving school or school personnel's property,
283 school transportation, or a school-sponsored activity will be
284 expelled, with or without continuing educational services, from
285 the student's regular school for a period of not less than 1
286 full year and referred for criminal prosecution. District school
287 boards may assign the student to a disciplinary program or
288 second chance school for the purpose of continuing educational
289 services during the period of expulsion. District school
290 superintendents may consider the 1-year expulsion requirement on
291 a case-by-case basis and request the district school board to
292 modify the requirement by assigning the student to a



418634

576-03396-16

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

295 Section 6. For the purpose of incorporating the amendment
296 made by this act to section 790.163, Florida Statutes, in a
297 reference thereto, paragraph (b) of subsection (3) of section
298 1006.13, Florida Statutes, is reenacted to read:

299 1006.13 Policy of zero tolerance for crime and
300 victimization.—

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

307 (b) Making a threat or false report, as defined by ss.
308 790.162 and 790.163, respectively, involving school or school
309 personnel's property, school transportation, or a school-
310 sponsored activity.

311
312 District school boards may assign the student to a disciplinary
313 program for the purpose of continuing educational services
314 during the period of expulsion. District school superintendents
315 may consider the 1-year expulsion requirement on a case-by-case
316 basis and request the district school board to modify the
317 requirement by assigning the student to a disciplinary program
318 or second chance school if the request for modification is in
319 writing and it is determined to be in the best interest of the
320 student and the school system. If a student committing any of
321 the offenses in this subsection is a student who has a



418634

576-03396-16

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

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