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

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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:

57 790.164 False reports concerning planting a bomb,
58 explosive, or weapon of mass destruction in, or committing arson

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59 against, state-owned property, or concerning the use of firearms
60 in 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
86 violating the provisions of this section. Any person claiming
87 such reward shall apply to the law enforcement agency developing

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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 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

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117 2. A federal law enforcement officer as defined in s.
 118 901.1505.

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. |

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| 137 | 322.34 (6) | 3rd | Careless operation of 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 |

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| 143 | | | coverage. |
| 143 | 440.105 (5) | 2nd | Unlawful solicitation for the purpose of making workers' compensation claims. |
| 144 | | | |
| 144 | 440.381 (2) | 2nd | Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. |
| 145 | | | |
| 145 | 624.401 (4) (b) 2. | 2nd | Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000. |
| 146 | | | |
| 146 | 626.902 (1) (c) | 2nd | Representing an unauthorized insurer; repeat offender. |
| 147 | | | |
| 147 | 790.01 (2) | 3rd | Carrying a concealed firearm. |
| 148 | | | |

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| 149 | 790.162 | 2nd | Threat to throw or discharge destructive device. |
| 150 | 790.163 (1) | 2nd | False report of <u>bomb,</u> deadly explosive, or <u>weapon of mass destruction, or use of firearms in violent manner.</u> |
| 151 | 790.221 (1) | 2nd | Possession of short-barreled shotgun or machine gun. |
| 152 | 790.23 | 2nd | Felons in possession of firearms, ammunition, or electronic weapons or devices. |
| 153 | 796.05 (1) | 2nd | Live on earnings of a prostitute; 1st offense. |
| 154 | 800.04 (6) (c) | 3rd | Lewd or lascivious conduct; offender less than 18 years of age. |
| | 800.04 (7) (b) | 2nd | Lewd or lascivious exhibition; offender 18 |

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| | | | years of age or older. |
| 155 | 806.111 (1) | 3rd | Possess, manufacture, or dispense fire bomb with intent to damage any structure or property. |
| 156 | 812.0145 (2) (b) | 2nd | Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000. |
| 157 | 812.015 (8) | 3rd | Retail theft; property stolen is valued at \$300 or more and one or more specified acts. |
| 158 | 812.019 (1) | 2nd | Stolen property; dealing in or trafficking in. |
| 159 | 812.131 (2) (b) | 3rd | Robbery by sudden snatching. |
| 160 | 812.16 (2) | 3rd | Owning, operating, or conducting a chop shop. |
| 161 | 817.034 (4) (a) 2. | 2nd | Communications fraud, value \$20,000 to \$50,000. |

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| 162 | 817.234 (11) (b) | 2nd | Insurance fraud; 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 |

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| 166 | 825.1025 (4) | 3rd | scanning device or reencoder. 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. |
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| 171 | 843.01 | 3rd | Resist officer with violence to person; resist arrest with violence. |
| 172 | 847.0135 (5) (b) | 2nd | Lewd or lascivious exhibition using computer; offender 18 years or older. |
| 173 | 847.0137 (2) & (3) | 3rd | Transmission of pornography by electronic device or equipment. |
| 174 | 847.0138 (2) & (3) | 3rd | Transmission of material harmful to minors to a minor by electronic device or equipment. |
| 175 | 874.05 (1) (b) | 2nd | Encouraging or recruiting another to join a criminal gang; second or subsequent offense. |
| | 874.05 (2) (a) | 2nd | Encouraging or recruiting person under 13 years of age to join |

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| 176 | 893.13(1)(a)1. | 2nd | a criminal gang. 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), |

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(2) (b), or (2) (c) 4.
 drugs) within 1,000 feet
 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.,

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(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).

182

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

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186 (f) LEVEL 6

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| Florida | Felony | |
| Statute | Degree | Description |

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| 316.027 (2) (b) | 2nd | Leaving the scene of a crash involving serious bodily injury. |
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| 316.193 (2) (b) | 3rd | Felony DUI, 4th or subsequent conviction. |
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| 400.9935 (4) (c) | 2nd | Operating a clinic, or offering services requiring licensure, without a license. |
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| 499.0051 (3) | 2nd | Knowing forgery of pedigree |
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papers.

192

499.0051 (4) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

193

499.0051 (5) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

194

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

195

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

196

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

197

784.041 3rd Felony battery; domestic battery by strangulation.

198

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

199

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

200

784.07 (2) (c) 2nd Aggravated assault on law

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enforcement officer.

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| 201 | | | enforcement officer. |
| | 784.074 (1) (b) | 2nd | Aggravated assault on sexually violent predators facility staff. |
| 202 | | | |
| | 784.08 (2) (b) | 2nd | Aggravated assault on a person 65 years of age or older. |
| 203 | | | |
| | 784.081 (2) | 2nd | Aggravated assault on specified official or employee. |
| 204 | | | |
| | 784.082 (2) | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 205 | | | |
| | 784.083 (2) | 2nd | Aggravated assault on code inspector. |
| 206 | | | |
| | 787.02 (2) | 3rd | False imprisonment; restraining with purpose other than those in s. 787.01. |
| 207 | | | |
| | 790.115 (2) (d) | 2nd | Discharging firearm or weapon on school property. |
| 208 | | | |
| | 790.161 (2) | 2nd | Make, possess, or throw destructive device with intent to do bodily harm or damage property. |
| 209 | | | |

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| 210 | 790.164 (1) | 2nd | False report <u>concerning bomb, of</u> deadly explosive, weapon of mass destruction, or act of arson or violence to state property, <u>or use</u> <u>of firearms in violent manner.</u> |
| 211 | 790.19 | 2nd | Shooting or throwing deadly missiles into dwellings, vessels, or vehicles. |
| 212 | 794.011 (8) (a) | 3rd | Solicitation of minor to participate in sexual activity by custodial adult. |
| 213 | 794.05 (1) | 2nd | Unlawful sexual activity with specified minor. |
| 214 | 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. |
| 215 | 800.04 (6) (b) | 2nd | Lewd or lascivious conduct; offender 18 years of age or older. |
| 216 | 806.031 (2) | 2nd | Arson resulting in great bodily harm to firefighter or any other person. |

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| 217 | 810.02 (3) (c) | 2nd | Burglary of occupied structure; unarmed; no assault or battery. |
| 218 | 810.145 (8) (b) | 2nd | Video voyeurism; certain minor victims; 2nd or subsequent offense. |
| 219 | 812.014 (2) (b) 1. | 2nd | Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree. |
| 220 | 812.014 (6) | 2nd | Theft; property stolen \$3,000 or more; coordination of others. |
| 221 | 812.015 (9) (a) | 2nd | Retail theft; property stolen \$300 or more; second or subsequent conviction. |
| 222 | 812.015 (9) (b) | 2nd | Retail theft; property stolen \$3,000 or more; coordination of others. |
| 223 | 812.13 (2) (c) | 2nd | Robbery, no firearm or other weapon (strong-arm robbery). |
| 224 | 817.4821 (5) | 2nd | Possess cloning paraphernalia with intent to create cloned cellular telephones. |

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| 225 | 825.102 (1) | 3rd | Abuse of an elderly person or disabled adult. |
| 226 | 825.102 (3) (c) | 3rd | Neglect of an elderly person or disabled adult. |
| 227 | 825.1025 (3) | 3rd | Lewd or lascivious molestation of an elderly person or disabled adult. |
| 228 | 825.103 (3) (c) | 3rd | Exploiting an elderly person or disabled adult and property is valued at less than \$10,000. |
| 229 | 827.03 (2) (c) | 3rd | Abuse of a child. |
| 230 | 827.03 (2) (d) | 3rd | Neglect of a child. |
| 231 | 827.071 (2) & (3) | 2nd | Use or induce a child in a sexual performance, or promote or direct such performance. |
| 232 | 836.05 | 2nd | Threats; extortion. |
| 233 | 836.10 | 2nd | Written threats to kill or do bodily injury. |
| 234 | 843.12 | 3rd | Aids or assists person to escape. |

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| 235 | 847.011 | 3rd | Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors. |
| 236 | 847.012 | 3rd | Knowingly using a minor in the production of materials harmful to minors. |
| 237 | 847.0135 (2) | 3rd | Facilitates sexual conduct of or with a minor or the visual depiction of such conduct. |
| 238 | 914.23 | 2nd | Retaliation against a witness, victim, or informant, with bodily injury. |
| 239 | 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. |
| 240 | 944.40 | 2nd | Escapes. |
| 241 | 944.46 | 3rd | Harboring, concealing, aiding escaped prisoners. |
| | 944.47 (1) (a) 5. | 2nd | Introduction of contraband |

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266 Each code shall include, but is not limited to:

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

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295 790.162 and 790.163, respectively, involving school or school
296 personnel's property, school transportation, or a school-
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.