

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative Massullo offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 790.162 Threats involving a firearm, weapon, or Threat to  
 10 ~~throw, project, place, or discharge any destructive device,~~  
 11 ~~felony; penalty.-~~

12 (1) It is unlawful for any person to threaten to throw,  
 13 project, place, or discharge any destructive device with intent  
 14 to do bodily harm to any person or with intent to do damage to  
 15 any property of any person., and any person convicted thereof A  
 16 person who violates this subsection commits a felony of the

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17 third ~~second~~ degree, punishable as provided in s. 775.082, s.  
 18 775.083, or s. 775.084.

19 (2) It is unlawful for any person to threaten the use of a  
 20 firearm or any weapon with intent to do bodily harm to any  
 21 person or with intent to do damage to any property of any  
 22 person, if the threat is sufficient to cause fear in a  
 23 reasonable person. A person who violates this subsection commits  
 24 a felony of the third degree, punishable as provided in s.  
 25 775.082, s. 755.083, or s. 775.084.

26 (3) A person does not violate subsection (2) if he or she  
 27 uses or threatens to use a firearm or any other weapon in lawful  
 28 self-defense, lawful defense of others, or lawful defense of  
 29 property.

30 Section 2. Paragraph (e) of subsection (3) of section  
 31 921.0022, Florida Statutes, is amended to read:

32 921.0022 Criminal Punishment Code; offense severity  
 33 ranking chart.—

34 (3) OFFENSE SEVERITY RANKING CHART

35 (e) LEVEL 5

36

Florida	Felony	Description
Statute	Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious

37

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			bodily injury, failure to stop; leaving scene.
38			
	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
39			
	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
40			
	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
41			
	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
42			
	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

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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.

43

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

44

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

45

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

46

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

47

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48	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
49	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
50	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
51	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
52	790.01 (2)	3rd	Carrying a concealed firearm.
	<u>790.162 (1)</u>	<u>3rd</u> <del>2nd</del>	Threat to throw or discharge destructive device.
	<u>790.162 (2)</u>	<u>3rd</u>	<u>Threat involving firearm or weapon.</u>

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53	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
54	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
55	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
56	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
57	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
58	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
59			

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60	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
61	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
62	812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
63	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
64	812.131(2)(b)	3rd	Robbery by sudden snatching.
65	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
66	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.

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67	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
68	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.
69	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.
70	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.



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71	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
72	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
73	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
74	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
75	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

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76	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.
77	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
78	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
79	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
80	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

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- 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.
- 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.
- 86
- 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.
- 87

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88 893.13(4)(b) 2nd Use or hire of minor; deliver  
to minor other controlled  
substance.

89 893.1351(1) 3rd Ownership, lease, or rental for  
90 trafficking in or manufacturing  
91 of controlled substance.

91 -----  
92 **T I T L E A M E N D M E N T**

93 Remove everything before the enacting clause and insert:  
94 An act relating to threats; amendment s. 790.162, F.S.;  
95 decreasing the penalty for threatening to throw, project, place,  
96 or discharge any destructive device with intent to do bodily  
97 harm to any person or with intent to do damage to any property  
98 of any person; prohibiting threats to use a firearm or weapon  
99 with specified intent; providing applicability; providing  
100 criminal penalties; amending s. 921.0022, F.S.; conforming  
101 provisions to changes made by the act; ranking the offense of  
102 threatening to use a firearm or weapon with specified intent for  
103 the purposes of the Criminal Punishment Code; providing an  
104 effective date.