

Amendment No.

17 who violates this subsection, and any person convicted thereof
18 commits a felony of the ~~third~~ second degree, punishable as
19 provided in s. 775.082, s. 775.083, or s. 775.084.

20 (2) (a) It is unlawful for any person to threaten the use
21 of a firearm or any weapon as defined in s. 790.001 with intent
22 to do bodily harm to any person or with intent to do damage to
23 any property likely to result in bodily harm to any person if
24 the threat is sufficient to cause a well-founded fear in a
25 reasonable person that the threat will be acted upon. A person
26 who violates this subsection commits a felony of the third
27 degree, punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084.

29 (b) A person does not violate this subsection if he or she
30 uses or threatens to use a firearm or any weapon as defined in
31 s. 790.001 in lawful self-defense, lawful defense of others, or
32 lawful defense of property.

33 Section 2. Subsection (1) of section 836.10, Florida
34 Statutes, is amended, subsection (2) is renumbered as subsection
35 (3), and a new subsection (2) is added to that section, to read:

36 836.10 Written threats to kill, do bodily injury, or
37 conduct a mass shooting or an act of terrorism; punishment;
38 exemption from liability.—

39 (1) Any person who writes or composes and also sends or
40 procures the sending of any letter, inscribed communication, or
41 electronic communication, whether such letter or communication

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42 be signed or anonymous, to another ~~any~~ person, containing a
 43 threat to kill or to do bodily injury to the person to whom such
 44 letter or communication is sent, or a threat to kill or do
 45 bodily injury to any member of the family of the person to whom
 46 such letter or communication is sent, commits a felony of the
 47 third degree, punishable as provided in s. 775.082, s. 775.083,
 48 or s. 775.084. ~~or~~

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

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

59 921.0022 Criminal Punishment Code; offense severity
 60 ranking chart.—

61 (3) OFFENSE SEVERITY RANKING CHART

62 (e) LEVEL 5

63

Florida	Felony	
Statute	Degree	Description

64

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 311 (2020)

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65	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
66	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
67	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
68	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
69	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,

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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 crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

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

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

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

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

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75	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
76	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
77	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
78	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
79	790.01 (2)	3rd	Carrying a concealed firearm.
80	<u>790.162 (1)</u>	3rd ^{2nd}	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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81	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
82	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
83	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
84	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
85	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
86	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
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88	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
89	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
90	812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
91	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
92	812.131(2)(b)	3rd	Robbery by sudden snatching.
93	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
94	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.

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95	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
96	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.
97	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.
98	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

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99	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
100	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
101	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
102	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
103	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

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104	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.
105	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
106	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
107	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
108	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.

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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.

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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.

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116	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
117	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
118	(f) LEVEL 6		
119	Florida Statute	Felony Degree	Description
120	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
121	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
122	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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124	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
125	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
126	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
127	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
128	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
129	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
130	784.041	3rd	Felony battery; domestic battery by strangulation.

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131	784.048 (3)	3rd	Aggravated stalking; credible threat.
132	784.048 (5)	3rd	Aggravated stalking of person under 16.
133	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
134	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
135	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
136	784.081 (2)	2nd	Aggravated assault on specified official or employee.
137	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
	784.083 (2)	2nd	Aggravated assault on code inspector.

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138	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
139	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
140	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
141	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.
142	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
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144	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
145	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
146	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.
147	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
148	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
149	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.

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150	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
151	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
152	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
153	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
154	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
155	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).

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156	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
157	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
158	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
159	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
160	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
161	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
162	827.03 (2) (c)	3rd	Abuse of a child.
163	827.03 (2) (d)	3rd	Neglect of a child.

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164	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
165	836.05	2nd	Threats; extortion.
166	836.10 <u>(1) & (2)</u>	3rd 2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
167	843.12	3rd	Aids or assists person to escape.
168	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
169	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.

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170	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
171	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
172	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.
173	944.40	2nd	Escapes.
174	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
175	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

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951.22(1)(i) 3rd Firearm or weapon introduced
into county detention.

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177 Section 4. This act shall take effect October 1, 2020.
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179 -----
180 **T I T L E A M E N D M E N T**

181 Remove everything before the enacting clause and insert:
182 An act relating to threats; amending s. 790.162, F.S.;
183 decreasing the penalty for threatening to throw,
184 project, place, or discharge any destructive device
185 with intent to do bodily harm to any person or with
186 intent to do damage to any property likely to cause
187 bodily harm to any person; prohibiting threats to use
188 a firearm or weapon with intent to do bodily harm to
189 any person or with intent to do damage to any property
190 likely to cause bodily harm to any person; providing
191 exceptions; providing criminal penalties; amending s.
192 836.10, F.S.; decreasing the penalty for making a
193 written threat to kill or to do bodily harm; requiring
194 a written or electronic threat to conduct a mass
195 shooting or an act of terrorism to be sufficient to
196 cause a well-founded fear in a reasonable person;
197 decreasing the penalty for making a written or
198 electronic threat to conduct a mass shooting or an act

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199 | of terrorism; amending s. 921.0022, F.S.; conforming
200 | provisions to changes made by the act; ranking the
201 | offense of threatening to use a firearm or weapon with
202 | specified intent for the purposes of the Criminal
203 | Punishment Code; providing an effective date.