

1 A bill to be entitled
 2 An act relating to threats; amending s. 790.162, F.S.;
 3 decreasing the penalty for threatening to throw,
 4 project, place, or discharge any destructive device
 5 with intent to do bodily harm to any person or with
 6 intent to do damage to any property of any person;
 7 prohibiting threats to use a firearm or weapon with
 8 specified intent; providing exceptions; providing
 9 criminal penalties; amending s. 921.0022, F.S.;
 10 conforming provisions to changes made by the act;
 11 ranking the offense of threatening to use a firearm or
 12 weapon with specified intent for the purposes of the
 13 Criminal Punishment Code; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Section 790.162, Florida Statutes, is amended
 18 to read:

19 790.162 Threats involving a firearm, weapon, or ~~Threat to~~
 20 ~~throw, project, place, or discharge any destructive device,~~
 21 ~~felony; penalty.-~~

22 (1) It is unlawful for any person to threaten to throw,
 23 project, place, or discharge any destructive device with intent
 24 to do bodily harm to any person or with intent to do damage to
 25 any property of any person. A person who violates this

26 subsection, ~~and any person convicted thereof~~ commits a felony of
 27 the third ~~second~~ degree, punishable as provided in s. 775.082,
 28 s. 775.083, or s. 775.084.

29 (2) (a) It is unlawful for any person to threaten the use
 30 of a firearm or any weapon as defined in s. 790.001 with intent
 31 to do bodily harm to any person or with intent to do damage to
 32 any property of any person, if the threat is sufficient to cause
 33 a well-founded fear in a reasonable person that the threat will
 34 be acted upon. A person who violates this subsection commits a
 35 felony of the third degree, punishable as provided in s.
 36 775.082, s. 775.083, or s. 775.084.

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

41 Section 2. Paragraph (e) of subsection (3) of section
 42 921.0022, Florida Statutes, is amended to read:

43 921.0022 Criminal Punishment Code; offense severity
 44 ranking chart.—

45 (3) OFFENSE SEVERITY RANKING CHART

46 (e) LEVEL 5

47

Florida	Felony	
Statute	Degree	Description

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49	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
50	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
51	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
52	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
53	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,

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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59	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
60	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
61	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
62	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
63	790.01 (2)	3rd	Carrying a concealed firearm.
64	<u>790.162 (1)</u>	<u>3rd</u> 2nd	Threat to throw or discharge destructive device.
	<u>790.162 (2)</u>	<u>3rd</u>	<u>Threat involving firearm or weapon.</u>

65	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
66	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
67	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
68	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
69	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
70	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
71	806.111 (1)	3rd	Possess, manufacture, or

			dispense fire bomb with intent to damage any structure or property.
72	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
73	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
74	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
75	812.131 (2) (b)	3rd	Robbery by sudden snatching.
76	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
77	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
78	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than

79	817.2341 (1), (2) (a) & (3) (a)	3rd	<p>\$100,000.</p> <p>Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.</p>
80	817.568 (2) (b)	2nd	<p>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.</p>
81	817.611 (2) (a)	2nd	<p>Traffic in or possess 5 to 14 counterfeit credit cards or related documents.</p>
82	817.625 (2) (b)	2nd	<p>Second or subsequent fraudulent use of scanning device,</p>

83			skimming device, or reencoder.
825.1025 (4)	3rd		Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
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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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827.071 (5)	3rd		Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
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828.12 (2)	3rd		Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
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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.
88	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
89	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
90	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
91	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
92	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
93	874.05 (2) (a)	2nd	Encouraging or recruiting

94	893.13(1)(a)1.	2nd	<p>person under 13 years of age to join a criminal gang.</p> <p>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).</p>
95	893.13(1)(c)2.	2nd	<p>Sell, manufacture, or deliver cannabis (or other 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) 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.</p>
96	893.13(1)(d)1.	1st	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),</p>

97	893.13(1)(e)2.	2nd	<p>(2) (a), (2) (b), or (2) (c) 5. drugs) within 1,000 feet of university.</p> <p>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.</p>
98	893.13(1)(f)1.	1st	<p>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.</p>
99	893.13(4)(b)	2nd	<p>Use or hire of minor; deliver to minor other controlled substance.</p>

