

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 likely to cause  
7           bodily harm to any person; prohibiting threats to use  
8           a firearm or weapon with intent to do bodily harm to  
9           any person or with intent to do damage to any property  
10          likely to cause bodily harm to any person; providing  
11          exceptions; providing criminal penalties; amending s.  
12          836.10, F.S.; decreasing the penalty for making a  
13          written threat to kill or to do bodily harm; requiring  
14          a written or electronic threat to conduct a mass  
15          shooting or an act of terrorism to be sufficient to  
16          cause a well-founded fear in a reasonable person;  
17          decreasing the penalty for making a written or  
18          electronic threat to conduct a mass shooting or an act  
19          of terrorism; amending s. 921.0022, F.S.; conforming  
20          provisions to changes made by the act; ranking the  
21          offense of threatening to use a firearm or weapon with  
22          specified intent for the purposes of the Criminal  
23          Punishment Code; providing an effective date.

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25   Be It Enacted by the Legislature of the State of Florida:

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

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

(1) It is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property likely to result in bodily harm to ~~of any person if~~ the threat is sufficient to cause a well-founded fear in a reasonable person that the threat will be acted upon. A person who violates this subsection, ~~and any person convicted thereof~~ commits a felony of the third ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(b) A person does not violate this subsection if he or she

51 uses or threatens to use a firearm or any weapon as defined in  
 52 s. 790.001 in lawful self-defense, lawful defense of others, or  
 53 lawful defense of property.

54 Section 2. Section 836.10, Florida Statutes, is amended to  
 55 read:

56 836.10 Written threats to kill, do bodily injury, or  
 57 conduct a mass shooting or an act of terrorism; punishment;  
 58 exemption from liability.—

59 (1) Any person who writes or composes and also sends or  
 60 procures the sending of any letter, inscribed communication, or  
 61 electronic communication, whether such letter or communication  
 62 be signed or anonymous, to another ~~any~~ person, containing a  
 63 threat to kill or to do bodily injury to the person to whom such  
 64 letter or communication is sent, or a threat to kill or do  
 65 bodily injury to any member of the family of the person to whom  
 66 such letter or communication is sent, commits a felony of the  
 67 third degree, punishable as provided in s. 775.082, s. 775.083,  
 68 or s. 775.084. ~~or~~

69 (2) Any person who makes, posts, or transmits a threat in  
 70 a writing or other record, including an electronic record, to  
 71 conduct a mass shooting or an act of terrorism, in any manner  
 72 that would allow another person to view the threat when such  
 73 threat is sufficient to cause a well-founded fear in a  
 74 reasonable person that the threat will be acted upon, commits a  
 75 felony of the third ~~second~~ degree, punishable as provided in s.

76 | 775.082, s. 775.083, or s. 775.084.

77 |     (3)~~(2)~~ This section does not impose liability on a  
 78 | provider of an interactive computer service, communications  
 79 | services as defined in s. 202.11, a commercial mobile service,  
 80 | or an information service, including, but not limited to, an  
 81 | Internet service provider or a hosting service provider, if it  
 82 | provides the transmission, storage, or caching of electronic  
 83 | communications or messages of others or provides another related  
 84 | telecommunications service, commercial mobile radio service, or  
 85 | information service for use by another person who violates this  
 86 | section. This exemption from liability is consistent with and in  
 87 | addition to any liability exemption provided under 47 U.S.C. s.  
 88 | 230.

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

91 |     921.0022 Criminal Punishment Code; offense severity  
 92 | ranking chart.—

93 |     (3) OFFENSE SEVERITY RANKING CHART

94 |     (e) LEVEL 5

95 |

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

96 |

bodily injury, failure to stop;  
leaving scene.

97

316.1935 (4) (a) 2nd Aggravated fleeing or eluding.

98

316.80 (2) 2nd Unlawful conveyance of fuel;  
obtaining fuel fraudulently.

99

322.34 (6) 3rd Careless operation of motor  
vehicle with suspended license,  
resulting in death or serious  
bodily injury.

100

327.30 (5) 3rd Vessel accidents involving  
personal injury; leaving scene.

101

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.

102

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

103

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

104

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

105

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

106

440.105 (5) 2nd Unlawful solicitation for the purpose of making workers'

compensation claims.

107

440.381 (2) 3rd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

108

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

109

626.902 (1) (c) 2nd Representing an unauthorized insurer; repeat offender.

110

790.01 (2) 3rd Carrying a concealed firearm.

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790.162 (1) ~~3rd 2nd~~ Threat to throw or discharge destructive device.  
~~790.162~~

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790.162 (2) 3rd Threat involving firearm or weapon.

113

790.163 (1) 2nd False report of bomb,

explosive, weapon of mass  
destruction, or use of firearms  
in violent manner.

114

790.221(1) 2nd Possession of short-barreled  
shotgun or machine gun.

115

790.23 2nd Felons in possession of  
firearms, ammunition, or  
electronic weapons or devices.

116

796.05(1) 2nd Live on earnings of a  
prostitute; 1st offense.

117

800.04(6)(c) 3rd Lewd or lascivious conduct;  
offender less than 18 years of  
age.

118

800.04(7)(b) 2nd Lewd or lascivious exhibition;  
offender 18 years of age or  
older.

119

806.111(1) 3rd Possess, manufacture, or  
dispense fire bomb with intent  
to damage any structure or

property.

120

812.0145 (2) (b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

121

812.015 3rd Retail theft; property stolen (8) (a) & (c) - (e) is valued at \$750 or more and one or more specified acts.

122

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

123

812.131 (2) (b) 3rd Robbery by sudden snatching.

124

812.16 (2) 3rd Owning, operating, or conducting a chop shop.

125

817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.

126

817.234 (11) (b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

127

128	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.
129	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.
130	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
131	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

132	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
133	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
134	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
135	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
	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.

136

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

137

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

138

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

139

847.0138 3rd Transmission of material (2) & (3) harmful to minors to a minor by electronic device or equipment.

140

874.05(1)(b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

141

874.05(2)(a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

142

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)5. drugs).

143

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)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.

144

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.

145

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.

146

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.

147

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

148

893.1351(1)            3rd    Ownership, lease, or rental for

trafficking in or manufacturing  
of controlled substance.

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150 (f) LEVEL 6

151

Florida Felony

Statute Degree Description

152

316.027 (2) (b) 2nd Leaving the scene of a crash  
involving serious bodily  
injury.

153

316.193 (2) (b) 3rd Felony DUI, 4th or subsequent  
conviction.

154

400.9935 (4) (c) 2nd Operating a clinic, or offering  
services requiring licensure,  
without a license.

155

499.0051 (2) 2nd Knowing forgery of transaction  
history, transaction  
information, or transaction  
statement.

156

499.0051 (3) 2nd Knowing purchase or receipt of

prescription drug from  
 unauthorized person.

157

499.0051 (4) 2nd Knowing sale or transfer of  
 prescription drug to  
 unauthorized person.

158

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

159

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

160

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

161

784.041 3rd Felony battery; domestic  
 battery by strangulation.

162

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

163

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

164

165	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
166	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
167	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
168	784.081 (2)	2nd	Aggravated assault on specified official or employee.
169	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
170	784.083 (2)	2nd	Aggravated assault on code inspector.
171	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
	790.115 (2) (d)	2nd	Discharging firearm or weapon

on school property.

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

173

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.

174

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

175

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

176

794.05 (1)                          2nd      Unlawful sexual activity with  
specified minor.

177

178	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.
179	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
180	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
181	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
182	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
183	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
	812.014 (6)	2nd	Theft; property stolen \$3,000

or more; coordination of  
others.

184

812.015 (9) (a) 2nd Retail theft; property stolen  
\$750 or more; second or  
subsequent conviction.

185

812.015 (9) (b) 2nd Retail theft; aggregated  
property stolen within 30 days  
is \$3,000 or more; coordination  
of others.

186

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

187

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

188

817.505 (4) (b) 2nd Patient brokering; 10 or more  
patients.

189

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

190

191	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
192	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
193	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
194	827.03 (2) (c)	3rd	Abuse of a child.
195	827.03 (2) (d)	3rd	Neglect of a child.
196	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
197	836.05	2nd	Threats; extortion.
	<u>836.10 (1) &amp; (2)</u> <del>836.10</del>	<u>3rd</u> <del>2nd</del>	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.

198	843.12	3rd	Aids or assists person to escape.
199	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
200	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
201	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
202	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
203	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.

204

944.40                      2nd      Escapes.

205

944.46                      3rd      Harboring, concealing, aiding  
escaped prisoners.

206

944.47(1)(a)5.            2nd      Introduction of contraband  
(firearm, weapon, or explosive)  
into correctional facility.

207

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

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209                      Section 4.    This act shall take effect October 1, 2020.