

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Massullo offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

14 the threat is sufficient to cause a well-founded fear in a
15 reasonable person that the threat will be imminently acted upon.
16 A person who violates this subsection, and any person convicted
17 thereof commits a felony of the third ~~second~~ degree, punishable
18 as provided in s. 775.082, s. 775.083, or s. 775.084.

19 (2) (a) It is unlawful for any person to threaten the use
20 of a firearm or weapon as defined in s. 790.001 in any building
21 owned by a federal, state, county, municipality, or other local
22 government or political subdivision, or any public assembly
23 locations as defined in s. 554.1021(9), with intent to do bodily
24 harm to any person or with intent to do damage to any such
25 building or location that is likely to result in bodily harm to
26 any person, if the threat is sufficient to cause a well-founded
27 fear in a reasonable person that the threat will be imminently
28 acted upon. A person who violates this subsection commits a
29 felony of the third degree, punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084.

31 (b) A person does not violate this subsection if he or she
32 uses or threatens to use a firearm or weapon as defined in s.
33 790.001 in lawful self-defense, lawful defense of others, or
34 lawful defense of property.

35 Section 2. Section 836.10, Florida Statutes, is amended to
36 read:

056839

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Amendment No.

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

40 (1) Any person who writes or composes and also sends or
41 procures the sending of any letter, inscribed communication, or
42 electronic communication, whether such letter or communication
43 be signed or anonymous, to another ~~any~~ person, containing a
44 threat to kill or to do bodily injury to the person to whom such
45 letter or communication is sent, or a threat to kill or do
46 bodily injury to any member of the family of the person to whom
47 such letter or communication is sent, commits a felony of the
48 third degree, punishable as provided in s. 775.082, s. 775.083,
49 or s. 775.084. ~~or~~

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

58 (3) ~~(2)~~ This section does not impose liability on a
59 provider of an interactive computer service, communications
60 services as defined in s. 202.11, a commercial mobile service,
61 or an information service, including, but not limited to, an

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

62 Internet service provider or a hosting service provider, if it
 63 provides the transmission, storage, or caching of electronic
 64 communications or messages of others or provides another related
 65 telecommunications service, commercial mobile radio service, or
 66 information service for use by another person who violates this
 67 section. This exemption from liability is consistent with and in
 68 addition to any liability exemption provided under 47 U.S.C. s.
 69 230.

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

72 921.0022 Criminal Punishment Code; offense severity
 73 ranking chart.—

74 (3) OFFENSE SEVERITY RANKING CHART

75 (e) LEVEL 5

76

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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056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

80	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
81	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
82	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

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

			crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
83	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
84	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
85	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
86	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
87	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
88	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

89	624.401 (4) (b) 2.	2nd	avoiding or reducing workers' compensation premiums.
90	626.902 (1) (c)	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
91	790.01 (2)	3rd	Representing an unauthorized insurer; repeat offender.
92	<u>790.162 (1)</u> 790.162	<u>3rd</u> 2nd	Carrying a concealed firearm. Threat to throw or discharge destructive device.
93	<u>790.162 (2)</u>	<u>3rd</u>	<u>Threat involving firearm or weapon.</u>
94	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
95	790.221 (1)	2nd	Possession of short-barreled

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

shotgun or machine gun.

96

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

97

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

98

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

99

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

100

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

101

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

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

102	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
103	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
104	812.131 (2) (b)	3rd	Robbery by sudden snatching.
105	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
106	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
107	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
108	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

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

solvency of an insuring entity.

109

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.

110

817.611 (2) (a) 2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

111

817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

112

825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

113

827.071 (4) 2nd Possess with intent to promote

056839

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Amendment No.

any photographic material,
motion picture, etc., which
includes sexual conduct by a
child.

114

827.071 (5) 3rd Possess, control, or
intentionally view any
photographic material, motion
picture, etc., which includes
sexual conduct by a child.

115

828.12 (2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

116

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.

117

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

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

118	847.0135(5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
119	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
120	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
121	874.05(1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
122	874.05(2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
123	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.

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

drugs).

124

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.

125

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.

126

893.13(1)(e)2. 2nd Sell, manufacture, or deliver
cannabis or other drug
prohibited under s.

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

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.

127

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.

128

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

129

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

130

131 (f) LEVEL 6

132

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

	Florida Statute	Felony Degree	Description
133	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
134	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
135	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
136	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
137	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
138	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

unauthorized person.

139

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

140

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

141

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

142

784.041 3rd Felony battery; domestic
battery by strangulation.

143

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

144

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

145

784.07 (2) (c) 2nd Aggravated assault on law
enforcement officer.

146

784.074 (1) (b) 2nd Aggravated assault on sexually
violent predators facility

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

staff.

147

784.08 (2) (b) 2nd Aggravated assault on a person
65 years of age or older.

148

784.081 (2) 2nd Aggravated assault on specified
official or employee.

149

784.082 (2) 2nd Aggravated assault by detained
person on visitor or other
detainee.

150

784.083 (2) 2nd Aggravated assault on code
inspector.

151

787.02 (2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

152

790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

153

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

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

property.

154

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.

155

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

156

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

157

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

158

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.

159

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

160	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
161	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
162	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
163	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
164	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
165	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

subsequent conviction.

166

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

167

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

168

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

169

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

170

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

171

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

172

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

disabled adult.

173

825.103 (3) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

174

827.03 (2) (c) 3rd Abuse of a child.

175

827.03 (2) (d) 3rd Neglect of a child.

176

827.071 (2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

177

836.05 2nd Threats; extortion.

178

836.10(1) & (2) 3rd ~~2nd~~ Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
~~836.10~~

179

843.12 3rd Aids or assists person to escape.

180

847.011 3rd Distributing, offering to

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

distribute, or possessing with
intent to distribute obscene
materials depicting minors.

181

847.012

3rd

Knowingly using a minor in the
production of materials harmful
to minors.

182

847.0135(2)

3rd

Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

183

914.23

2nd

Retaliation against a witness,
victim, or informant, with
bodily injury.

184

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.

185

944.40

2nd

Escapes.

186

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

187

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

188

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

189

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

191

192

193

T I T L E A M E N D M E N T

194

Remove everything before the enacting clause and insert:

195

A bill to be entitled

196

An act relating to threats; amending s. 790.162, F.S.;

197

decreasing the penalty for threatening to throw,

198

project, place, or discharge any destructive device

199

with intent to do bodily harm to any person or with

200

intent to do damage to any property likely to cause

201

bodily harm to any person; prohibiting threats to use

202

a firearm or weapon with intent to do bodily harm to

203

any person or with intent to do damage to specified

204

property likely to cause bodily harm to any person;

056839

Approved For Filing: 3/7/2020 3:22:02 PM

Amendment No.

205 providing exceptions; providing criminal penalties;
206 amending s. 836.10, F.S.; decreasing the penalty for
207 making a written threat to kill or to do bodily harm;
208 requiring a written or electronic threat to conduct a
209 mass shooting or an act of terrorism to be sufficient
210 to cause a well-founded fear in a reasonable person;
211 decreasing the penalty for making a written or
212 electronic threat to conduct a mass shooting or an act
213 of terrorism; amending s. 921.0022, F.S.; conforming
214 provisions to changes made by the act; ranking the
215 offense of threatening to use a firearm or weapon with
216 specified intent for the purposes of the Criminal
217 Punishment Code; providing an effective date.

056839

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