

By Senator Stargel

22-00645A-20

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1 A bill to be entitled
 2 An act relating to threats; amending s. 790.162, F.S.;
 3 prohibiting threats to use a firearm or weapon with
 4 specified intent; providing criminal penalties;
 5 amending s. 921.0022, F.S.; conforming a provision to
 6 changes made by the act; providing an effective date.

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

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

12 790.162 Threats involving a firearm, weapon, or ~~Threat to~~
 13 ~~throw, project, place, or discharge any~~ destructive device,
 14 ~~felony; penalty.-~~

15 (1) It is unlawful for any person to threaten:

16 (a) The use of a firearm or any weapon; or

17 (b) To ~~threaten to~~ throw, project, place, or discharge any
 18 destructive device,

19
 20 with intent to do bodily harm to any person or with intent to do
 21 damage to any property of any person.

22 (2) A, ~~and any person who violates subsection (1) convicted~~
 23 ~~thereof~~ commits a felony of the second degree, punishable as
 24 provided in s. 775.082, s. 775.083, or s. 775.084.

25 Section 2. Paragraph (e) of subsection (3) of section
 26 921.0022, Florida Statutes, is amended to read:

27 921.0022 Criminal Punishment Code; offense severity ranking
 28 chart.-

29 (3) OFFENSE SEVERITY RANKING CHART

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(e) LEVEL 5

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

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

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440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
790.01 (2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat <u>involving firearm, weapon, or to throw or discharge</u> destructive device.
790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.

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51	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
52	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
53	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
54	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
55	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
56	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
57	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
	812.019 (1)	2nd	Stolen property; dealing in or

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58			trafficking in.
59	812.131 (2) (b)	3rd	Robbery by sudden snatching.
60	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
61	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
62	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
63	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.
	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

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			persons.
64	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
65	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
66	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
67	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
68	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
69	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or

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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.

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843.01

3rd

Resist officer with violence to person; resist arrest with violence.

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847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

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847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

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847.0138
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by electronic device or equipment.

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874.05 (1) (b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

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874.05 (2) (a)

2nd

Encouraging or recruiting

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person under 13 years of age to
join a criminal gang.

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).

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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.

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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.
- 83
893.13(4)(b)
2nd

 Use or hire of minor; deliver to minor other controlled substance.
- 84
893.1351(1)
3rd

 Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

85 Section 3. This act shall take effect October 1, 2020.