

By the Committees on Criminal Justice; and Infrastructure and Security; and Senators Stargel and Hutson

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

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Section 790.162, Florida Statutes, is amended to  
16 read:

17 790.162 Threats involving a firearm, weapon, or ~~Threat to~~  
18 ~~throw, project, place, or discharge any destructive device,~~  
19 ~~felony; penalty.-~~

20 (1) It is unlawful for any person to threaten to throw,  
21 project, place, or discharge any destructive device with intent  
22 to do bodily harm to any person or with intent to do damage to  
23 any property of any person. A person who violates this  
24 subsection, and any person convicted thereof commits a felony of  
25 the third ~~second~~ degree, punishable as provided in s. 775.082,  
26 s. 775.083, or s. 775.084.

27 (2) It is unlawful for any person to threaten the use of a  
28 firearm or any weapon at a child care facility as defined in s.  
29 402.302, a school as defined in s. 790.115(2)(a), a religious

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30 institution as defined in s. 496.404(23), a theme park complex  
 31 as defined in s. 817.361(1)(c), or any building owned by a  
 32 federal, state, county, municipality, or other local government  
 33 or political subdivision, with intent to do bodily harm to any  
 34 person or with intent to do damage to any of the listed  
 35 properties, if the threat is sufficient to cause alarm in a  
 36 reasonable person. A person who violates this subsection commits  
 37 a felony of the third degree, punishable as provided in s.  
 38 775.082, s. 775.083, or s. 775.084.

39 (3) A person does not violate subsection (2) if he or she  
 40 uses or threatens to use a firearm or any other weapon in lawful  
 41 self-defense, lawful defense of others, or lawful defense of  
 42 property.

43 Section 2. Paragraph (e) of subsection (3) of section  
 44 921.0022, Florida Statutes, is amended to read:

45 921.0022 Criminal Punishment Code; offense severity ranking  
 46 chart.-

47 (3) OFFENSE SEVERITY RANKING CHART

48 (e) LEVEL 5

49

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

53

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

54

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

55

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

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suspended or revoked.

379.367(4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

57

379.407(5)(b)3.

3rd

Possession of 100 or more undersized spiny lobsters.

58

381.0041(11)(b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

59

440.10(1)(g)

2nd

Failure to obtain workers' compensation coverage.

60

440.105(5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

61

440.381(2)

3rd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

62

624.401(4)(b)2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

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

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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~~

66

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

67

790.163 (1)                         2nd     False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

68

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

69

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

70

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

71

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

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72			age.
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
73			
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
74			
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
75			
	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
76			
	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
77			
	812.131 (2) (b)	3rd	Robbery by sudden snatching.
78			
	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
79			
	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.

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

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817.2341 (1), 3rd Filing false financial  
(2) (a) & (3) (a) statements, making false  
entries of material fact or  
false statements regarding  
property values relating to the  
solvency of an insuring entity.

82

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.

83

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

84

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

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

86

827.071 (4) 2nd Possess with intent to promote  
any photographic material,  
motion picture, etc., which  
includes sexual conduct by a  
child.

87

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

88

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

89

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.

90

843.01 3rd Resist officer with violence to



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person; resist arrest with violence.

- 847.0135 (5) (b)            2nd    Lewd or lascivious exhibition using computer; offender 18 years or older.
- 847.0137                    3rd    Transmission of pornography by (2) & (3) electronic device or equipment.
- 847.0138                    3rd    Transmission of material (2) & (3) 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.
- 874.05 (2) (a)            2nd    Encouraging or recruiting 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.

99

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.

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

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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.

101

893.13(4)(b)

2nd

Use or hire of minor; deliver to minor other controlled substance.

102

893.1351(1)

3rd

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

103

104

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