

2020728e1

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; amending s. 784.046, F.S.; redefining the term
12 "violence" to include incidents of cyberstalking;
13 amending s. 784.048, F.S.; redefining the term
14 "cyberstalk"; providing effective dates.

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

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

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

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

2020728e1

30 (2) It is unlawful for any person to threaten the use of a
 31 firearm or any weapon at a child care facility as defined in s.
 32 402.302, a school as defined in s. 790.115(2) (a), a religious
 33 institution as defined in s. 496.404(23), a theme park complex
 34 as defined in s. 817.361(1) (c), or any building owned by a
 35 federal, state, county, municipality, or other local government
 36 or political subdivision, with intent to do bodily harm to any
 37 person or with intent to do damage to any of the listed
 38 properties, if the threat is sufficient to cause alarm in a
 39 reasonable person. A person who violates this subsection commits
 40 a felony of the third degree, punishable as provided in s.
 41 775.082, s. 775.083, or s. 775.084.

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

46 Section 2. Paragraph (e) of subsection (3) of section
 47 921.0022, Florida Statutes, is amended to read:

48 921.0022 Criminal Punishment Code; offense severity ranking
 49 chart.—

50 (3) OFFENSE SEVERITY RANKING CHART

51 (e) LEVEL 5

52

Florida Statute	Felony Degree	Description
316.027(2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop;

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2020728e1

			leaving scene.
54			
	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
55			
	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
56			
	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
57			
	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
58			
	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

2020728e1

			crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
59	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
60	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
61	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
62	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
63	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
64	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
65	624.401 (4) (b) 2.	2nd	Transacting insurance without a

2020728e1

			certificate or authority; premium collected \$20,000 or more but less than \$100,000.
66	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
67	790.01 (2)	3rd	Carrying a concealed firearm.
68	<u>790.162 (1)</u> 790.162	<u>3rd</u> 2nd	Threat to throw or discharge destructive device.
69	<u>790.162 (2)</u>	<u>3rd</u>	<u>Threat involving firearm or weapon.</u>
70	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
71	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
72	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
73	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.

2020728e1

74	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
75	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
76	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
77	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
78	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
79	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
80	812.131 (2) (b)	3rd	Robbery by sudden snatching.
81	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.

2020728e1

82
817.034(4)(a)2. 2nd Communications fraud, value
\$20,000 to \$50,000.

83
817.234(11)(b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

84
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.

85
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.

86
817.611(2)(a) 2nd Traffic in or possess 5 to 14
counterfeit credit cards or
related documents.

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2020728e1

88	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
89	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
90	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
91	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
92	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

2020728e1

			death.
93	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
94	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
95	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
96	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
97	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
98	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
99	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d),

2020728e1

(2) (a), (2) (b), or (2) (c) 5.
drugs).

100

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.

101

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.

102

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.,

2020728e1

(2)(c)10., (3), or (4) within
1,000 feet of property used for
religious services or a
specified business site.

103

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.

104

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

105

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

106

107 Section 3. Effective upon this act becoming a law,
108 paragraph (a) of subsection (1) of section 784.046, Florida
109 Statutes, is amended to read:

110 784.046 Action by victim of repeat violence, sexual
111 violence, or dating violence for protective injunction; dating
112 violence investigations, notice to victims, and reporting;
113 pretrial release violations; public records exemption.—

114 (1) As used in this section, the term:

115 (a) "Violence" means any assault, aggravated assault,

2020728e1

116 battery, aggravated battery, sexual assault, sexual battery,
117 stalking, aggravated stalking, cyberstalking, kidnapping, or
118 false imprisonment, or any criminal offense resulting in
119 physical injury or death, by a person against any other person.

120 Section 4. Effective upon this act becoming a law,
121 paragraph (d) of subsection (1) of section 784.048, Florida
122 Statutes, is amended to read:

123 784.048 Stalking; definitions; penalties.—

124 (1) As used in this section, the term:

125 (d) "Cyberstalk" means:

126 1. To engage in a course of conduct to communicate, or to
127 cause to be communicated, words, images, or language by or
128 through any of the following:

129 a. The use of electronic mail or electronic communication,
130 directed at a specific person; or

131 b. Posting on an Internet website, blog, or social network,
132 the content of which pertains to a specific person despite the
133 fact that the post may also be visible to or accessed by other
134 subscribers of the social networking site; or

135 2. To access, or attempt to access, the online accounts or
136 Internet-connected home electronic systems of another person
137 without that person's permission,

138
139 causing substantial emotional distress to that person and
140 serving no legitimate purpose.

141 Section 5. Except as otherwise expressly provided in this
142 act and except for this section, which shall take effect upon
143 this act becoming a law, this act shall take effect October 1,
144 2020.