

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Oliva offered the following:

Amendment (with title amendment)

Between lines 660 and 661, insert:

Section 11. Section 836.10, Florida Statutes, is amended to read:

836.10 Written threats to kill, ~~or~~ do bodily injury, or conduct a mass shooting or act of terrorism; punishment.— Any person who writes or composes and also sends or procures the sending of any letter, inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any person, containing a threat to kill or to do

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14 | bodily injury to the person to whom such letter or communication
 15 | is sent, or a threat to kill or do bodily injury to any member
 16 | of the family of the person to whom such letter or communication
 17 | is sent, or any person who makes a threat in a writing or other
 18 | record, including an electronic record, to conduct a mass
 19 | shooting or act of terrorism and posts or transmits the threat
 20 | in any manner that would allow another person to view the
 21 | threat, commits a felony of the second degree, punishable as
 22 | provided in s. 775.082, s. 775.083, or s. 775.084.

23 | Section 12. Paragraph (f) of subsection (3) of section
 24 | 921.0022, Florida Statutes, is amended to read:

25 | 921.0022 Criminal Punishment Code; offense severity
 26 | ranking chart.—

27 | (3) OFFENSE SEVERITY RANKING CHART

28 | (f) LEVEL 6

29 |

Florida Statute	Felony Degree	Description
316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.

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32	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
33	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
34	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
35	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
36	775.0875(1)	3rd	Taking firearm from law enforcement officer.
37	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
38	784.021(1)(b)	3rd	Aggravated assault; intent to

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39			commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.	
40			
784.048 (3)	3rd	Aggravated stalking; credible threat.	
41			
784.048 (5)	3rd	Aggravated stalking of person under 16.	
42			
784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.	
43			
784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.	
44			
784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.	
45			
784.081 (2)	2nd	Aggravated assault on specified official or employee.	
46			
784.082 (2)	2nd	Aggravated assault by detained	

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			person on visitor or other detainee.
47	784.083 (2)	2nd	Aggravated assault on code inspector.
48	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
49	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
50	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
51	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.
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53	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
54	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
55	794.05(1)	2nd	Unlawful sexual activity with specified minor.
56	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.
57	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
58	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
	810.02(3)(c)	2nd	Burglary of occupied structure;

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59			unarmed; no assault or battery.
810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.	
60			
812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.	
61			
812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.	
62			
812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.	
63			
812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.	
64			
812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).	
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66	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
67	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
68	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
69	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
70	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
71	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
72	827.03 (2) (c)	3rd	Abuse of a child.
73	827.03 (2) (d)	3rd	Neglect of a child.

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74	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
75	836.05	2nd	Threats; extortion.
76	836.10	2nd	Written threats to kill, or do bodily injury, <u>or conduct a mass shooting or act of terrorism.</u>
77	843.12	3rd	Aids or assists person to escape.
78	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
79	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual

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			depiction of such conduct.
80	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
81	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.
82	944.40	2nd	Escapes.
83	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
84	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
85	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

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Section 13. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, Section 794.056, Florida Statutes, is reenacted to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust

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111 fund also shall include revenues provided by law, moneys
112 appropriated by the Legislature, and grants from public or
113 private entities.

114 (2) The Department of Health shall establish by rule
115 criteria consistent with the provisions of s. 794.055(3)(b) for
116 distributing moneys from the trust fund to rape crisis centers.

117 Section 14. For the purpose of incorporating the amendment
118 made by this act to section 836.10, Florida Statutes, in a
119 reference thereto, Section 938.085, Florida Statutes, is
120 reenacted to read:

121 938.085 Additional cost to fund rape crisis centers.—In
122 addition to any sanction imposed when a person pleads guilty or
123 nolo contendere to, or is found guilty of, regardless of
124 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
125 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
126 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
127 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
128 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
129 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
130 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
131 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
132 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
133 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
134 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
135 \$151. Payment of the surcharge shall be a condition of

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136 probation, community control, or any other court-ordered
137 supervision. The sum of \$150 of the surcharge shall be deposited
138 into the Rape Crisis Program Trust Fund established within the
139 Department of Health by chapter 2003-140, Laws of Florida. The
140 clerk of the court shall retain \$1 of each surcharge that the
141 clerk of the court collects as a service charge of the clerk's
142 office.

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144 -----
145 **T I T L E A M E N D M E N T**

146 Between lines 58 and 59, insert:
147 amending s. 836.10, F.S.; prohibiting a person from
148 making threats to conduct a mass shooting or act of
149 terrorism in a writing or other record and
150 transmitting that threat in any manner that would
151 allow another person to view the threat; amending s.
152 921.0022, F.S.; revising the offense ranking to
153 include written threats to conduct a mass shooting or
154 act of terrorism; reenacting ss. 794.056 and 938.085,
155 F.S., relating to the Rape Crises Program Trust Fund
156 and additional cost to fund rape crises centers,
157 respectively, to incorporate the amendments made by
158 the act;

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