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576-03818-17

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to threats to kill or do bodily injury; amending s. 836.10, F.S.; prohibiting a person from making a threat to kill or do bodily injury in a writing or other record by posting or transmitting, or procuring the posting or transmission of, the threat in a specified manner; deleting requirements that a threat be sent to a specific recipient to be a prohibited act; providing separate penalties for juveniles and adults; defining the term "electronic record"; amending s. 901.15, F.S.; authorizing a law enforcement officer to arrest a person without a warrant for a criminal act of threat to kill or do bodily injury, as shown in a posting or as transmitted in a specified manner; reenacting ss. 794.056(1), 921.0022(3)(f), and 938.085, F.S., relating to the Rape Crisis Program Trust Fund, the offense severity ranking chart of the Criminal Punishment Code, and additional cost to fund rape crisis centers, respectively, to incorporate the amendment made to s. 836.10, F.S., in references thereto; providing an effective date.

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

Section 1. Section 836.10, Florida Statutes, is amended to read:



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28 836.10 Written threats to kill or do bodily injury;
29 punishment.—

30 (1) It is unlawful for a Any person to make who writes or
31 composes and also sends or procures the sending of any letter,
32 inscribed communication, or electronic communication, whether
33 such letter or communication be signed or anonymous, to any
34 person, containing a threat to kill or to do bodily injury to
35 another the person in a writing or other record, including an
36 electronic record, by sending, posting, or transmitting, or
37 procuring the sending, posting, or transmission of, the threat
38 in a manner that would allow another person to view the threat.

39 (2) A person who is 18 years of age or older and who
40 violates this section to whom such letter or communication is
41 sent, or a threat to kill or do bodily injury to any member of
42 the family of the person to whom such letter or communication is
43 sent commits a felony of the second degree, punishable as
44 provided in s. 775.082, s. 775.083, or s. 775.084.

45 (3) A person who is under the age of 18 and who violates
46 this section commits a misdemeanor of the first degree,
47 punishable as provided in s. 775.082 or s. 775.083.

48 (4) For purposes of this section, the term "electronic
49 record" means relating to technology having electrical, digital,
50 magnetic, wireless, optical, electromagnetic, or similar
51 capabilities.

52 Section 2. Subsection (17) is added to section 901.15,
53 Florida Statutes, to read:

54 901.15 When arrest by officer without warrant is lawful.—A
55 law enforcement officer may arrest a person without a warrant
56 when:



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57 (17) There is probable cause to believe that the person has
58 committed a criminal act of threat to kill or do bodily injury
59 as described in s. 836.10.

60 Section 3. For the purpose of incorporating the amendment
61 made by this act to section 836.10, Florida Statutes, in a
62 reference thereto, subsection (1) of section 794.056, Florida
63 Statutes, is reenacted to read:

64 794.056 Rape Crisis Program Trust Fund.—

65 (1) The Rape Crisis Program Trust Fund is created within
66 the Department of Health for the purpose of providing funds for
67 rape crisis centers in this state. Trust fund moneys shall be
68 used exclusively for the purpose of providing services for
69 victims of sexual assault. Funds credited to the trust fund
70 consist of those funds collected as an additional court
71 assessment in each case in which a defendant pleads guilty or
72 nolo contendere to, or is found guilty of, regardless of
73 adjudication, an offense provided in s. 775.21(6) and (10)(a),
74 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
75 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
76 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
77 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
78 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
79 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
80 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
81 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
82 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
83 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
84 fund also shall include revenues provided by law, moneys
85 appropriated by the Legislature, and grants from public or



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86 private entities.

87 Section 4. For the purpose of incorporating the amendment
88 made by this act to section 836.10, Florida Statutes, in a
89 reference thereto, paragraph (f) of subsection (3) of section
90 921.0022, Florida Statutes, is reenacted to read:

91 921.0022 Criminal Punishment Code; offense severity ranking
92 chart.—

93 (3) OFFENSE SEVERITY RANKING CHART

94 (f) LEVEL 6

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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.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.

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harm to firefighter or any
other person.

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810.02 (3) (c) 2nd Burglary of occupied structure;
unarmed; no assault or battery.

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810.145 (8) (b) 2nd Video voyeurism; certain minor
victims; 2nd or subsequent
offense.

127

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or
more, but less than \$100,000,
grand theft in 2nd degree.

128

812.014 (6) 2nd Theft; property stolen \$3,000
or more; coordination of
others.

129

812.015 (9) (a) 2nd Retail theft; property stolen
\$300 or more; second or
subsequent conviction.

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

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

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169 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
170 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
171 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
172 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
173 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
174 \$151. Payment of the surcharge shall be a condition of
175 probation, community control, or any other court-ordered
176 supervision. The sum of \$150 of the surcharge shall be deposited
177 into the Rape Crisis Program Trust Fund established within the
178 Department of Health by chapter 2003-140, Laws of Florida. The
179 clerk of the court shall retain \$1 of each surcharge that the
180 clerk of the court collects as a service charge of the clerk's
181 office.

182 Section 6. This act shall take effect October 1, 2017.