

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

---

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative McClain offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 836.10 Written threats to kill or do bodily injury;

10 punishment.- A Any person who makes a threat in a writing or  
 11 other record, including an electronic record, writes or composes  
 12 and also sends or procures the sending of any letter, inscribed  
 13 communication, or electronic communication, whether such letter  
 14 or communication be signed or anonymous, to any person,  
 15 containing a threat to kill or to do bodily injury to another  
 16 the person and posts or transmits the threat in any manner that

Amendment No.

17 ~~would allow another person to view the threat to whom such~~  
18 ~~letter or communication is sent, or a threat to kill or do~~  
19 ~~bodily injury to any member of the family of the person to whom~~  
20 ~~such letter or communication is sent~~ commits a felony of the  
21 second degree, punishable as provided in s. 775.082, s. 775.083,  
22 or s. 775.084.

23 Section 2. For the purpose of incorporating the amendment  
24 made by this act to section 836.10, Florida Statutes, in a  
25 reference thereto, Subsection (1) of section 794.056, Florida  
26 Statutes, is reenacted to read:

27 794.056 Rape Crisis Program Trust Fund.—

28 (1) The Rape Crisis Program Trust Fund is created within  
29 the Department of Health for the purpose of providing funds for  
30 rape crisis centers in this state. Trust fund moneys shall be  
31 used exclusively for the purpose of providing services for  
32 victims of sexual assault. Funds credited to the trust fund  
33 consist of those funds collected as an additional court  
34 assessment in each case in which a defendant pleads guilty or  
35 nolo contendere to, or is found guilty of, regardless of  
36 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
37 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
38 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
39 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
40 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
41 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.

663841 - HB165\_strikeall.docx

Published On: 10/24/2017 5:58:45 PM

Amendment No.

42 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
 43 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
 44 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
 45 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
 46 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
 47 fund also shall include revenues provided by law, moneys  
 48 appropriated by the Legislature, and grants from public or  
 49 private entities.

50 Section 3. For the purpose of incorporating the amendment  
 51 made by this act to section 836.10, Florida Statutes, in a  
 52 reference thereto, paragraph (f) of subsection (3) of section  
 53 921.0022, Florida Statutes, is reenacted to read:

54 921.0022 Criminal Punishment Code; offense severity  
 55 ranking chart.—

- 56 (3) OFFENSE SEVERITY RANKING CHART
- 57 (f) LEVEL 6

58

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

60

Amendment No.

61			conviction.
	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
62			
	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
63			
	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
64			
	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
65			
	775.0875(1)	3rd	Taking firearm from law enforcement officer.
66			
	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
67			

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 165 (2018)

Amendment No.

68	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
69	784.041	3rd	Felony battery; domestic battery by strangulation.
70	784.048 (3)	3rd	Aggravated stalking; credible threat.
71	784.048 (5)	3rd	Aggravated stalking of person under 16.
72	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
73	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
74	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
75	784.081 (2)	2nd	Aggravated assault on specified official or employee.

663841 - HB165\_strikeall.docx

Published On: 10/24/2017 5:58:45 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 165 (2018)

Amendment No.

76	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
77	784.083 (2)	2nd	Aggravated assault on code inspector.
78	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
79	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
80	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
	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.

663841 - HB165\_strikeall.docx

Published On: 10/24/2017 5:58:45 PM

Amendment No.

81	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
82	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
83	794.05(1)	2nd	Unlawful sexual activity with specified minor.
84	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.
85	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
86	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
87			

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 165 (2018)

Amendment No.

88	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
89	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
90	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
91	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
92	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
93	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).

663841 - HB165\_strikeall.docx

Published On: 10/24/2017 5:58:45 PM



Amendment No.

94	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
95	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
96	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
97	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
98	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
99	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
100	827.03(2)(c)	3rd	Abuse of a child.
101	827.03(2)(d)	3rd	Neglect of a child.

663841 - HB165\_strikeall.docx

Published On: 10/24/2017 5:58:45 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 165 (2018)

Amendment No.

102	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
103	836.05	2nd	Threats; extortion.
104	836.10	2nd	Written threats to kill or do bodily injury.
105	843.12	3rd	Aids or assists person to escape.
106	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
107	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
108	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

663841 - HB165\_strikeall.docx

Published On: 10/24/2017 5:58:45 PM

Amendment No.

109	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
110	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.
111	944.40	2nd	Escapes.
112	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
113	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
114	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
115			

Amendment No.

116 Section 4. For the purpose of incorporating the amendment  
117 made by this act to section 836.10, Florida Statutes, in a  
118 reference thereto, Section 938.085, Florida Statutes, is  
119 reenacted to read:

120 938.085 Additional cost to fund rape crisis centers.—In  
121 addition to any sanction imposed when a person pleads guilty or  
122 nolo contendere to, or is found guilty of, regardless of  
123 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
124 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
125 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
126 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
127 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
128 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
129 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
130 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
131 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
132 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
133 (14)(c); or s. 985.701(1), the court shall impose a surcharge of  
134 \$151. Payment of the surcharge shall be a condition of  
135 probation, community control, or any other court-ordered  
136 supervision. The sum of \$150 of the surcharge shall be deposited  
137 into the Rape Crisis Program Trust Fund established within the  
138 Department of Health by chapter 2003-140, Laws of Florida. The  
139 clerk of the court shall retain \$1 of each surcharge that the

663841 - HB165\_strikeall.docx

Published On: 10/24/2017 5:58:45 PM

Amendment No.

140 clerk of the court collects as a service charge of the clerk's  
141 office.

142 Section 5. This act shall take effect July 1, 2018.

143

144

-----

145

**T I T L E A M E N D M E N T**

146

Remove lines 6-8 and insert:

147

in any manner that would allow another person to view the

148

threat; deleting requirements that a threat be sent to a

149

specific recipient to be prohibited; providing a penalty;

150

reenacting ss. 794.056(1), 921.0022(3)(f), and 938.085, F.S.,

151

relating to the Rape Crisis Program Trust Fund, the offense

152

severity ranking chart of the Criminal Punishment Code, and

153

additional costs to fund rape crisis centers, respectively, to

154

incorporate the amendments made by the act; providing an

155

effective date.