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CS/CS/CS/HB 165, Engrossed 2

2018 Legislature

1
 2 An act relating to written threats to conduct mass
 3 shootings or acts of terrorism; amending s. 836.10,
 4 F.S.; prohibiting a person from making, posting, or
 5 transmitting a threat to conduct a mass shooting or an
 6 act of terrorism in a writing or other record in any
 7 manner that would allow another person to view the
 8 threat; providing criminal penalties; exempting
 9 certain providers of services from liability amending
 10 s. 921.0022, F.S.; conforming a provision to changes
 11 made by the act; reenacting ss. 794.056 and 938.085,
 12 F.S., relating to the Rape Crises Program Trust Fund
 13 and additional cost to fund rape crises centers,
 14 respectively, to incorporate the amendments made by
 15 the act; providing an effective date.

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

18
 19 Section 1. Section 836.10, Florida Statutes, is amended to
 20 read:

21 836.10 Written threats to kill, ~~or~~ do bodily injury, or
 22 conduct a mass shooting or an act of terrorism; punishment;
 23 exemption from liability.—

24 (1) Any person who writes or composes and also sends or
 25 procures the sending of any letter, inscribed communication, or

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26 | electronic communication, whether such letter or communication
 27 | be signed or anonymous, to any person, containing a threat to
 28 | kill or to do bodily injury to the person to whom such letter or
 29 | communication is sent, or a threat to kill or do bodily injury
 30 | to any member of the family of the person to whom such letter or
 31 | communication is sent, or any person who makes, posts, or
 32 | transmits a threat in a writing or other record, including an
 33 | electronic record, to conduct a mass shooting or an act of
 34 | terrorism, in any manner that would allow another person to view
 35 | the threat, commits a felony of the second degree, punishable as
 36 | provided in s. 775.082, s. 775.083, or s. 775.084.

37 | (2) This section does not impose liability on a provider
 38 | of an interactive computer service, communications services as
 39 | defined in s. 202.11, a commercial mobile service, or an
 40 | information service, including, but not limited to, an Internet
 41 | service provider or a hosting service provider, if it provides
 42 | the transmission, storage, or caching of electronic
 43 | communications or messages of others or provides another related
 44 | telecommunications service, commercial mobile radio service, or
 45 | information service for use by another person who violates this
 46 | section. This exemption from liability is consistent with and in
 47 | addition to any liability exemption provided under 47 U.S.C. s.
 48 | 230.

49 | Section 2. Paragraph (f) of subsection (3) of section
 50 | 921.0022, Florida Statutes, is amended to read:

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51 921.0022 Criminal Punishment Code; offense severity
 52 ranking chart.—

53 (3) OFFENSE SEVERITY RANKING CHART

54 (f) LEVEL 6

55

Florida	Felony	
Statute	Degree	Description

56

316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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57

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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58

400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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59

499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
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60

499.0051 (3)	2nd	Knowing purchase or receipt of
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			prescription drug from unauthorized person.
61	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
62	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
63	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
64	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
65	784.041	3rd	Felony battery; domestic battery by strangulation.
66	784.048 (3)	3rd	Aggravated stalking; credible threat.
67	784.048 (5)	3rd	Aggravated stalking of person under 16.
68			

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69	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
70	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
71	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
72	784.081 (2)	2nd	Aggravated assault on specified official or employee.
73	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
74	784.083 (2)	2nd	Aggravated assault on code inspector.
75	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
	790.115 (2) (d)	2nd	Discharging firearm or weapon

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76			on school property.
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
77			
	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.
78			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
79			
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
80			
	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
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82	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.
83	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
84	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
85	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
86	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
87	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
	812.014 (6)	2nd	Theft; property stolen \$3,000

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			or more; coordination of others.
88	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
89	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
90	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
91	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
92	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
93	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
94	825.102 (3) (c)	3rd	Neglect of an elderly person or

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disabled adult.

95

825.1025 (3) 3rd Lewd or lascivious molestation
of an elderly person or
disabled adult.

96

825.103 (3) (c) 3rd Exploiting an elderly person or
disabled adult and property is
valued at less than \$10,000.

97

827.03 (2) (c) 3rd Abuse of a child.

98

827.03 (2) (d) 3rd Neglect of a child.

99

827.071 (2) & (3) 2nd Use or induce a child in a
sexual performance, or promote
or direct such performance.

100

836.05 2nd Threats; extortion.

101

836.10 2nd Written threats to kill, ~~or~~ do
bodily injury, or conduct a
mass shooting or act of
terrorism.

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103	843.12	3rd	Aids or assists person to escape.
104	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
105	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
106	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
107	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
	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

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bodily harm.

108

944.40 2nd Escapes.

109

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

110

944.47(1)(a)5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

111

951.22(1) 3rd Intoxicating drug, firearm, or
weapon introduced into county
facility.

112

113 Section 3. For the purpose of incorporating the amendment
114 made by this act to section 836.10, Florida Statutes, in a
115 reference thereto, Section 794.056, Florida Statutes, is
116 reenacted to read:

117 794.056 Rape Crisis Program Trust Fund.—

118 (1) The Rape Crisis Program Trust Fund is created within
119 the Department of Health for the purpose of providing funds for
120 rape crisis centers in this state. Trust fund moneys shall be
121 used exclusively for the purpose of providing services for
122 victims of sexual assault. Funds credited to the trust fund

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123 consist of those funds collected as an additional court
 124 assessment in each case in which a defendant pleads guilty or
 125 nolo contendere to, or is found guilty of, regardless of
 126 adjudication, an offense provided in s. 775.21(6) and (10) (a),
 127 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 128 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 129 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 130 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 131 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 132 796.06; s. 796.07(2) (a)-(d) and (i); s. 800.03; s. 800.04; s.
 133 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 134 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
 135 847.0137; s. 847.0145; s. 943.0435(4) (c), (7), (8), (9) (a),
 136 (13), and (14) (c); or s. 985.701(1). Funds credited to the trust
 137 fund also shall include revenues provided by law, moneys
 138 appropriated by the Legislature, and grants from public or
 139 private entities.

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

143 Section 4. For the purpose of incorporating the amendment
 144 made by this act to section 836.10, Florida Statutes, in a
 145 reference thereto, Section 938.085, Florida Statutes, is
 146 reenacted to read:

147 938.085 Additional cost to fund rape crisis centers.—In

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148 addition to any sanction imposed when a person pleads guilty or
 149 nolo contendere to, or is found guilty of, regardless of
 150 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
 151 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 152 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 153 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 154 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 155 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 156 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 157 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
 158 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
 159 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
 160 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
 161 \$151. Payment of the surcharge shall be a condition of
 162 probation, community control, or any other court-ordered
 163 supervision. The sum of \$150 of the surcharge shall be deposited
 164 into the Rape Crisis Program Trust Fund established within the
 165 Department of Health by chapter 2003-140, Laws of Florida. The
 166 clerk of the court shall retain \$1 of each surcharge that the
 167 clerk of the court collects as a service charge of the clerk's
 168 office.

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

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