

By the Committees on Appropriations; and Criminal Justice; and
Senators Steube and Baxley

576-03807-18

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1 A bill to be entitled
2 An act relating to threats to kill or do great bodily
3 injury; amending s. 836.10, F.S.; prohibiting a person
4 from making a threat to kill or do great bodily injury
5 in a writing or other record and transmitting that
6 threat in any manner that would allow another person
7 to view the threat; deleting requirements that a
8 threat be sent to a specific recipient to be
9 prohibited; revising a criminal penalty; exempting
10 certain providers of services from liability; amending
11 s. 921.0022, F.S.; revising the ranking of the offense
12 of making written threats to kill or do great bodily
13 injury on the offense severity ranking chart of the
14 Criminal Punishment Code; reenacting ss. 794.056(1)
15 and 938.085, F.S., relating to the Rape Crisis Program
16 Trust Fund and additional cost to fund rape crisis
17 centers, respectively, to incorporate the amendments
18 made to s. 836.10, F.S., in references thereto;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 836.10, Florida Statutes, is amended to
24 read:

25 836.10 Written threats to kill or do great bodily injury;
26 punishment; exemption from liability.-

27 (1) A ~~Any~~ person who makes a threat in a writing or other
28 record, including an electronic record, ~~writes or composes and~~
29 ~~also sends or procures the sending of any letter, inscribed~~

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30 ~~communication, or electronic communication, whether such letter~~
31 ~~or communication be signed or anonymous, to any person,~~
32 ~~containing a threat to kill or to do great bodily injury to~~
33 ~~another the person and posts or transmits the threat in any~~
34 ~~manner that would allow another person to view the threat ~~to~~~~
35 ~~whom such letter or communication is sent, or a threat to kill~~
36 ~~or do bodily injury to any member of the family of the person to~~
37 ~~whom such letter or communication is sent commits a felony of~~
38 ~~the third ~~second~~ degree, punishable as provided in s. 775.082,~~
39 ~~s. 775.083, or s. 775.084.~~

40 (2) This section does not impose liability on a provider of
41 an interactive computer service, communications services as
42 defined in s. 202.11, a commercial mobile service, or an
43 information service, including, but not limited to, an Internet
44 service provider or a hosting service provider, if it provides
45 the transmission, storage, or caching of electronic
46 communications or messages of others or provides another related
47 telecommunications, commercial mobile radio service, or
48 information service for use by another person who violates this
49 section. This exemption from liability is consistent with and in
50 addition to any liability exemption provided under 47 U.S.C. s.
51 230.

52 Section 2. Paragraphs (d) and (f) of subsection (3) of
53 section 921.0022, Florida Statutes, are amended to read:

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

56 (3) OFFENSE SEVERITY RANKING CHART

57 (d) LEVEL 4

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	Florida Statute	Felony Degree	Description
59	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
60	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
61	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
62	517.07 (1)	3rd	Failure to register securities.
63	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
64	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
65	784.074 (1) (c)	3rd	Battery of sexually violent

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			predators facility staff.
66	784.075	3rd	Battery on detention or commitment facility staff.
67	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
68	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
69	784.081 (3)	3rd	Battery on specified official or employee.
70	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
71	784.083 (3)	3rd	Battery on code inspector.
72	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
73	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
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- 787.04 (2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
- 787.04 (3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
- 787.07 3rd Human smuggling.
- 790.115 (1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.
- 790.115 (2) (b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.
- 790.115 (2) (c) 3rd Possessing firearm on school property.
- 800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender less than 18 years.
- 810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied

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			structure; unarmed; no assault or battery.
82	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
83	810.06	3rd	Burglary; possession of tools.
84	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
85	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
86	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
87	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
88	817.505 (4) (a)	3rd	Patient brokering.
89	817.563 (1)	3rd	Sell or deliver substance other than controlled substance

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			agreed upon, excluding s. 893.03(5) drugs.
90	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
91	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
92	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
93	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
94	<u>836.10</u>	<u>3rd</u>	<u>Written threats to kill or do great bodily injury.</u>
95	837.02 (1)	3rd	Perjury in official proceedings.
96	837.021 (1)	3rd	Make contradictory statements in official proceedings.
97	838.022	3rd	Official misconduct.
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839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.

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106	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
107	914.14(2)	3rd	Witnesses accepting bribes.
108	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
109	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
110	918.12	3rd	Tampering with jurors.
111	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.

(f) LEVEL 6

Florida	Felony	Description
Statute	Degree	

114	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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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.
499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875 (1)	3rd	Taking firearm from law enforcement officer.
784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.

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784.041	3rd	Felony battery; domestic battery by strangulation.
784.048 (3)	3rd	Aggravated stalking; credible threat.
784.048 (5)	3rd	Aggravated stalking of person under 16.
784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081 (2)	2nd	Aggravated assault on specified official or employee.
784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083 (2)	2nd	Aggravated assault on code inspector.

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787.02(2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

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790.115(2)(d) 2nd Discharging firearm or weapon on school property.

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790.161(2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

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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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790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

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794.011(8)(a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

794.05(1) 2nd Unlawful sexual activity with specified minor.

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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.
800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
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; unarmed; no assault or battery.
810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
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 or more; coordination of others.

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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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817.4821 (5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

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817.505 (4) (b) 2nd Patient brokering; 10 or more
patients.

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825.102 (1) 3rd Abuse of an elderly person or
disabled adult.

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825.102 (3) (c) 3rd Neglect of an elderly person or
disabled adult.

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

825.103 (3) (c) 3rd Exploiting an elderly person or

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disabled adult and property is
valued at less than \$10,000.

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

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

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

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836.05 2nd Threats; extortion.

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~~836.10 2nd Written threats to kill or do
bodily injury.~~

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843.12 3rd Aids or assists person to
escape.

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847.011 3rd Distributing, offering to
distribute, or possessing with
intent to distribute obscene
materials depicting minors.

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847.012 3rd Knowingly using a minor in the
production of materials harmful
to minors.

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847.0135(2) 3rd Facilitates sexual conduct of

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173 reference thereto, subsection (1) of section 794.056, Florida
174 Statutes, is reenacted to read:

175 794.056 Rape Crisis Program Trust Fund.—

176 (1) The Rape Crisis Program Trust Fund is created within
177 the Department of Health for the purpose of providing funds for
178 rape crisis centers in this state. Trust fund moneys shall be
179 used exclusively for the purpose of providing services for
180 victims of sexual assault. Funds credited to the trust fund
181 consist of those funds collected as an additional court
182 assessment in each case in which a defendant pleads guilty or
183 nolo contendere to, or is found guilty of, regardless of
184 adjudication, an offense provided in s. 775.21(6) and (10)(a),
185 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
186 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
187 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
188 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
189 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
190 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
191 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
192 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
193 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
194 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
195 fund also shall include revenues provided by law, moneys
196 appropriated by the Legislature, and grants from public or
197 private entities.

198 Section 4. For the purpose of incorporating the amendment
199 made by this act to section 836.10, Florida Statutes, in a
200 reference thereto, section 938.085, Florida Statutes, is
201 reenacted to read:

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202 938.085 Additional cost to fund rape crisis centers.—In
203 addition to any sanction imposed when a person pleads guilty or
204 nolo contendere to, or is found guilty of, regardless of
205 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
206 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
207 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
208 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
209 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
210 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
211 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
212 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
213 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
214 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
215 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
216 \$151. Payment of the surcharge shall be a condition of
217 probation, community control, or any other court-ordered
218 supervision. The sum of \$150 of the surcharge shall be deposited
219 into the Rape Crisis Program Trust Fund established within the
220 Department of Health by chapter 2003-140, Laws of Florida. The
221 clerk of the court shall retain \$1 of each surcharge that the
222 clerk of the court collects as a service charge of the clerk's
223 office.

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