

By Senator Perry

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1                   A bill to be entitled  
2       An act relating to electronic threats; amending s.  
3       836.10, F.S.; defining the term "electronic record";  
4       prohibiting a person from sending, posting, or  
5       transmitting, or from procuring the sending, posting,  
6       or transmission of a written or electronic record when  
7       in such record the person makes a threat to kill or to  
8       do bodily harm to another person or to conduct a mass  
9       shooting or an act of terrorism; providing criminal  
10      penalties; amending s. 921.0022, F.S.; conforming  
11      provisions to changes made by the act; providing an  
12      effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16       Section 1. Present subsections (1) and (2) of section  
17       836.10, Florida Statutes, are redesignated as subsections (2)  
18       and (3), respectively, a new subsection (1) is added to that  
19       section, and present subsection (1) is amended, to read:

20       836.10 Written or electronic threats to kill, do bodily  
21       injury, or conduct a mass shooting or an act of terrorism;  
22       punishment; exemption from liability.-

23       (1) As used in this section, the term "electronic record"  
24       means any record created, modified, archived, received, or  
25       distributed electronically which contains any combination of  
26       text, graphics, video, audio, or pictorial represented in  
27       digital form, but does not include a telephone call.

28       (2)-(1) It is unlawful for any person to send, post, or  
29       transmit, or procure the sending, posting, or transmission of,

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30 ~~who writes or composes and also sends or procures the sending of~~  
 31 ~~any letter, inscribed communication, or electronic~~  
 32 ~~communication, whether such letter or communication be signed or~~  
 33 ~~anonymous, to any person, containing a threat to kill or to do~~  
 34 ~~bodily injury to the person to whom such letter or communication~~  
 35 ~~is sent, or a threat to kill or do bodily injury to any member~~  
 36 ~~of the family of the person to whom such letter or communication~~  
 37 ~~is sent, or any person who makes, posts, or transmits a threat~~  
 38 ~~in a writing or other record, including an electronic record, to~~  
 39 ~~conduct a mass shooting or an act of terrorism, in any manner in~~  
 40 ~~which it may be viewed by that would allow another person to~~  
 41 ~~view the threat, when in such writing or record the person makes~~  
 42 a threat to:

- 43 (a) Kill or to do bodily harm to another person; or
- 44 (b) Conduct a mass shooting or an act of terrorism.

45  
 46 A person who violates this subsection commits a felony of the  
 47 second degree, punishable as provided in s. 775.082, s. 775.083,  
 48 or s. 775.084.

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

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

- 53 (3) OFFENSE SEVERITY RANKING CHART
- 54 (f) LEVEL 6

55  
 56

Florida	Felony	Description
Statute	Degree	

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57

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

58

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

59

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

60

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

61

499.0051(3) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

62

499.0051(4) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

63

775.0875(1) 3rd Taking firearm from law enforcement officer.

64

784.021(1)(a) 3rd Aggravated assault; deadly

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			weapon without intent to kill.
65			
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
66			
	784.041	3rd	Felony battery; domestic battery by strangulation.
67			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
68			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
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

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74			detainee.
	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.
76			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
77			
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
78			
	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.
79			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
80			
	794.011 (8) (a)	3rd	Solicitation of minor to

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			participate in sexual activity by custodial adult.
81	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
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.

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88

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

89

812.015 (9) (a)                2nd     Retail theft; property stolen  
\$750 or more; second or  
subsequent conviction.

90

812.015 (9) (b)                2nd     Retail theft; aggregated  
property stolen within 30 days  
is \$3,000 or more; coordination  
of others.

91

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

92

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

93

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

94

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

95

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 disabled adult and property is valued at less than \$10,000.
827.03 (2) (c)	3rd	Abuse of a child.
827.03 (2) (d)	3rd	Neglect of a child.
827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written <u>or electronic</u> threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with



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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.

108

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.

109

944.40

2nd

Escapes.

110

944.46

3rd

Harboring, concealing, aiding escaped prisoners.

111

944.47(1)(a)5.

2nd

Introduction of contraband (firearm, weapon, or explosive)

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into correctional facility.

112

951.22(1)(i)

3rd

Firearm or weapon introduced  
into county detention facility.

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Section 3. This act shall take effect October 1, 2021.