

HB 1011

2024

1 A bill to be entitled
2 An act relating to mass shootings and acts of
3 terrorism; amending s. 836.10, F.S.; revising the
4 definition of the term "electronic record"; revising a
5 prohibition on making threats to conduct a mass
6 shooting or an act of terrorism to include audio and
7 video telephones; prohibiting planning to conduct a
8 mass shooting or an act of terrorism; defining the
9 term "plan to conduct a mass shooting or an act of
10 terrorism"; specifying what constitutes a plan to
11 conduct a mass shooting or an act of terrorism; making
12 technical changes; providing an effective date.

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

15
16 Section 1. Section 836.10, Florida Statutes, is amended to
17 read:

18 836.10 Written or electronic threats to kill, do bodily
19 injury; threats to~~, or~~ conduct a mass shooting or an act of
20 terrorism; planning to conduct a mass shooting or an act of
21 terrorism; punishment; exemption from liability.-

22 (1) As used in this section, the term "electronic record"
23 means any record created, modified, archived, received, or
24 distributed electronically which contains any combination of
25 text, graphics, video, audio, or pictorial represented in

26 | ~~digital form, but does not include a telephone call.~~

27 | (2) It is unlawful for any person to send, post, or
 28 | transmit, or procure the sending, posting, or transmission of, a
 29 | writing or other record, including an electronic record, in any
 30 | manner in which it may be viewed by another person, when in such
 31 | writing or record the person makes a threat to:

32 | (a) kill or to do bodily harm to another person; or

33 | (b) Conduct a mass shooting or an act of terrorism.

34 |
 35 | A person who violates this subsection commits a felony of the
 36 | second degree, punishable as provided in s. 775.082, s. 775.083,
 37 | or s. 775.084.

38 | (3)(a) It is unlawful for any person to threaten to
 39 | conduct a mass shooting or an act of terrorism, regardless of
 40 | whether orally, in writing, or by any electronic record,
 41 | including, but not limited to, audio or video telephone calls in
 42 | which the caller threatens to conduct a mass shooting or an act
 43 | of terrorism.

44 | (b) A person who violates this subsection commits a felony
 45 | of the second degree, punishable as provided in s. 775.082, s.
 46 | 775.083, or s. 775.084.

47 | (4) It is unlawful for any person to plan to conduct a
 48 | mass shooting or an act of terrorism.

49 | (a) As used in this subsection, the term "plan to conduct
 50 | a mass shooting or an act of terrorism" means to take two or

51 more actions in preparation to conduct a mass shooting or an act
52 of terrorism. Any combination of two or more of the following
53 actions, along with a written or stated desire or intent to
54 commit a mass shooting or an act of terrorism, constitutes
55 planning such an act:

56 1. Identifying, orally or in writing or in any electronic
57 record, the location where an individual or a group plans to
58 conduct a mass shooting or an act of terrorism.

59 2. Identifying, orally or in writing or in any electronic
60 record, the date upon which an individual or a group plans to
61 conduct a mass shooting or an act of terrorism.

62 3. Purchasing weapons, ammunition, body armor, bomb-making
63 materials, camera equipment, or any other item intended to be
64 used in the course of conducting a mass shooting or an act of
65 terrorism.

66 4. Conducting drills or simulations in preparation for
67 conducting a mass shooting or an act of terrorism.

68 5. Setting up an Internet live stream for the purpose of
69 broadcasting a mass shooting or an act of terrorism.

70 6. Writing a manifesto or detailed plan as to how or why
71 an individual or a group plans to conduct a mass shooting or an
72 act of terrorism.

73 (b) A person who violates this subsection commits a felony
74 of the second degree, punishable as provided in s. 775.082, s.
75 775.083, or s. 775.084.

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76 | (5)~~(3)~~ This section does not impose liability on a
77 | provider of an interactive computer service, communications
78 | services as defined in s. 202.11(1) ~~s. 202.11~~, a commercial
79 | mobile service, or an information service, including, but not
80 | limited to, an Internet service provider or a hosting service
81 | provider, if it provides the transmission, storage, or caching
82 | of electronic communications or messages of others or provides
83 | another related telecommunications service, commercial mobile
84 | radio service, or information service for use by another person
85 | who violates this section. This exemption from liability is
86 | consistent with and in addition to any liability exemption
87 | provided under 47 U.S.C. s. 230.

88 | Section 2. This act shall take effect July 1, 2024.