

By Senator Powell

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1 A bill to be entitled
2 An act relating to public safety; amending s. 836.10,
3 F.S.; revising the definition of the term "electronic
4 record"; revising a prohibition on making threats to
5 conduct a mass shooting or an act of terrorism to
6 include audio and video telephone calls; prohibiting
7 planning to conduct a mass shooting or an act of
8 terrorism; defining the term "plan to conduct a mass
9 shooting or an act of terrorism"; specifying what
10 constitutes a plan to conduct a mass shooting or an
11 act of terrorism; providing criminal penalties; 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, or conduct a mass shooting or an act of terrorism;
20 punishment; exemption from liability.—

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

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

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30 writing or record the person makes a threat to:

31 ~~(a) kill or to do bodily harm to another person; or~~

32 ~~(b) Conduct a mass shooting or an act of terrorism.~~

33 (3) It is unlawful for any person to threaten to conduct a
34 mass shooting or an act of terrorism, regardless of whether
35 orally, in writing, or by any electronic record, including, but
36 not limited to, audio or video telephone calls.

37 (4) It is unlawful for any person to plan to conduct a mass
38 shooting or an act of terrorism. As used in this section, the
39 term "plan to conduct a mass shooting or an act of terrorism"
40 means to take two or more actions in preparation to conduct a
41 mass shooting or an act of terrorism. Any combination of two or
42 more of the following actions, along with a written or stated
43 desire or intent to commit a mass shooting or an act of
44 terrorism, constitutes planning such an act:

45 (a) Identifying, orally or in writing or in any electronic
46 record, the location where an individual or a group plans to
47 conduct a mass shooting or an act of terrorism.

48 (b) Identifying, orally or in writing or in any electronic
49 record, the date upon which an individual or a group plans to
50 conduct a mass shooting or an act of terrorism.

51 (c) Purchasing weapons, ammunition, body armor, bomb-making
52 materials, camera equipment, or any other item intended to be
53 used in the course of conducting a mass shooting or an act of
54 terrorism.

55 (d) Conducting drills or simulations in preparation for
56 conducting a mass shooting or an act of terrorism.

57 (e) Setting up an Internet live stream for the purpose of
58 broadcasting a mass shooting or an act of terrorism.

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59 (f) Writing a manifesto or detailed plan as to how or why
60 an individual or a group plans to conduct a mass shooting or an
61 act of terrorism.

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63 A person who violates this subsection commits a felony of the
64 second degree, punishable as provided in s. 775.082, s. 775.083,
65 or s. 775.084.

66 (5)~~(3)~~ This section does not impose liability on a provider
67 of an interactive computer service, communications services as
68 defined in s. 202.11, a commercial mobile service, or an
69 information service, including, but not limited to, an Internet
70 service provider or a hosting service provider, if it provides
71 the transmission, storage, or caching of electronic
72 communications or messages of others or provides another related
73 telecommunications service, commercial mobile radio service, or
74 information service for use by another person who violates this
75 section. This exemption from liability is consistent with and in
76 addition to any liability exemption provided under 47 U.S.C. s.
77 230.

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