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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

836.10 Written threats to kill or do great bodily injury;
punishment.—A Any person who makes a threat in a writing or
other record, including an electronic record, writes or composes
and also sends or procures the sending of any letter, inscribed



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11 ~~communication, or electronic communication, whether such letter~~
12 ~~or communication be signed or anonymous, to any person,~~
13 ~~containing a threat to kill or to do great bodily injury to~~
14 ~~another the person and posts or transmits the threat in any~~
15 ~~manner that would allow another person to view the threat to~~
16 ~~whom such letter or communication is sent, or a threat to kill~~
17 ~~or do bodily injury to any member of the family of the person to~~
18 ~~whom such letter or communication is sent commits a felony of~~
19 the third ~~second~~ degree, punishable as provided in s. 775.082,
20 s. 775.083, or s. 775.084.

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

23 921.0022 Criminal Punishment Code; offense severity ranking
24 chart.-

25 (3) OFFENSE SEVERITY RANKING CHART

26 (d) LEVEL 4

27
28

Florida Statute	Felony Degree	Description
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.
499.0051(1)	3rd	Failure to maintain or deliver

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			transaction history, transaction information, or transaction statements.
31	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
32	517.07 (1)	3rd	Failure to register securities.
33	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
34	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
35	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
36	784.075	3rd	Battery on detention or commitment facility staff.
37	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
38	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.



39	784.081 (3)	3rd	Battery on specified official or employee.
40	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
41	784.083 (3)	3rd	Battery on code inspector.
42	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
43	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
44	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
45	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
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47	787.07	3rd	Human smuggling.
48	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
49	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
50	790.115(2)(c)	3rd	Possessing firearm on school property.
51	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
52	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
53	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
54	810.06	3rd	Burglary; possession of tools.
	810.08(2)(c)	3rd	Trespass on property, armed



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55			with firearm or dangerous weapon.
56	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
57	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
58	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
59	817.505 (4) (a)	3rd	Patient brokering.
60	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
61	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
62	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
	817.625 (2) (c)	3rd	Possess, sell, or deliver



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63

skimming device.

828.125(1)

2nd

Kill, maim, or cause great
bodily harm or permanent
breeding disability to any
registered horse or cattle.

64

836.10

3rd

Written threats to kill or do
great bodily injury.

65

837.02(1)

3rd

Perjury in official
proceedings.

66

837.021(1)

3rd

Make contradictory statements
in official proceedings.

67

838.022

3rd

Official misconduct.

68

839.13(2)(a)

3rd

Falsifying records of an
individual in the care and
custody of a state agency.

69

839.13(2)(c)

3rd

Falsifying records of the
Department of Children and
Families.

70

843.021

3rd

Possession of a concealed
handcuff key by a person in
custody.



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71	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
72	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
73	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
74	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
75	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).
76	914.14(2)	3rd	Witnesses accepting bribes.
77	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
78	914.23(2)	3rd	Retaliation against a witness,



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victim, or informant, no bodily injury.

79

918.12 3rd Tampering with jurors.

80

934.215 3rd Use of two-way communications device to facilitate commission of a crime.

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82

83 (f) LEVEL 6

84

85

Florida Statute	Felony Degree	Description
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86

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.
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88

400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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89

499.0051(2)	2nd	Knowing forgery of transaction history, transaction
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90			information, or transaction statement.
91	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
92	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
93	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
94	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
95	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
96	784.041	3rd	Felony battery; domestic battery by strangulation.
97	784.048 (3)	3rd	Aggravated stalking; credible threat.
98	784.048 (5)	3rd	Aggravated stalking of person under 16.



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99	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
100	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
101	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
102	784.081(2)	2nd	Aggravated assault on specified official or employee.
103	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
104	784.083(2)	2nd	Aggravated assault on code inspector.
105	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
106	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
	790.161(2)	2nd	Make, possess, or throw destructive device with intent



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to do bodily harm or damage
property.

107

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.

108

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

109

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

110

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

111

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.

112

800.04(6) (b) 2nd Lewd or lascivious conduct;
offender 18 years of age or
older.



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113	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
114	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
115	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
116	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
117	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
118	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
119	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
120	812.13 (2) (c)	2nd	Robbery, no firearm or other



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weapon (strong-arm robbery).

121

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

122

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

123

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

124

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

125

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

126

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

127

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

128

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

129

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



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or direct such performance.

130

836.05 2nd Threats; extortion.

131

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

132

843.12 3rd Aids or assists person to
escape.

133

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

134

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

135

847.0135(2) 3rd Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

136

914.23 2nd Retaliation against a witness,
victim, or informant, with
bodily injury.

137

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.

138

944.40 2nd Escapes.

139

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

140

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

141

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

142

143

144 Section 3. For the purpose of incorporating the amendment
145 made by this act to section 836.10, Florida Statutes, in a
146 reference thereto, subsection (1) of section 794.056, Florida
147 Statutes, is reenacted to read:

148 794.056 Rape Crisis Program Trust Fund.—

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



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154 consist of those funds collected as an additional court
155 assessment in each case in which a defendant pleads guilty or
156 nolo contendere to, or is found guilty of, regardless of
157 adjudication, an offense provided in s. 775.21(6) and (10)(a),
158 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
159 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
160 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
161 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
162 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
163 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
164 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
165 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
166 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
167 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
168 fund also shall include revenues provided by law, moneys
169 appropriated by the Legislature, and grants from public or
170 private entities.

171 Section 4. For the purpose of incorporating the amendment
172 made by this act to section 836.10, Florida Statutes, in a
173 reference thereto, section 938.085, Florida Statutes, is
174 reenacted to read:

175 938.085 Additional cost to fund rape crisis centers.—In
176 addition to any sanction imposed when a person pleads guilty or
177 nolo contendere to, or is found guilty of, regardless of
178 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
179 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
180 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
181 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
182 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.



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183 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
184 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
185 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
186 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
187 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
188 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
189 \$151. Payment of the surcharge shall be a condition of
190 probation, community control, or any other court-ordered
191 supervision. The sum of \$150 of the surcharge shall be deposited
192 into the Rape Crisis Program Trust Fund established within the
193 Department of Health by chapter 2003-140, Laws of Florida. The
194 clerk of the court shall retain \$1 of each surcharge that the
195 clerk of the court collects as a service charge of the clerk's
196 office.

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

198
199 ===== T I T L E A M E N D M E N T =====

200 And the title is amended as follows:

201 Delete everything before the enacting clause
202 and insert:

203 A bill to be entitled

204 An act relating to threats to kill or do great bodily
205 injury; amending s. 836.10, F.S.; prohibiting a person
206 from making a threat to kill or do great bodily injury
207 in a writing or other record and transmitting that
208 threat in any manner that would allow another person
209 to view the threat; deleting requirements that a
210 threat be sent to a specific recipient to be
211 prohibited; revising a penalty; amending s. 921.0022,



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212 F.S.; revising the ranking of the offense of making
213 written threats to kill or do great bodily injury on
214 the offense severity ranking chart of the Criminal
215 Punishment Code; reenacting ss. 794.056(1) and
216 938.085, F.S., relating to the Rape Crisis Program
217 Trust Fund and additional cost to fund rape crisis
218 centers, respectively, to incorporate the amendments
219 made by the act; providing an effective date.