



131814

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
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	.	
	.	

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

1 **Senate Substitute for Amendment (767692) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 836.10 Written threats to kill or do bodily injury;
9 punishment.—

10 (1) It is unlawful for a Any person to make ~~who writes or~~



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11 ~~composes and also sends or procures the sending of any letter,~~
12 ~~inscribed communication, or electronic communication, whether~~
13 ~~such letter or communication be signed or anonymous, to any~~
14 ~~person, containing a threat to kill or to do bodily injury to~~
15 ~~another the person:~~

16 (a) In a writing or other record, including an electronic
17 record; or

18 (b) By posting or transmitting, or procuring the posting or
19 transmission, in a manner that would allow any person to view
20 the threat.

21 (2) A person who is 18 years of age or older and who
22 violates this section to whom such letter or communication is
23 sent, or a threat to kill or do bodily injury to any member of
24 the family of the person to whom such letter or communication is
25 sent commits a felony of the second degree, punishable as
26 provided in s. 775.082, s. 775.083, or s. 775.084.

27 (3) A person who is under the age of 18 and who violates
28 this section commits a misdemeanor of the first degree,
29 punishable as provided in s. 775.082 or s. 775.083.

30 (4) For purposes of this section, the term "electronic
31 record" means relating to technology having electrical, digital,
32 magnetic, wireless, optical, electromagnetic, or similar
33 capabilities.

34 Section 2. For the purpose of incorporating the amendment
35 made by this act to section 836.10, Florida Statutes, in a
36 reference thereto, subsection (1) of section 794.056, Florida
37 Statutes, is reenacted to read:

38 794.056 Rape Crisis Program Trust Fund.—

39 (1) The Rape Crisis Program Trust Fund is created within



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40 the Department of Health for the purpose of providing funds for
41 rape crisis centers in this state. Trust fund moneys shall be
42 used exclusively for the purpose of providing services for
43 victims of sexual assault. Funds credited to the trust fund
44 consist of those funds collected as an additional court
45 assessment in each case in which a defendant pleads guilty or
46 nolo contendere to, or is found guilty of, regardless of
47 adjudication, an offense provided in s. 775.21(6) and (10)(a),
48 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
49 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
50 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
51 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
52 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
53 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
54 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
55 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
56 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
57 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
58 fund also shall include revenues provided by law, moneys
59 appropriated by the Legislature, and grants from public or
60 private entities.

61 Section 3. Subsection (17) is added to section 901.15,
62 Florida Statutes, to read:

63 901.15 When arrest by officer without warrant is lawful.—A
64 law enforcement officer may arrest a person without a warrant
65 when:

66 (17) There is probable cause to believe that the person has
67 committed a criminal act of threat to kill or do bodily injury
68 as described in s. 836.10.



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69 Section 4. For the purpose of incorporating the amendment
70 made by this act to section 836.10, Florida Statutes, in a
71 reference thereto, paragraph (f) of subsection (3) of section
72 921.0022, Florida Statutes, is reenacted to read:

73 921.0022 Criminal Punishment Code; offense severity ranking
74 chart.—

75 (3) OFFENSE SEVERITY RANKING CHART

76 (f) LEVEL 6

77
78

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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.

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84	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
85	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
86	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
87	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
88	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
89	784.041	3rd	Felony battery; domestic battery by strangulation.
90	784.048 (3)	3rd	Aggravated stalking; credible threat.
91	784.048 (5)	3rd	Aggravated stalking of person under 16.
92	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.



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93	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
94	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
95	784.081 (2)	2nd	Aggravated assault on specified official or employee.
96	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
97	784.083 (2)	2nd	Aggravated assault on code inspector.
98	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
99	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
100	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.



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- 101 790.164 (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.
- 102 790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.
- 103 794.011 (8) (a) 3rd Solicitation of minor to
participate in sexual activity
by custodial adult.
- 104 794.05 (1) 2nd Unlawful sexual activity with
specified minor.
- 105 800.04 (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.
- 106 800.04 (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



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other person.

107

810.02 (3) (c) 2nd Burglary of occupied structure;
unarmed; no assault or battery.

108

810.145 (8) (b) 2nd Video voyeurism; certain minor
victims; 2nd or subsequent
offense.

109

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or
more, but less than \$100,000,
grand theft in 2nd degree.

110

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

111

812.015 (9) (a) 2nd Retail theft; property stolen
\$300 or more; second or
subsequent conviction.

112

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

113

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

114

817.4821 (5) 2nd Possess cloning paraphernalia



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with intent to create cloned
cellular telephones.

115

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

116

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

117

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

118

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

119

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

120

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

121

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

122

836.05 2nd Threats; extortion.

123

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



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124	843.12	3rd	Aids or assists person to escape.
125	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
126	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
127	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
128	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
129	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.
130	944.40	2nd	Escapes.



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152 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
153 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
154 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
155 \$151. Payment of the surcharge shall be a condition of
156 probation, community control, or any other court-ordered
157 supervision. The sum of \$150 of the surcharge shall be deposited
158 into the Rape Crisis Program Trust Fund established within the
159 Department of Health by chapter 2003-140, Laws of Florida. The
160 clerk of the court shall retain \$1 of each surcharge that the
161 clerk of the court collects as a service charge of the clerk's
162 office.

163 Section 6. This act shall take effect October 1, 2017.

164
165 ===== T I T L E A M E N D M E N T =====

166 And the title is amended as follows:

167 Delete everything before the enacting clause
168 and insert:

169 A bill to be entitled

170 An act relating to threats to kill or do bodily
171 injury; amending s. 836.10, F.S.; prohibiting a person
172 from making a threat to kill or do bodily injury in a
173 writing or other record and posting or transmitting
174 the threat in a specified manner; deleting
175 requirements that a threat be sent to a specific
176 recipient to be prohibited; providing separate
177 penalties for juveniles and adults; reenacting s.
178 794.056(1), F.S., relating to the Rape Crisis Program
179 Trust Fund, to incorporate the amendments made by the
180 act; amending s. 901.15; F.S.; providing for arrest



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181 without a warrant for committing a criminal act of
182 threat to kill or do bodily injury in a posting or
183 transmitting the threat in a specified manner;
184 reenacting ss. 938.085 and 921.0022(3)(f), F.S.,
185 relating to additional costs to fund rape crisis
186 centers and the offense severity ranking chart of the
187 Criminal Punishment Code, respectively, to incorporate
188 the amendments made by the act; providing an effective
189 date.