

By the Committees on Appropriations; and Criminal Justice; and
Senators Steube and Simmons

576-04184-17

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1 A bill to be entitled
2 An act relating to threats to kill or do bodily
3 injury; amending s. 836.10, F.S.; prohibiting a person
4 from making a threat to kill or do bodily injury in a
5 writing or other record by posting or transmitting, or
6 procuring the posting or transmission of, the threat
7 in a specified manner; deleting requirements that a
8 threat be sent to a specific recipient to be a
9 prohibited act; providing separate penalties for
10 juveniles and adults; defining the term "electronic
11 record"; amending s. 901.15, F.S.; authorizing a law
12 enforcement officer to arrest a person without a
13 warrant for a criminal act of threat to kill or to do
14 bodily injury, as shown in a posting or as transmitted
15 in a specified manner; reenacting ss. 794.056(1),
16 921.0022(3)(f), and 938.085, F.S., relating to the
17 Rape Crisis Program Trust Fund, the offense severity
18 ranking chart of the Criminal Punishment Code, and
19 additional cost to fund rape crisis centers,
20 respectively, to incorporate the amendment made to s.
21 836.10, F.S., in references thereto; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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

28 836.10 Written threats to kill or do bodily injury;
29 punishment.—

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30 (1) It is unlawful for a Any person to make who writes or
31 composes and also sends or procures the sending of any letter,
32 inscribed communication, or electronic communication, whether
33 such letter or communication be signed or anonymous, to any
34 person, containing a threat to kill or to do bodily injury to
35 another the person in a writing or other record, including an
36 electronic record, by sending, posting, or transmitting, or
37 procuring the sending, posting, or transmission of, the threat
38 in a manner that would allow another person to view the threat.

39 (2) A person who is 18 years of age or older and who
40 violates this section to whom such letter or communication is
41 sent, or a threat to kill or do bodily injury to any member of
42 the family of the person to whom such letter or communication is
43 sent commits a felony of the second degree, punishable as
44 provided in s. 775.082, s. 775.083, or s. 775.084.

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

48 (4) For purposes of this section, the term "electronic
49 record" means relating to technology having electrical, digital,
50 magnetic, wireless, optical, electromagnetic, or similar
51 capabilities.

52 Section 2. Subsection (17) is added to section 901.15,
53 Florida Statutes, to read:

54 901.15 When arrest by officer without warrant is lawful.—A
55 law enforcement officer may arrest a person without a warrant
56 when:

57 (17) There is probable cause to believe that the person has
58 committed a criminal act of threat to kill or do bodily injury

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59 as described in s. 836.10.

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

64 794.056 Rape Crisis Program Trust Fund.—

65 (1) The Rape Crisis Program Trust Fund is created within
66 the Department of Health for the purpose of providing funds for
67 rape crisis centers in this state. Trust fund moneys shall be
68 used exclusively for the purpose of providing services for
69 victims of sexual assault. Funds credited to the trust fund
70 consist of those funds collected as an additional court
71 assessment in each case in which a defendant pleads guilty or
72 nolo contendere to, or is found guilty of, regardless of
73 adjudication, an offense provided in s. 775.21(6) and (10)(a),
74 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
75 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
76 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
77 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
78 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
79 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
80 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
81 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
82 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
83 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
84 fund also shall include revenues provided by law, moneys
85 appropriated by the Legislature, and grants from public or
86 private entities.

87 Section 4. For the purpose of incorporating the amendment

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88 made by this act to section 836.10, Florida Statutes, in a
 89 reference thereto, paragraph (f) of subsection (3) of section
 90 921.0022, Florida Statutes, is reenacted to read:

91 921.0022 Criminal Punishment Code; offense severity ranking
 92 chart.—

93 (3) OFFENSE SEVERITY RANKING CHART

94 (f) LEVEL 6

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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.
499.0051(3)	2nd	Knowing purchase or receipt of

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violent predators facility
staff.

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784.08 (2) (b) 2nd Aggravated assault on a person
65 years of age or older.

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784.081 (2) 2nd Aggravated assault on specified
official or employee.

113

784.082 (2) 2nd Aggravated assault by detained
person on visitor or other
detainee.

114

784.083 (2) 2nd Aggravated assault on code
inspector.

115

787.02 (2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

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790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

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790.161 (2) 2nd Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.

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790.164 (1) 2nd False report concerning bomb,

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cellular telephones.

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

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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.

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

137

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

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

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

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836.05 2nd Threats; extortion.

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

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

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944.46 3rd Harboring, concealing, aiding
 escaped prisoners.

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

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

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156 Section 5. For the purpose of incorporating the amendment
 157 made by this act to section 836.10, Florida Statutes, in a
 158 reference thereto, section 938.085, Florida Statutes, is
 159 reenacted to read:

160 938.085 Additional cost to fund rape crisis centers.—In
 161 addition to any sanction imposed when a person pleads guilty or
 162 nolo contendere to, or is found guilty of, regardless of
 163 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and
 164 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 165 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 166 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 167 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 168 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 169 796.07(2) (a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 170 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.

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171 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
172 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
173 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
174 \$151. Payment of the surcharge shall be a condition of
175 probation, community control, or any other court-ordered
176 supervision. The sum of \$150 of the surcharge shall be deposited
177 into the Rape Crisis Program Trust Fund established within the
178 Department of Health by chapter 2003-140, Laws of Florida. The
179 clerk of the court shall retain \$1 of each surcharge that the
180 clerk of the court collects as a service charge of the clerk's
181 office.

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