

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative McClain offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 836.10 Written threats to kill, ~~or~~ do bodily injury, or
8 conduct a mass shooting or act of terrorism; punishment.—Any
9 person who writes or composes and also sends or procures the
10 sending of any letter, inscribed communication, or electronic
11 communication, whether such letter or communication be signed or
12 anonymous, to any person, containing a threat to kill or to do
13 bodily injury to the person to whom such letter or communication

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14 is sent, or a threat to kill or do bodily injury to any member
 15 of the family of the person to whom such letter or communication
 16 is sent, or any person who makes a threat in a writing or other
 17 record, including an electronic record, to conduct a mass
 18 shooting or act of terrorism and posts or transmits the threat
 19 in any manner that would allow another person to view the
 20 threat, commits a felony of the second degree, punishable as
 21 provided in s. 775.082, s. 775.083, or s. 775.084.

22 Section 2. Paragraph (f) of subsection (3) of section
 23 921.0022, Florida Statutes, is amended to read:

24 921.0022 Criminal Punishment Code; offense severity
 25 ranking chart.—

26 (3) OFFENSE SEVERITY RANKING CHART

27 (f) LEVEL 6

28

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.

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32	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
33	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
34	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
35	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
36	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
37	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.

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38	784.041	3rd	Felony battery; domestic battery by strangulation.
39	784.048 (3)	3rd	Aggravated stalking; credible threat.
40	784.048 (5)	3rd	Aggravated stalking of person under 16.
41	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
42	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
43	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
44	784.081 (2)	2nd	Aggravated assault on specified official or employee.
45	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other

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			detainee.
46	784.083 (2)	2nd	Aggravated assault on code inspector.
47	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
48	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
49	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
50	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.
51	790.19	2nd	Shooting or throwing deadly

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52			missiles into dwellings, vessels, or vehicles.
53	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
54	794.05(1)	2nd	Unlawful sexual activity with specified minor.
55	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.
56	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
57	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.

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58	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
59	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
60	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
61	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
62	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
63	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
64	817.4821 (5)	2nd	Possess cloning paraphernalia

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			with intent to create cloned cellular telephones.
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	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
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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.
68			
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
69			
	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
70			
	827.03 (2) (c)	3rd	Abuse of a child.
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	827.03 (2) (d)	3rd	Neglect of a child.
72			
	827.071 (2) & (3)	2nd	Use or induce a child in a

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			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, <u>or conduct a mass shooting or act of terrorism.</u>
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	843.12	3rd	Aids or assists person to escape.
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	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
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	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
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	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

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79	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
80	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.
81	944.40	2nd	Escapes.
82	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
83	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
84	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
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86 Section 3. For the purpose of incorporating the amendment
87 made by this act to section 836.10, Florida Statutes, in a
88 reference thereto, Section 794.056, Florida Statutes, is
89 reenacted to read:

90 794.056 Rape Crisis Program Trust Fund.—

91 (1) The Rape Crisis Program Trust Fund is created within
92 the Department of Health for the purpose of providing funds for
93 rape crisis centers in this state. Trust fund moneys shall be
94 used exclusively for the purpose of providing services for
95 victims of sexual assault. Funds credited to the trust fund
96 consist of those funds collected as an additional court
97 assessment in each case in which a defendant pleads guilty or
98 nolo contendere to, or is found guilty of, regardless of
99 adjudication, an offense provided in s. 775.21(6) and (10)(a),
100 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
101 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
102 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
103 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
104 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
105 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
106 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
107 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
108 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
109 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
110 fund also shall include revenues provided by law, moneys

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111 appropriated by the Legislature, and grants from public or
112 private entities.

113 (2) The Department of Health shall establish by rule
114 criteria consistent with the provisions of s. 794.055(3)(b) for
115 distributing moneys from the trust fund to rape crisis centers.

116 Section 4. For the purpose of incorporating the amendment
117 made by this act to section 836.10, Florida Statutes, in a
118 reference thereto, Section 938.085, Florida Statutes, is
119 reenacted to read:

120 938.085 Additional cost to fund rape crisis centers.—In
121 addition to any sanction imposed when a person pleads guilty or
122 nolo contendere to, or is found guilty of, regardless of
123 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
124 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
125 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
126 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
127 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
128 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
129 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
130 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
131 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
132 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
133 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
134 \$151. Payment of the surcharge shall be a condition of
135 probation, community control, or any other court-ordered

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136 supervision. The sum of \$150 of the surcharge shall be deposited
137 into the Rape Crisis Program Trust Fund established within the
138 Department of Health by chapter 2003-140, Laws of Florida. The
139 clerk of the court shall retain \$1 of each surcharge that the
140 clerk of the court collects as a service charge of the clerk's
141 office.

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

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146 **T I T L E A M E N D M E N T**

147 Remove everything before the enacting clause and insert:

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149 A bill to be entitled

150 An act relating to written threats to conduct mass
151 shootings or acts of terrorism; amending s. 836.10,
152 F.S.; prohibiting a person from making threats to
153 conduct a mass shooting or act of terrorism in a
154 writing or other record and transmitting that threat
155 in any manner that would allow another person to view
156 the threat; amending s. 921.0022, F.S.; revising the
157 offense ranking to include written threats to conduct
158 a mass shooting or act of terrorism; reenacting ss.
159 794.056 and 938.085, F.S., relating to the Rape Crises
160 Program Trust Fund and additional cost to fund rape

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161 | crises centers, respectively, to incorporate the
162 | amendments made by the act; providing an effective
163 | date.
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