

1                                   A bill to be entitled  
 2           An act relating to threats to kill or do great bodily  
 3           injury; amending s. 836.10, F.S.; prohibiting a person  
 4           from making a threat to kill or do great bodily injury  
 5           in a writing or other record and transmitting that  
 6           threat in any manner that would allow another person  
 7           to view the threat; deleting requirements that a  
 8           threat be sent to a specific recipient to be  
 9           prohibited; revising a penalty; amending s. 921.0022,  
 10          F.S.; conforming provisions to changes made by the  
 11          act; reenacting ss. 794.056(1) and 938.085, F.S.,  
 12          relating to the Rape Crisis Program Trust Fund and  
 13          additional cost to fund rape crisis centers,  
 14          respectively, to incorporate the amendments made by  
 15          the act; providing an effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

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

21           836.10 Written threats to kill or do great bodily injury;  
 22           punishment.—~~A~~ Any person who makes a threat in a writing or  
 23           other record, including an electronic record, writes or composes  
 24           ~~and also sends or procures the sending of any letter, inscribed~~  
 25           ~~communication, or electronic communication, whether such letter~~

26 ~~or communication be signed or anonymous, to any person,~~  
 27 ~~containing a threat to kill or to do great bodily injury to~~  
 28 ~~another the person and posts or transmits the threat in any~~  
 29 ~~manner that would allow another person to view the threat to~~  
 30 ~~whom such letter or communication is sent, or a threat to kill~~  
 31 ~~or do bodily injury to any member of the family of the person to~~  
 32 ~~whom such letter or communication is sent commits a felony of~~  
 33 ~~the third ~~second~~ degree, punishable as provided in s. 775.082,~~  
 34 ~~s. 775.083, or s. 775.084.~~

35 Section 2. Paragraph (f) of subsection (3) of section  
 36 921.0022, Florida Statutes, is amended to read:

37 921.0022 Criminal Punishment Code; offense severity  
 38 ranking chart.—

39 (3) OFFENSE SEVERITY RANKING CHART

40 (f) LEVEL 6

41

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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44	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
45	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
46	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
47	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
48	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
49	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
50	784.021 (1) (b)	3rd	Aggravated assault; intent to

			commit felony.
51	784.041	3rd	Felony battery; domestic battery by strangulation.
52	784.048 (3)	3rd	Aggravated stalking; credible threat.
53	784.048 (5)	3rd	Aggravated stalking of person under 16.
54	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
55	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
56	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
57	784.081 (2)	2nd	Aggravated assault on specified official or employee.
58	784.082 (2)	2nd	Aggravated assault by detained

			person on visitor or other detainee.
59	784.083 (2)	2nd	Aggravated assault on code inspector.
60	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
61	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
62	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
63	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.
64			

65	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
66	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
67	794.05(1)	2nd	Unlawful sexual activity with specified minor.
68	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.
69	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
70	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;

71			unarmed; no assault or battery.
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
72			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
73			
	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
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	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
75			
	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
76			
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
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78	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
79	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
80	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
81	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
82	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
83	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
84	827.03 (2) (c)	3rd	Abuse of a child.
85	827.03 (2) (d)	3rd	Neglect of a child.

86	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
87	836.05	2nd	Threats; extortion.
88	836.10	<u>3rd</u> <del>2nd</del>	Written threats to kill or do <u>great</u> bodily injury.
89	843.12	3rd	Aids or assists person to escape.
90	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
91	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
92	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

93	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
94	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.
95	944.40	2nd	Escapes.
96	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
97	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
98	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
99	Section 3. For the purpose of incorporating the amendment		

100 made by this act to section 836.10, Florida Statutes, in a  
 101 reference thereto, subsection (1) of section 794.056, Florida  
 102 Statutes, is reenacted to read:

103 794.056 Rape Crisis Program Trust Fund.—

104 (1) The Rape Crisis Program Trust Fund is created within  
 105 the Department of Health for the purpose of providing funds for  
 106 rape crisis centers in this state. Trust fund moneys shall be  
 107 used exclusively for the purpose of providing services for  
 108 victims of sexual assault. Funds credited to the trust fund  
 109 consist of those funds collected as an additional court  
 110 assessment in each case in which a defendant pleads guilty or  
 111 nolo contendere to, or is found guilty of, regardless of  
 112 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
 113 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
 114 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
 115 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
 116 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
 117 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
 118 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
 119 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
 120 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
 121 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
 122 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
 123 fund also shall include revenues provided by law, moneys  
 124 appropriated by the Legislature, and grants from public or

125 private entities.

126 Section 4. For the purpose of incorporating the amendment  
127 made by this act to section 836.10, Florida Statutes, in a  
128 reference thereto, section 938.085, Florida Statutes, is  
129 reenacted to read:

130 938.085 Additional cost to fund rape crisis centers.—In  
131 addition to any sanction imposed when a person pleads guilty or  
132 nolo contendere to, or is found guilty of, regardless of  
133 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
134 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
135 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
136 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
137 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
138 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
139 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
140 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
141 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
142 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
143 (14)(c); or s. 985.701(1), the court shall impose a surcharge of  
144 \$151. Payment of the surcharge shall be a condition of  
145 probation, community control, or any other court-ordered  
146 supervision. The sum of \$150 of the surcharge shall be deposited  
147 into the Rape Crisis Program Trust Fund established within the  
148 Department of Health by chapter 2003-140, Laws of Florida. The  
149 clerk of the court shall retain \$1 of each surcharge that the

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150 | clerk of the court collects as a service charge of the clerk's  
151 | office.

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