

By the Committee on Criminal Justice; and Senators Steube and Baxley

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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 criminal penalty; amending s.  
 10 921.0022, F.S.; revising the ranking of the offense of  
 11 making written threats to kill or do great bodily  
 12 injury on the offense severity ranking chart of the  
 13 Criminal Punishment Code; reenacting ss. 794.056(1)  
 14 and 938.085, F.S., relating to the Rape Crisis Program  
 15 Trust Fund and additional cost to fund rape crisis  
 16 centers, respectively, to incorporate the amendments  
 17 made to s. 836.10, F.S., in references thereto;  
 18 providing an effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

21  
 22 Section 1. Section 836.10, Florida Statutes, is amended to  
 23 read:

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

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

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

40 921.0022 Criminal Punishment Code; offense severity ranking  
 41 chart.—

42 (3) OFFENSE SEVERITY RANKING CHART

43 (d) LEVEL 4

44

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 transaction history, transaction information, or transaction statements.

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499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07 (1)	3rd	Failure to register securities.
517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
784.081 (3)	3rd	Battery on specified official or employee.

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784.082 (3) 3rd Battery by detained person on  
visitor or other detainee.

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784.083 (3) 3rd Battery on code inspector.

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784.085 3rd Battery of child by throwing,  
tossing, projecting, or  
expelling certain fluids or  
materials.

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787.03 (1) 3rd Interference with custody;  
wrongly takes minor from  
appointed guardian.

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787.04 (2) 3rd Take, entice, or remove child  
beyond state limits with  
criminal intent pending custody  
proceedings.

61

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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787.07 3rd Human smuggling.

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790.115 (1) 3rd Exhibiting firearm or weapon

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within 1,000 feet of a school.

790.115 (2) (b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.

790.115 (2) (c) 3rd Possessing firearm on school property.

800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender less than 18 years.

810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

810.06 3rd Burglary; possession of tools.

810.08 (2) (c) 3rd Trespass on property, armed with firearm or dangerous weapon.

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72 812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000  
or more but less than \$20,000.

73 812.014 3rd Grand theft, 3rd degree, a  
(2) (c) 4.-10. will, firearm, motor vehicle,  
livestock, etc.

74 812.0195 (2) 3rd Dealing in stolen property by  
use of the Internet; property  
stolen \$300 or more.

75 817.505 (4) (a) 3rd Patient brokering.

76 817.563 (1) 3rd Sell or deliver substance other  
than controlled substance  
agreed upon, excluding s.  
893.03 (5) drugs.

77 817.568 (2) (a) 3rd Fraudulent use of personal  
identification information.

78 817.625 (2) (a) 3rd Fraudulent use of scanning  
device, skimming device, or  
reencoder.

79 817.625 (2) (c) 3rd Possess, sell, or deliver  
skimming device.

828.125 (1) 2nd Kill, maim, or cause great

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			bodily harm or permanent breeding disability to any registered horse or cattle.
80	<u>836.10</u>	<u>3rd</u>	<u>Written threats to kill or do great bodily injury.</u>
81	837.02 (1)	3rd	Perjury in official proceedings.
82	837.021 (1)	3rd	Make contradictory statements in official proceedings.
83	838.022	3rd	Official misconduct.
84	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
85	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
86	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
87	843.025	3rd	Deprive law enforcement, correctional, or correctional

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probation officer of means of protection or communication.

843.15(1)(a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

847.0135(5)(c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

874.05(1)(a) 3rd Encouraging or recruiting another to join a criminal gang.

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).

914.14(2) 3rd Witnesses accepting bribes.

914.22(1) 3rd Force, threaten, etc., witness, victim, or informant.

914.23(2) 3rd Retaliation against a witness, victim, or informant, no bodily injury.



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918.12 3rd Tampering with jurors.

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

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(f) LEVEL 6

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Florida Statute	Felony Degree	Description
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100

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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400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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103

499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
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499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from
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unauthorized person.

105

499.0051(4)

2nd

Knowing sale or transfer of prescription drug to unauthorized person.

106

775.0875(1)

3rd

Taking firearm from law enforcement officer.

107

784.021(1)(a)

3rd

Aggravated assault; deadly weapon without intent to kill.

108

784.021(1)(b)

3rd

Aggravated assault; intent to commit felony.

109

784.041

3rd

Felony battery; domestic battery by strangulation.

110

784.048(3)

3rd

Aggravated stalking; credible threat.

111

784.048(5)

3rd

Aggravated stalking of person under 16.

112

784.07(2)(c)

2nd

Aggravated assault on law enforcement officer.

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784.074(1)(b)

2nd

Aggravated assault on sexually violent predators facility

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staff.

114

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.

116

784.082 (2)

2nd

Aggravated assault by detained  
person on visitor or other  
detainee.

117

784.083 (2)

2nd

Aggravated assault on code  
inspector.

118

787.02 (2)

3rd

False imprisonment; restraining  
with purpose other than those  
in s. 787.01.

119

790.115 (2) (d)

2nd

Discharging firearm or weapon  
on school property.

120

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,  
explosive, weapon of mass



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

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

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

132

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

133

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

134

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

135

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

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

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817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
827.03 (2) (c)	3rd	Abuse of a child.
827.03 (2) (d)	3rd	Neglect of a child.
827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
<del>836.10</del>	2nd	<del>Written threats to kill or de</del>

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~~bodily injury.~~

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843.12 3rd Aids or assists person to escape.

147

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

151

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.

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944.40 2nd Escapes.

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944.46 3rd Harboring, concealing, aiding  
escaped prisoners.

154

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

155

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

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

161 794.056 Rape Crisis Program Trust Fund.—

162 (1) The Rape Crisis Program Trust Fund is created within  
163 the Department of Health for the purpose of providing funds for  
164 rape crisis centers in this state. Trust fund moneys shall be  
165 used exclusively for the purpose of providing services for  
166 victims of sexual assault. Funds credited to the trust fund  
167 consist of those funds collected as an additional court  
168 assessment in each case in which a defendant pleads guilty or  
169 nolo contendere to, or is found guilty of, regardless of  
170 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
171 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
172 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.



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173 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
 174 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
 175 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
 176 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
 177 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
 178 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
 179 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
 180 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
 181 fund also shall include revenues provided by law, moneys  
 182 appropriated by the Legislature, and grants from public or  
 183 private entities.

184 Section 4. For the purpose of incorporating the amendment  
 185 made by this act to section 836.10, Florida Statutes, in a  
 186 reference thereto, section 938.085, Florida Statutes, is  
 187 reenacted to read:

188 938.085 Additional cost to fund rape crisis centers.—In  
 189 addition to any sanction imposed when a person pleads guilty or  
 190 nolo contendere to, or is found guilty of, regardless of  
 191 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
 192 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
 193 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
 194 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
 195 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
 196 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
 197 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
 198 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
 199 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
 200 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
 201 (14)(c); or s. 985.701(1), the court shall impose a surcharge of

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202 \$151. Payment of the surcharge shall be a condition of  
203 probation, community control, or any other court-ordered  
204 supervision. The sum of \$150 of the surcharge shall be deposited  
205 into the Rape Crisis Program Trust Fund established within the  
206 Department of Health by chapter 2003-140, Laws of Florida. The  
207 clerk of the court shall retain \$1 of each surcharge that the  
208 clerk of the court collects as a service charge of the clerk's  
209 office.

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