

1                                   A bill to be entitled  
 2           An act relating to electronic threats; amending s.  
 3           836.10, F.S.; defining the term "electronic record";  
 4           prohibiting a person from making and sending, posting,  
 5           or transmitting, or from making and procuring the  
 6           sending, posting, or transmission of a written or  
 7           electronic record containing a threat to kill or to do  
 8           bodily harm to another person or to conduct a mass  
 9           shooting or an act of terrorism; providing criminal  
 10          penalties; amending s. 921.0022, F.S.; conforming  
 11          provisions to changes made by the act; providing an  
 12          effective date.

13  
 14   Be It Enacted by the Legislature of the State of Florida:

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 16           Section 1. Subsections (1) and (2) of section 836.10,  
 17   Florida Statutes, are renumbered as subsections (2) and (3),  
 18   respectively, present subsection (1) is amended, and a new  
 19   subsection (1) is added to that section, to read:

20           836.10   Written or electronic threats to kill, do bodily  
 21   injury, or conduct a mass shooting or an act of terrorism;  
 22   punishment; exemption from liability.—

23           (1) As used in this section, the term "electronic record"  
 24   means any record created, modified, archived, received, or  
 25   distributed electronically which contains any combination of

26 | text, graphics, video, audio, or pictorial represented in  
 27 | digital form, but does not include a telephone call.

28 | (2)-(1) It is unlawful for any person to make and send,  
 29 | post, or transmit, or make and procure the sending, posting, or  
 30 | transmission of, who writes or composes and also sends or  
 31 | ~~procures the sending of any letter, inscribed communication, or~~  
 32 | ~~electronic communication, whether such letter or communication~~  
 33 | ~~be signed or anonymous, to any person, containing a threat to~~  
 34 | ~~kill or to do bodily injury to the person to whom such letter or~~  
 35 | ~~communication is sent, or a threat to kill or do bodily injury~~  
 36 | ~~to any member of the family of the person to whom such letter or~~  
 37 | ~~communication is sent, or any person who makes, posts, or~~  
 38 | ~~transmits a threat in a writing or other record, including an~~  
 39 | ~~electronic record, to conduct a mass shooting or an act of~~  
 40 | ~~terrorism, in any manner in which it may be viewed by that would~~  
 41 | ~~allow another person to view the threat, when such writing or~~  
 42 | record contains a threat to:

- 43 | (a) Kill or to do bodily harm to another person; or
- 44 | (b) Conduct a mass shooting or an act of terrorism.

45 |  
 46 | A person who violates this subsection commits a felony of the  
 47 | second degree, punishable as provided in s. 775.082, s. 775.083,  
 48 | or s. 775.084.

49 | Section 2. Paragraph (f) of subsection (3) of section  
 50 | 921.0022, Florida Statutes, is amended to read:

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51 921.0022 Criminal Punishment Code; offense severity  
 52 ranking chart.—

53 (3) OFFENSE SEVERITY RANKING CHART

54 (f) LEVEL 6

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Florida	Felony	
Statute	Degree	Description

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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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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
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			prescription drug from unauthorized person.
61	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
62	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
63	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
64	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
65	784.041	3rd	Felony battery; domestic battery by strangulation.
66	784.048 (3)	3rd	Aggravated stalking; credible threat.
67	784.048 (5)	3rd	Aggravated stalking of person under 16.
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69	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
70	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
71	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
72	784.081 (2)	2nd	Aggravated assault on specified official or employee.
73	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
74	784.083 (2)	2nd	Aggravated assault on code inspector.
75	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
	790.115 (2) (d)	2nd	Discharging firearm or weapon

76			on school property.
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
77			
	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.
78			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
79			
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
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	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
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82	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.
83	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
84	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
85	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
86	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
87	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
	812.014 (6)	2nd	Theft; property stolen \$3,000

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			or more; coordination of others.
88	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
89	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
90	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
91	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
92	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
93	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
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95	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
96	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
97	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
98	827.03 (2) (c)	3rd	Abuse of a child.
99	827.03 (2) (d)	3rd	Neglect of a child.
100	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
101	836.05	2nd	Threats; extortion.
	836.10	2nd	Written <u>or electronic</u> threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.

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102	843.12	3rd	Aids or assists person to escape.
103	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
104	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
105	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
106	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
107	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community

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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.

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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)(i)              3rd      Firearm or weapon introduced  
into county detention facility.

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113                      Section 3.    This act shall take effect October 1, 2021.