

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 the
 6 threat in a specified manner; deleting requirements
 7 that a threat be sent to a specific recipient to be
 8 prohibited; providing a penalty; reenacting ss.
 9 794.056(1), 921.0022(3)(f), and 938.085, F.S.,
 10 relating to the Rape Crisis Program Trust Fund, the
 11 offense severity ranking chart of the Criminal
 12 Punishment Code, and additional costs to fund rape
 13 crisis centers, respectively, to incorporate the
 14 amendments made by the act; providing an effective
 15 date.

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 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 bodily injury;
 22 punishment.—A Any person who makes ~~writes or composes~~ and also
 23 ~~sends or procures the sending of any letter, inscribed~~
 24 ~~communication, or electronic communication, whether such letter~~
 25 ~~or communication be signed or anonymous, to any person,~~

26 ~~containing~~ a threat to kill or to do bodily injury to another
 27 ~~the person~~ in a writing or other record, including an electronic
 28 record, by sending, posting, or transmitting, or procuring the
 29 sending, posting, or transmission of, the threat in a manner
 30 that would allow another person to view the threat ~~to whom such~~
 31 ~~letter or communication is sent, or a threat to kill or do~~
 32 ~~bodily injury to any member of the family of the person to whom~~
 33 ~~such letter or communication is sent~~ commits a felony of the
 34 second degree, punishable as provided in s. 775.082, s. 775.083,
 35 or s. 775.084.

36 Section 2. For the purpose of incorporating the amendment
 37 made by this act to section 836.10, Florida Statutes, in a
 38 reference thereto, subsection (1) of section 794.056, Florida
 39 Statutes, is reenacted to read:

40 794.056 Rape Crisis Program Trust Fund.—

41 (1) The Rape Crisis Program Trust Fund is created within
 42 the Department of Health for the purpose of providing funds for
 43 rape crisis centers in this state. Trust fund moneys shall be
 44 used exclusively for the purpose of providing services for
 45 victims of sexual assault. Funds credited to the trust fund
 46 consist of those funds collected as an additional court
 47 assessment in each case in which a defendant pleads guilty or
 48 nolo contendere to, or is found guilty of, regardless of
 49 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 50 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.

51 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 52 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 53 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 54 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 55 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 56 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 57 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
 58 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
 59 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
 60 fund also shall include revenues provided by law, moneys
 61 appropriated by the Legislature, and grants from public or
 62 private entities.

63 Section 3. For the purpose of incorporating the amendment
 64 made by this act to section 836.10, Florida Statutes, in a
 65 reference thereto, paragraph (f) of subsection (3) of section
 66 921.0022, Florida Statutes, is reenacted to read:

67 921.0022 Criminal Punishment Code; offense severity
 68 ranking chart.—

69 (3) OFFENSE SEVERITY RANKING CHART

70 (f) LEVEL 6

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Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash

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			involving serious bodily injury.
73	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
74	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
75	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
76	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
77	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
78	775.0875 (1)	3rd	Taking firearm from law enforcement officer.

79	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
80	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
81	784.041	3rd	Felony battery; domestic battery by strangulation.
82	784.048 (3)	3rd	Aggravated stalking; credible threat.
83	784.048 (5)	3rd	Aggravated stalking of person under 16.
84	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
85	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
86	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.

87	784.081 (2)	2nd	Aggravated assault on specified official or employee.
88	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
89	784.083 (2)	2nd	Aggravated assault on code inspector.
90	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
91	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
92	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
93	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.
94	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
95	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
96	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
97	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.
98	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
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100	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
101	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
102	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
103	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
104	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
105	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of

others.

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

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

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

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114	827.03(2)(d)	3rd	Neglect of a child.
115	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
116	836.05	2nd	Threats; extortion.
117	836.10	2nd	Written threats to kill or do bodily injury.
118	843.12	3rd	Aids or assists person to escape.
119	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
120	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.

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

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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.

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

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

152 | clerk of the court collects as a service charge of the clerk's
153 | office.

154 | Section 5. This act shall take effect October 1, 2017.