

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 and posting or transmitting
 6 the threat in a specified manner; deleting
 7 requirements that a threat be sent to a specific
 8 recipient to be prohibited; providing a penalty;
 9 reenacting ss. 794.056(1), 921.0022(3)(f), and
 10 938.085, F.S., relating to the Rape Crisis Program
 11 Trust Fund, the offense severity ranking chart of the
 12 Criminal Punishment Code, and additional costs to fund
 13 rape crisis centers, respectively, to incorporate the
 14 amendments made by the act to s. 836.10, F.S.;
 15 providing an effective date.

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

18
 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 writes or composes and also sends
 23 or procures the sending of any letter, inscribed communication,
 24 or electronic communication, whether such letter or
 25 communication be signed or anonymous, to any person, containing
 26 a threat to kill or to do bodily injury to the person to whom

27 ~~such letter or communication is sent, or a threat to kill or do~~
 28 ~~bodily injury to any member of the family of the person to whom~~
 29 ~~such letter or communication is sent~~ commits a felony of the
 30 second degree, punishable as provided in s. 775.082, s. 775.083,
 31 or s. 775.084, if the person:

32 (1) Makes a threat in a writing or other record, including
 33 an electronic record as defined in s. 668.50 to kill or do
 34 bodily injury to another person; and

35 (2) Posts or transmits, or procures the posting or
 36 transmission of, the threat to the person threatened or in a
 37 manner that would allow another person to view the threat.

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

42 794.056 Rape Crisis Program Trust Fund.—

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

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

65 Section 3. For the purpose of incorporating the amendment
 66 made by this act to section 836.10, Florida Statutes, in a
 67 reference thereto, paragraph (f) of subsection (3) of section
 68 921.0022, Florida Statutes, is reenacted to read:

69 921.0022 Criminal Punishment Code; offense severity
 70 ranking chart.—

71 (3) OFFENSE SEVERITY RANKING CHART

72 (f) LEVEL 6

73

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

74

			injury.
75	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
76	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
77	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
78	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
79	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
80	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
81	784.021 (1) (a)	3rd	Aggravated assault; deadly

			weapon without intent to kill.
82	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
83	784.041	3rd	Felony battery; domestic battery by strangulation.
84	784.048 (3)	3rd	Aggravated stalking; credible threat.
85	784.048 (5)	3rd	Aggravated stalking of person under 16.
86	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
87	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
88	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
89	784.081 (2)	2nd	Aggravated assault on specified official or employee.

90	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
91	784.083 (2)	2nd	Aggravated assault on code inspector.
92	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
93	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
94	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
95	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.

96	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
97	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
98	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
99	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.
100	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
101	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
102	810.02 (3) (c)	2nd	Burglary of occupied structure;

unarmed; no assault or battery.

103

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

104

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

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

106

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

107

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

108

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

109

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.

113

825.103 (3) (c) 3rd Exploiting an elderly person or
disabled adult and property is
valued at less than \$10,000.

114

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

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827.03 (2) (d) 3rd Neglect of a child.

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827.071 (2) & (3) 2nd Use or induce a child in a
sexual performance, or promote
or direct such performance.

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836.05 2nd Threats; extortion.

118	836.10	2nd	Written threats to kill or do bodily injury.
119	843.12	3rd	Aids or assists person to escape.
120	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
121	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
122	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
123	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
124	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.

126

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

127

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

134 938.085 Additional cost to fund rape crisis centers.—In
135 addition to any sanction imposed when a person pleads guilty or
136 nolo contendere to, or is found guilty of, regardless of
137 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and

138 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
139 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
140 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
141 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
142 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
143 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
144 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
145 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
146 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
147 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
148 \$151. Payment of the surcharge shall be a condition of
149 probation, community control, or any other court-ordered
150 supervision. The sum of \$150 of the surcharge shall be deposited
151 into the Rape Crisis Program Trust Fund established within the
152 Department of Health by chapter 2003-140, Laws of Florida. The
153 clerk of the court shall retain \$1 of each surcharge that the
154 clerk of the court collects as a service charge of the clerk's
155 office.

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

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