



CS/CS/CS/HB 165, Engrossed 1

2018

1 A bill to be entitled

2 An act relating to written threats to conduct mass
3 shootings or acts of terrorism; amending s. 836.10,
4 F.S.; prohibiting a person from making threats to
5 conduct a mass shooting or act of terrorism in a
6 writing or other record and transmitting that threat
7 in any manner that would allow another person to view
8 the threat; amending s. 921.0022, F.S.; revising the
9 offense ranking to include written threats to conduct
10 a mass shooting or act of terrorism; reenacting ss.
11 794.056 and 938.085, F.S., relating to the Rape Crises
12 Program Trust Fund and additional cost to fund rape
13 crises 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, or
22 conduct a mass shooting or act of terrorism; punishment.—Any
23 person who writes or composes and also sends or procures the
24 sending of any letter, inscribed communication, or electronic
25 communication, whether such letter or communication be signed or



26 | anonymous, to any person, containing a threat to kill or to do
 27 | bodily injury to the person to whom such letter or communication
 28 | is sent, or a threat to kill or do bodily injury to any member
 29 | of the family of the person to whom such letter or communication
 30 | is sent, or any person who makes a threat in a writing or other
 31 | record, including an electronic record, to conduct a mass
 32 | shooting or act of terrorism and posts or transmits the threat
 33 | in any manner that would allow another person to view the
 34 | threat, commits a felony of the second degree, punishable as
 35 | provided in s. 775.082, s. 775.083, or s. 775.084.

36 | Section 2. Paragraph (f) of subsection (3) of section
 37 | 921.0022, Florida Statutes, is amended to read:

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

40 | (3) OFFENSE SEVERITY RANKING CHART

41 | (f) LEVEL 6

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Florida	Felony	Description
Statute	Degree	
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

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45			conviction.
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 prescription drug from unauthorized person.
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499.0051 (4)	2nd		Knowing sale or transfer of prescription drug to unauthorized person.
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775.0875 (1)	3rd		Taking firearm from law enforcement officer.
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784.021 (1) (a)	3rd		Aggravated assault; deadly weapon without intent to kill.
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52	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
53	784.041	3rd	Felony battery; domestic battery by strangulation.
54	784.048 (3)	3rd	Aggravated stalking; credible threat.
55	784.048 (5)	3rd	Aggravated stalking of person under 16.
56	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
57	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
58	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
59	784.081 (2)	2nd	Aggravated assault on specified official or employee.



60	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
61	784.083 (2)	2nd	Aggravated assault on code inspector.
62	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
63	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
64	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
	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.



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.
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72	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
73	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
74	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
75	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
76	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
77	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).



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.



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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.
836.10	2nd	Written threats to kill, or do <u>bodily injury, or conduct a mass shooting or act of terrorism.</u>
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
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.
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.

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Section 3. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, Section 794.056, Florida Statutes, is reenacted to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in 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); s. 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),



123 (13), and (14) (c); or s. 985.701(1). Funds credited to the trust
124 fund also shall include revenues provided by law, moneys
125 appropriated by the Legislature, and grants from public or
126 private entities.

127 (2) The Department of Health shall establish by rule
128 criteria consistent with the provisions of s. 794.055(3)(b) for
129 distributing moneys from the trust fund to rape crisis centers.

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



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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 July 1, 2018.

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