

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; 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 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

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Florida	Felony	
Statute	Degree	Description

74	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily 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.
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81	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
82	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
83	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
84	784.041	3rd	Felony battery; domestic battery by strangulation.
85	784.048 (3)	3rd	Aggravated stalking; credible threat.
86	784.048 (5)	3rd	Aggravated stalking of person under 16.
87	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
88	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.

89	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
90	784.081 (2)	2nd	Aggravated assault on specified official or employee.
91	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
92	784.083 (2)	2nd	Aggravated assault on code inspector.
93	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
94	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
95	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.
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.

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806.031 (2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

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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.

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

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

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108	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
109	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
110	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
111	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
112	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
113	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
114	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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115	827.03 (2) (c)	3rd	Abuse of a child.
116	827.03 (2) (d)	3rd	Neglect of a child.
117	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
118	836.05	2nd	Threats; extortion.
119	836.10	2nd	Written threats to kill or do bodily injury.
120	843.12	3rd	Aids or assists person to escape.
121	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
122	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.

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123	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
124	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
125	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.
126	944.40	2nd	Escapes.
127	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
128	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
	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

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.