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CS/HB 1, Engrossed 1

2021 Legislature

1  
2 An act relating to combating public disorder; amending  
3 s. 166.241, F.S.; authorizing specified elected  
4 officials to file an appeal to the Administration  
5 Commission if the governing body of a municipality  
6 makes a specified reduction to the operating budget of  
7 the municipal law enforcement agency; requiring the  
8 petition to contain specified information; requiring  
9 the Executive Office of the Governor to conduct a  
10 budget hearing considering the matter and make  
11 findings and recommendations to the Administration  
12 Commission; requiring the commission to approve,  
13 amend, or modify the municipality's budget; amending  
14 s. 316.2045, F.S.; revising the prohibition on  
15 obstructing traffic by standing on the street,  
16 highway, or road; deleting provisions concerning  
17 charitable solicitations; amending s. 768.28, F.S.;  
18 providing that a municipality has a duty to allow the  
19 municipal law enforcement agency to respond to a riot  
20 or unlawful assembly in a specified manner based on  
21 specified circumstances; providing a municipality is  
22 civilly liable for specified damages proximately  
23 caused by the municipality's specified breach of such  
24 duty; amending s.784.011, F.S.; reclassifying the  
25 penalty for an assault committed in furtherance of a

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26 riot or an aggravated riot; amending s. 784.021, F.S.;  
27 increasing the offense severity ranking of an  
28 aggravated assault for the purposes of the Criminal  
29 Punishment Code if committed in furtherance of a riot  
30 or an aggravated riot; amending s. 784.03, F.S.;  
31 reclassifying the penalty for a battery committed in  
32 furtherance of a riot or an aggravated riot; amending  
33 s. 784.045, F.S.; increasing the offense severity  
34 ranking of an aggravated battery for the purposes of  
35 the Criminal Punishment Code if committed in  
36 furtherance of a riot or an aggravated riot; creating  
37 s. 784.0495, F.S.; prohibiting specified assemblies  
38 from using or threatening to use imminent force  
39 against another person to do or refrain from doing any  
40 act or to assume, abandon, or maintain a particular  
41 viewpoint under certain circumstances; providing a  
42 penalty; requiring a person arrested for a violation  
43 to be held in custody until first appearance; amending  
44 s. 784.07, F.S.; requiring a minimum term of  
45 imprisonment for a person convicted of battery on a  
46 law enforcement officer committed in furtherance of a  
47 riot or an aggravated riot; increasing the offense  
48 severity ranking of an assault or battery against  
49 specified persons for the purposes of the Criminal  
50 Punishment Code if committed in furtherance of a riot

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51 or an aggravated riot; amending s. 806.13, F.S.;

52 prohibiting defacing, injuring, or damaging a memorial

53 or historic property; providing a penalty; requiring a

54 court to order restitution for such a violation;

55 creating s. 806.135, F.S.; defining the terms

56 "historic property" and "memorial"; prohibiting a

57 person from destroying or demolishing a memorial or

58 historic property; providing a penalty; requiring a

59 court to order restitution for such a violation;

60 amending s. 810.02, F.S.; reclassifying specified

61 burglary offenses committed during a riot or an

62 aggravated riot and facilitated by conditions arising

63 from the riot; providing a definition; requiring a

64 person arrested for such a violation to be held in

65 custody until first appearance; amending s. 812.014,

66 F.S.; reclassifying specified theft offenses committed

67 during a riot or an aggravated riot and facilitated by

68 conditions arising from the riot; providing a

69 definition; requiring a person arrested for such a

70 violation to be held in custody until first

71 appearance; creating s. 836.115, F.S.; providing

72 definitions; prohibiting cyberintimidation by

73 publication; providing criminal penalties; amending s.

74 870.01, F.S.; prohibiting a person from fighting in a

75 public place; prohibiting a person from willfully

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76 participating in a specified violent public  
77 disturbance resulting in specified damage or injury;  
78 providing an increased penalty for rioting under  
79 specified circumstances; prohibiting a person from  
80 inciting a riot; providing an increased penalty for  
81 inciting a riot under specified circumstances;  
82 providing definitions; requiring a person arrested for  
83 such a violation to be held in custody until first  
84 appearance; providing an exception; amending s.  
85 870.02, F.S.; requiring a person arrested for an  
86 unlawful assembly to be held in custody until first  
87 appearance; repealing s. 870.03, F.S.; relating to  
88 riots or routs; creating s. 870.07, F.S.; creating an  
89 affirmative defense to a civil action where the  
90 plaintiff participated in a riot; amending s. 872.02,  
91 F.S.; increasing the offense severity ranking of  
92 specified offenses involving graves and tombs for the  
93 purposes of the Criminal Punishment Code if committed  
94 in furtherance of a riot or an aggravated riot;  
95 amending s. 921.0022, F.S.; conforming provisions to  
96 changes made by the act; ranking offenses created by  
97 the act on the offense severity ranking chart;  
98 providing an effective date.

100 Be It Enacted by the Legislature of the State of Florida:

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101  
102 Section 1. Subsections (4) through (6) of section 166.241,  
103 Florida Statutes, are renumbered as subsections (6) through (8),  
104 respectively, new subsections (4) and (5) are added to that  
105 section, and present subsection (6) of that section is amended,  
106 to read:

107 166.241 Fiscal years, budgets, appeal of municipal law  
108 enforcement agency budget, and budget amendments.—

109 (4) (a) If the tentative budget of a municipality contains  
110 a funding reduction to the operating budget of the municipal law  
111 enforcement agency, the state attorney for the judicial circuit  
112 in which the municipality is located, or a member of the  
113 governing body who objects to the funding reduction, may file an  
114 appeal by petition to the Administration Commission within 30  
115 days after the day the tentative budget is posted to the  
116 official website of the municipality under subsection (3). The  
117 petition must set forth the tentative budget proposed by the  
118 municipality, in the form and manner prescribed by the Executive  
119 Office of the Governor and approved by the Administration  
120 Commission, the operating budget of the municipal law  
121 enforcement agency as approved by the municipality for the  
122 previous year, and state the reasons or grounds for the appeal.  
123 The petition shall be filed with the Executive Office of the  
124 Governor, and a copy served upon the governing body of the  
125 municipality or to the clerk of the circuit court of the county

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126 | in which the municipality is located.

127 |       (b) The governing body of the municipality has 5 working  
128 | days after service of a copy of the petition to file a reply  
129 | with the Executive Office of the Governor, and shall serve a  
130 | copy of such reply to the petitioner.

131 |       (5) Upon receipt of the petition, the Executive Office of  
132 | the Governor shall provide for a budget hearing at which the  
133 | matters presented in the petition and the reply shall be  
134 | considered. A report of the findings and recommendations of the  
135 | Executive Office of the Governor thereon shall be promptly  
136 | submitted to the Administration Commission, which, within 30  
137 | days, shall approve the action of the governing body of the  
138 | municipality or amend or modify the budget as to each separate  
139 | item within the operating budget of the municipal law  
140 | enforcement agency. The budget as approved, amended, or modified  
141 | by the Administration Commission shall be final.

142 |       (8)~~(6)~~ If the governing body of a municipality amends the  
143 | budget pursuant to paragraph (7) (c) ~~paragraph (5) (e)~~, the  
144 | adopted amendment must be posted on the official website of the  
145 | municipality within 5 days after adoption and must remain on the  
146 | website for at least 2 years. If the municipality does not  
147 | operate an official website, the municipality must, within a  
148 | reasonable period of time as established by the county or  
149 | counties in which the municipality is located, transmit the  
150 | adopted amendment to the manager or administrator of such county

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151 or counties who shall post the adopted amendment on the county's  
152 website.

153 Section 2. Section 316.2045, Florida Statutes, is amended  
154 to read:

155 316.2045 Obstruction of public streets, highways, and  
156 roads.—

157 (1) (a) ~~A~~ ~~It is unlawful for any person may not~~ ~~or persons~~  
158 willfully ~~to~~ obstruct the free, convenient, and normal use of a  
159 ~~any~~ public street, highway, or road by:

160 1. Impeding, hindering, stifling, retarding, or  
161 restraining traffic or passage thereon; ~~by~~

162 2. Standing on or remaining in the street, highway, or  
163 road; ~~or approaching motor vehicles thereon, or by~~

164 3. Endangering the safe movement of vehicles or  
165 pedestrians traveling thereon.

166 (b) ~~A~~ ~~;~~ ~~and any person or persons~~ who violates paragraph  
167 (a) ~~violate the provisions of this subsection, upon conviction,~~  
168 shall be cited for a pedestrian violation, punishable as  
169 provided in chapter 318.

170 (c) This subsection does not prohibit a local governmental  
171 entity from issuing a special event permit as authorized by law.

172 ~~(2) It is unlawful, without proper authorization or a~~  
173 ~~lawful permit, for any person or persons willfully to obstruct~~  
174 ~~the free, convenient, and normal use of any public street,~~  
175 ~~highway, or road by any of the means specified in subsection (1)~~

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176 ~~in order to solicit. Any person who violates the provisions of~~  
 177 ~~this subsection is guilty of a misdemeanor of the second degree,~~  
 178 ~~punishable as provided in s. 775.082 or s. 775.083.~~

179 ~~Organizations qualified under s. 501(c)(3) of the Internal~~  
 180 ~~Revenue Code and registered pursuant to chapter 496, or persons~~  
 181 ~~or organizations acting on their behalf are exempted from the~~  
 182 ~~provisions of this subsection for activities on streets or roads~~  
 183 ~~not maintained by the state. Permits for the use of any portion~~  
 184 ~~of a state-maintained road or right-of-way shall be required~~  
 185 ~~only for those purposes and in the manner set out in s. 337.406.~~

186 ~~(3) Permits for the use of any street, road, or right-of-~~  
 187 ~~way not maintained by the state may be issued by the appropriate~~  
 188 ~~local government. An organization that is qualified under s.~~  
 189 ~~501(c)(3) of the Internal Revenue Code and registered under~~  
 190 ~~chapter 496, or a person or organization acting on behalf of~~  
 191 ~~that organization, is exempt from local requirements for a~~  
 192 ~~permit issued under this subsection for charitable solicitation~~  
 193 ~~activities on or along streets or roads that are not maintained~~  
 194 ~~by the state under the following conditions:~~

195 ~~(a) The organization, or the person or organization acting~~  
 196 ~~on behalf of the organization, must provide all of the following~~  
 197 ~~to the local government:~~

198 ~~1. No fewer than 14 calendar days prior to the proposed~~  
 199 ~~solicitation, the name and address of the person or organization~~  
 200 ~~that will perform the solicitation and the name and address of~~



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201 ~~the organization that will receive funds from the solicitation.~~

202 ~~2. For review and comment, a plan for the safety of all~~  
 203 ~~persons participating in the solicitation, as well as the~~  
 204 ~~motoring public, at the locations where the solicitation will~~  
 205 ~~take place.~~

206 ~~3. Specific details of the location or locations of the~~  
 207 ~~proposed solicitation and the hours during which the~~  
 208 ~~solicitation activities will occur.~~

209 ~~4. Proof of commercial general liability insurance against~~  
 210 ~~claims for bodily injury and property damage occurring on~~  
 211 ~~streets, roads, or rights-of-way or arising from the solicitor's~~  
 212 ~~activities or use of the streets, roads, or rights-of-way by the~~  
 213 ~~solicitor or the solicitor's agents, contractors, or employees.~~  
 214 ~~The insurance shall have a limit of not less than \$1 million per~~  
 215 ~~occurrence for the general aggregate. The certificate of~~  
 216 ~~insurance shall name the local government as an additional~~  
 217 ~~insured and shall be filed with the local government no later~~  
 218 ~~than 72 hours before the date of the solicitation.~~

219 ~~5. Proof of registration with the Department of~~  
 220 ~~Agriculture and Consumer Services pursuant to s. 496.405 or~~  
 221 ~~proof that the soliciting organization is exempt from the~~  
 222 ~~registration requirement.~~

223 ~~(b) Organizations or persons meeting the requirements of~~  
 224 ~~subparagraphs (a)1.-5. may solicit for a period not to exceed 10~~  
 225 ~~cumulative days within 1 calendar year.~~

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226 ~~(c) All solicitation shall occur during daylight hours~~  
 227 ~~only.~~

228 ~~(d) Solicitation activities shall not interfere with the~~  
 229 ~~safe and efficient movement of traffic and shall not cause~~  
 230 ~~danger to the participants or the public.~~

231 ~~(e) No person engaging in solicitation activities shall~~  
 232 ~~persist after solicitation has been denied, act in a demanding~~  
 233 ~~or harassing manner, or use any sound or voice amplifying~~  
 234 ~~apparatus or device.~~

235 ~~(f) All persons participating in the solicitation shall be~~  
 236 ~~at least 18 years of age and shall possess picture~~  
 237 ~~identification.~~

238 ~~(g) Signage providing notice of the solicitation shall be~~  
 239 ~~posted at least 500 feet before the site of the solicitation.~~

240 ~~(h) The local government may stop solicitation activities~~  
 241 ~~if any conditions or requirements of this subsection are not~~  
 242 ~~met.~~

243 ~~(4) Nothing in this section shall be construed to inhibit~~  
 244 ~~political campaigning on the public right-of-way or to require a~~  
 245 ~~permit for such activity.~~

246 (2)(5) Notwithstanding the provisions of subsection (1),  
 247 any commercial vehicle used solely for the purpose of collecting  
 248 solid waste or recyclable or recovered materials may stop or  
 249 stand on any public street, highway, or road for the sole  
 250 purpose of collecting solid waste or recyclable or recovered

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251 materials. However, such solid waste or recyclable or recovered  
 252 materials collection vehicle shall show or display amber  
 253 flashing hazard lights at all times that it is engaged in  
 254 stopping or standing for the purpose of collecting solid waste  
 255 or recyclable or recovered materials. Local governments may  
 256 establish reasonable regulations governing the standing and  
 257 stopping of such commercial vehicles, provided that such  
 258 regulations are applied uniformly and without regard to the  
 259 ownership of the vehicles.

260 Section 3. Subsection (5) of section 768.28, Florida  
 261 Statutes, is amended to read:

262 768.28 Waiver of sovereign immunity in tort actions;  
 263 recovery limits; civil liability for damages caused during a  
 264 riot; limitation on attorney fees; statute of limitations;  
 265 exclusions; indemnification; risk management programs.—

266 (5) (a) The state and its agencies and subdivisions shall  
 267 be liable for tort claims in the same manner and to the same  
 268 extent as a private individual under like circumstances, but  
 269 liability shall not include punitive damages or interest for the  
 270 period before judgment. Neither the state nor its agencies or  
 271 subdivisions shall be liable to pay a claim or a judgment by any  
 272 one person which exceeds the sum of \$200,000 or any claim or  
 273 judgment, or portions thereof, which, when totaled with all  
 274 other claims or judgments paid by the state or its agencies or  
 275 subdivisions arising out of the same incident or occurrence,

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276 exceeds the sum of \$300,000. However, a judgment or judgments  
277 may be claimed and rendered in excess of these amounts and may  
278 be settled and paid pursuant to this act up to \$200,000 or  
279 \$300,000, as the case may be; and that portion of the judgment  
280 that exceeds these amounts may be reported to the Legislature,  
281 but may be paid in part or in whole only by further act of the  
282 Legislature. Notwithstanding the limited waiver of sovereign  
283 immunity provided herein, the state or an agency or subdivision  
284 thereof may agree, within the limits of insurance coverage  
285 provided, to settle a claim made or a judgment rendered against  
286 it without further action by the Legislature, but the state or  
287 agency or subdivision thereof shall not be deemed to have waived  
288 any defense of sovereign immunity or to have increased the  
289 limits of its liability as a result of its obtaining insurance  
290 coverage for tortious acts in excess of the \$200,000 or \$300,000  
291 waiver provided above. The limitations of liability set forth in  
292 this subsection shall apply to the state and its agencies and  
293 subdivisions whether or not the state or its agencies or  
294 subdivisions possessed sovereign immunity before July 1, 1974.

295 (b) A municipality has a duty to allow the municipal law  
296 enforcement agency to respond appropriately to protect persons  
297 and property during a riot or an unlawful assembly based on the  
298 availability of adequate equipment to its municipal law  
299 enforcement officers and relevant state and federal laws. If the  
300 governing body of a municipality or a person authorized by the

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301 governing body of the municipality breaches that duty, the  
 302 municipality is civilly liable for any damages including damages  
 303 arising from personal injury, wrongful death, or property  
 304 damages proximately caused by the municipality's breach of duty.  
 305 The sovereign immunity recovery limits in paragraph (a) do not  
 306 apply to an action under this paragraph.

307 Section 4. Subsection (2) of section 784.011, Florida  
 308 Statutes, is amended and subsection (3) is added to that  
 309 section, to read:

310 784.011 Assault.—

311 (2) Except as provided in subsection (3), a person who  
 312 assaults another person ~~whoever~~ ~~commits an assault shall be~~  
 313 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
 314 provided in s. 775.082 or s. 775.083.

315 (3) A person who assaults another person in furtherance of  
 316 a riot or an aggravated riot prohibited under s. 870.01 commits  
 317 a misdemeanor of the first degree, punishable as provided in s.  
 318 775.082 or s. 775.083.

319 Section 5. Subsection (2) of section 784.021, Florida  
 320 Statutes, is amended and subsection (3) is added to that  
 321 section, to read:

322 784.021 Aggravated assault.—

323 (2) A person who ~~whoever~~ ~~commits an~~ aggravated assault  
 324 commits ~~shall be guilty of~~ a felony of the third degree,  
 325 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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326       (3) For the purposes of sentencing under chapter 921, a  
 327 violation of this section committed by a person acting in  
 328 furtherance of a riot or an aggravated riot prohibited under s.  
 329 870.01 is ranked one level above the ranking under s. 921.0022  
 330 for the offense committed.

331       Section 6. Section 784.03, Florida Statutes, is amended to  
 332 read:

333       784.03 Battery; felony battery.—

334       (1) (a) The offense of battery occurs when a person:

335       1. Actually and intentionally touches or strikes another  
 336 person against the will of the other; or

337       2. Intentionally causes bodily harm to another person.

338       (b) Except as provided in subsection (2) or subsection  
 339 (3), a person who commits battery commits a misdemeanor of the  
 340 first degree, punishable as provided in s. 775.082 or s.  
 341 775.083.

342       (2) A person who has one prior conviction for battery,  
 343 aggravated battery, or felony battery and who commits any second  
 344 or subsequent battery commits a felony of the third degree,  
 345 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 346 For purposes of this subsection, "conviction" means a  
 347 determination of guilt that is the result of a plea or a trial,  
 348 regardless of whether adjudication is withheld or a plea of nolo  
 349 contendere is entered.

350       (3) A person who commits a battery in furtherance of a

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351 riot or an aggravated riot prohibited under s. 870.01 commits a  
 352 felony of the third degree, punishable as provided in s.  
 353 775.082, s. 775.083, or 775.084.

354 Section 7. Section 784.045, Florida Statutes, is amended  
 355 to read:

356 784.045 Aggravated battery.—

357 (1)(a) A person commits aggravated battery who, in  
 358 committing battery:

359 1. Intentionally or knowingly causes great bodily harm,  
 360 permanent disability, or permanent disfigurement; or

361 2. Uses a deadly weapon.

362 (b) A person commits aggravated battery if the person who  
 363 was the victim of the battery was pregnant at the time of the  
 364 offense and the offender knew or should have known that the  
 365 victim was pregnant.

366 (2) A person who violates subsection (1) commits ~~Whoever~~  
 367 ~~commits aggravated battery shall be guilty of a felony of the~~  
 368 ~~second degree, punishable as provided in s. 775.082, s. 775.083,~~  
 369 ~~or s. 775.084.~~

370 (3) For the purposes of sentencing under chapter 921, a  
 371 violation of this section committed by a person acting in  
 372 furtherance of a riot or an aggravated riot prohibited under s.  
 373 870.01 is ranked one level above the ranking under s. 921.0022  
 374 for the offense committed.

375 Section 8. Section 784.0495, Florida Statutes, is created

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376 | to read:

377 |       784.0495 Mob intimidation.—

378 |       (1) It is unlawful for a person, assembled with two or  
 379 | more other persons and acting with a common intent, to use force  
 380 | or threaten to use imminent force, to compel or induce, or  
 381 | attempt to compel or induce, another person to do or refrain  
 382 | from doing any act or to assume, abandon, or maintain a  
 383 | particular viewpoint against his or her will.

384 |       (2) A person who violates subsection (1) commits a  
 385 | misdemeanor of the first degree, punishable as provided in s.  
 386 | 775.082 or s. 775.083.

387 |       (3) A person arrested for a violation of this section  
 388 | shall be held in custody until brought before the court for  
 389 | admittance to bail in accordance with chapter 903.

390 |       Section 9. Subsection (2) of section 784.07, Florida  
 391 | Statutes, is amended and subsection (4) is added to that  
 392 | section, to read:

393 |       784.07 Assault or battery of law enforcement officers,  
 394 | firefighters, emergency medical care providers, public transit  
 395 | employees or agents, or other specified officers;  
 396 | reclassification of offenses; minimum sentences.—

397 |       (2) Whenever any person is charged with knowingly  
 398 | committing an assault or battery upon a law enforcement officer,  
 399 | a firefighter, an emergency medical care provider, a railroad  
 400 | special officer, a traffic accident investigation officer as



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401 described in s. 316.640, a nonsworn law enforcement agency  
402 employee who is certified as an agency inspector, a blood  
403 alcohol analyst, or a breath test operator while such employee  
404 is in uniform and engaged in processing, testing, evaluating,  
405 analyzing, or transporting a person who is detained or under  
406 arrest for DUI, a law enforcement explorer, a traffic infraction  
407 enforcement officer as described in s. 316.640, a parking  
408 enforcement specialist as defined in s. 316.640, a person  
409 licensed as a security officer as defined in s. 493.6101 and  
410 wearing a uniform that bears at least one patch or emblem that  
411 is visible at all times that clearly identifies the employing  
412 agency and that clearly identifies the person as a licensed  
413 security officer, or a security officer employed by the board of  
414 trustees of a community college, while the officer, firefighter,  
415 emergency medical care provider, railroad special officer,  
416 traffic accident investigation officer, traffic infraction  
417 enforcement officer, inspector, analyst, operator, law  
418 enforcement explorer, parking enforcement specialist, public  
419 transit employee or agent, or security officer is engaged in the  
420 lawful performance of his or her duties, the offense for which  
421 the person is charged shall be reclassified as follows:

422       (a) In the case of assault, from a misdemeanor of the  
423 second degree to a misdemeanor of the first degree.

424       (b) In the case of battery, from a misdemeanor of the  
425 first degree to a felony of the third degree. Notwithstanding

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426 any other provision of law, a person convicted of battery upon a  
427 law enforcement officer committed in furtherance of a riot or an  
428 aggravated riot prohibited under s. 870.01 shall be sentenced to  
429 a minimum term of imprisonment of 6 months.

430 (c) In the case of aggravated assault, from a felony of  
431 the third degree to a felony of the second degree.  
432 Notwithstanding any other provision of law, any person convicted  
433 of aggravated assault upon a law enforcement officer shall be  
434 sentenced to a minimum term of imprisonment of 3 years.

435 (d) In the case of aggravated battery, from a felony of  
436 the second degree to a felony of the first degree.  
437 Notwithstanding any other provision of law, any person convicted  
438 of aggravated battery of a law enforcement officer shall be  
439 sentenced to a minimum term of imprisonment of 5 years.

440 (4) For purposes of sentencing under chapter 921, a felony  
441 violation of this section committed by a person acting in  
442 furtherance of a riot or an aggravated riot prohibited under s.  
443 870.01 is ranked one level above the ranking under s. 921.0022  
444 for the offense committed.

445 Section 10. Subsections (3) through (9) of section 806.13,  
446 Florida Statutes, are renumbered as subsections (4) through  
447 (10), respectively, a new subsection (3) is added to that  
448 section, and present subsection (8) of that section is amended,  
449 to read:

450 806.13 Criminal mischief; penalties; penalty for minor.—

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451       (3) Any person who, without the consent of the owner  
452 thereof, willfully and maliciously defaces, injures, or  
453 otherwise damages by any means a memorial or historic property,  
454 as defined in s. 806.135(1), and the value of the damage to the  
455 memorial or historic property is greater than \$200, commits a  
456 felony of the third degree, punishable as provided in s.  
457 775.082, s. 775.083, or s. 775.084. A court shall order any  
458 person convicted of violating this subsection to pay  
459 restitution, which shall include the full cost of repair or  
460 replacement of such memorial or historic property.

461       ~~(9)(8)~~ A minor whose driver license or driving privilege  
462 is revoked, suspended, or withheld under subsection ~~(8)(7)~~ may  
463 elect to reduce the period of revocation, suspension, or  
464 withholding by performing community service at the rate of 1 day  
465 for each hour of community service performed. In addition, if  
466 the court determines that due to a family hardship, the minor's  
467 driver license or driving privilege is necessary for employment  
468 or medical purposes of the minor or a member of the minor's  
469 family, the court shall order the minor to perform community  
470 service and reduce the period of revocation, suspension, or  
471 withholding at the rate of 1 day for each hour of community  
472 service performed. As used in this subsection, the term  
473 "community service" means cleaning graffiti from public  
474 property.

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475 Section 11. Section 806.135, Florida Statutes, is created  
 476 to read:

477 806.135 Destroying or demolishing a memorial or historic  
 478 property.—

479 (1) As used in this section, the term:

480 (a) "Historic property" means any building, structure,  
 481 site, or object that has been officially designated as a  
 482 historic building, historic structure, historic site, or  
 483 historic object through a federal, state, or local designation  
 484 program.

485 (b) "Memorial" means a plaque, statue, marker, flag,  
 486 banner, cenotaph, religious symbol, painting, seal, tombstone,  
 487 structure name, or display that is constructed and located with  
 488 the intent of being permanently displayed or perpetually  
 489 maintained; is dedicated to a historical person, an entity, an  
 490 event, or a series of events; and honors or recounts the  
 491 military service of any past or present United States Armed  
 492 Forces military personnel, or the past or present public service  
 493 of a resident of the geographical area comprising the state or  
 494 the United States. The term includes, but is not limited to, the  
 495 following memorials established under chapter 265:

- 496 1. Florida Women's Hall of Fame.
- 497 2. Florida Medal of Honor Wall.
- 498 3. Florida Veterans' Hall of Fame.
- 499 4. POW-MIA Chair of Honor Memorial.

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500           5. Florida Veterans' Walk of Honor and Florida Veterans'  
 501 Memorial Garden.

502           6. Florida Law Enforcement Officers' Hall of Fame.

503           7. Florida Holocaust Memorial.

504           8. Florida Slavery Memorial.

505           9. Any other memorial located within the Capitol Complex,  
 506 including, but not limited to, Waller Park.

507           (2) It is unlawful for any person to willfully and  
 508 maliciously destroy or demolish any memorial or historic  
 509 property, or willfully and maliciously pull down a memorial or  
 510 historic property, unless authorized by the owner of the  
 511 memorial or historic property. A person who violates this  
 512 section commits a felony of the second degree, punishable as  
 513 provided in s. 775.082, s. 775.083, or s. 775.084.

514           (3) A court shall order any person convicted of violating  
 515 this section to pay restitution, which shall include the full  
 516 cost of repair or replacement of such memorial or historic  
 517 property.

518           Section 12. Subsections (3) and (4) of section 810.02,  
 519 Florida Statutes, are amended to read:

520           810.02 Burglary.—

521           (3) Burglary is a felony of the second degree, punishable  
 522 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
 523 course of committing the offense, the offender does not make an  
 524 assault or battery and is not and does not become armed with a

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525 | dangerous weapon or explosive, and the offender enters or  
 526 | remains in a:

527 |       (a) Dwelling, and there is another person in the dwelling  
 528 | at the time the offender enters or remains;

529 |       (b) Dwelling, and there is not another person in the  
 530 | dwelling at the time the offender enters or remains;

531 |       (c) Structure, and there is another person in the  
 532 | structure at the time the offender enters or remains;

533 |       (d) Conveyance, and there is another person in the  
 534 | conveyance at the time the offender enters or remains;

535 |       (e) Authorized emergency vehicle, as defined in s.  
 536 | 316.003; or

537 |       (f) Structure or conveyance when the offense intended to  
 538 | be committed therein is theft of a controlled substance as  
 539 | defined in s. 893.02. Notwithstanding any other law, separate  
 540 | judgments and sentences for burglary with the intent to commit  
 541 | theft of a controlled substance under this paragraph and for any  
 542 | applicable possession of controlled substance offense under s.  
 543 | 893.13 or trafficking in controlled substance offense under s.  
 544 | 893.135 may be imposed when all such offenses involve the same  
 545 | amount or amounts of a controlled substance.

546 |

547 | However, if the burglary is committed during a riot or an  
 548 | aggravated riot prohibited under s. 870.01 and the perpetration  
 549 | of the burglary is facilitated by conditions arising from the

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550 riot; or within a county that is subject to a state of emergency  
 551 declared by the Governor under chapter 252 after the declaration  
 552 of emergency is made and the perpetration of the burglary is  
 553 facilitated by conditions arising from the emergency, the  
 554 burglary is a felony of the first degree, punishable as provided  
 555 in s. 775.082, s. 775.083, or s. 775.084. As used in this  
 556 subsection, the term "conditions arising from the riot" means  
 557 civil unrest, power outages, curfews, or a reduction in the  
 558 presence of or response time for first responders or homeland  
 559 security personnel and the term "conditions arising from the  
 560 emergency" means civil unrest, power outages, curfews, voluntary  
 561 or mandatory evacuations, or a reduction in the presence of or  
 562 response time for first responders or homeland security  
 563 personnel. A person arrested for committing a burglary during a  
 564 riot or an aggravated riot or within a county that is subject to  
 565 such a state of emergency may not be released until the person  
 566 appears before a committing magistrate at a first appearance  
 567 hearing. For purposes of sentencing under chapter 921, a felony  
 568 offense that is reclassified under this subsection is ranked one  
 569 level above the ranking under s. 921.0022 or s. 921.0023 of the  
 570 offense committed.

571 (4) Burglary is a felony of the third degree, punishable  
 572 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
 573 course of committing the offense, the offender does not make an  
 574 assault or battery and is not and does not become armed with a

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575 | dangerous weapon or explosive, and the offender enters or  
 576 | remains in a:

577 |       (a) Structure, and there is not another person in the  
 578 | structure at the time the offender enters or remains; or

579 |       (b) Conveyance, and there is not another person in the  
 580 | conveyance at the time the offender enters or remains.

581 |

582 | However, if the burglary is committed during a riot or an  
 583 | aggravated riot prohibited under s. 870.01 and the perpetration  
 584 | of the burglary is facilitated by conditions arising from the  
 585 | riot; or within a county that is subject to a state of emergency  
 586 | declared by the Governor under chapter 252 after the declaration  
 587 | of emergency is made and the perpetration of the burglary is  
 588 | facilitated by conditions arising from the emergency, the  
 589 | burglary is a felony of the second degree, punishable as  
 590 | provided in s. 775.082, s. 775.083, or s. 775.084. As used in  
 591 | this subsection, the terms "conditions arising from the riot"  
 592 | and ~~term~~ "conditions arising from the emergency" have the same  
 593 | meanings as provided in subsection (3) ~~means civil unrest, power~~  
 594 | ~~outages, curfews, voluntary or mandatory evacuations, or a~~  
 595 | ~~reduction in the presence of or response time for first~~  
 596 | ~~responders or homeland security personnel.~~ A person arrested for  
 597 | committing a burglary during a riot or an aggravated riot or  
 598 | within a county that is subject to such a state of emergency may  
 599 | not be released until the person appears before a committing



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600 magistrate at a first appearance hearing. For purposes of  
 601 sentencing under chapter 921, a felony offense that is  
 602 reclassified under this subsection is ranked one level above the  
 603 ranking under s. 921.0022 or s. 921.0023 of the offense  
 604 committed.

605 Section 13. Paragraphs (b) and (c) of subsection (2) of  
 606 section 812.014, Florida Statutes, are amended to read:

607 812.014 Theft.—

608 (2)

609 (b)1. If the property stolen is valued at \$20,000 or more,  
 610 but less than \$100,000;

611 2. The property stolen is cargo valued at less than  
 612 \$50,000 that has entered the stream of interstate or intrastate  
 613 commerce from the shipper's loading platform to the consignee's  
 614 receiving dock;

615 3. The property stolen is emergency medical equipment,  
 616 valued at \$300 or more, that is taken from a facility licensed  
 617 under chapter 395 or from an aircraft or vehicle permitted under  
 618 chapter 401; or

619 4. The property stolen is law enforcement equipment,  
 620 valued at \$300 or more, that is taken from an authorized  
 621 emergency vehicle, as defined in s. 316.003,

622  
 623 the offender commits grand theft in the second degree,  
 624 punishable as a felony of the second degree, as provided in s.

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625 775.082, s. 775.083, or s. 775.084. Emergency medical equipment  
626 means mechanical or electronic apparatus used to provide  
627 emergency services and care as defined in s. 395.002(9) or to  
628 treat medical emergencies. Law enforcement equipment means any  
629 property, device, or apparatus used by any law enforcement  
630 officer as defined in s. 943.10 in the officer's official  
631 business. However, if the property is stolen during a riot or an  
632 aggravated riot prohibited under s. 870.01 and the perpetration  
633 of the theft is facilitated by conditions arising from the riot;  
634 or within a county that is subject to a state of emergency  
635 declared by the Governor under chapter 252, the theft is  
636 committed after the declaration of emergency is made, and the  
637 perpetration of the theft is facilitated by conditions arising  
638 from the emergency, the theft is a felony of the first degree,  
639 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
640 As used in this paragraph, the term "conditions arising from the  
641 riot" means civil unrest, power outages, curfews, or a reduction  
642 in the presence of or response time for first responders or  
643 homeland security personnel and the term "conditions arising  
644 from the emergency" means civil unrest, power outages, curfews,  
645 voluntary or mandatory evacuations, or a reduction in the  
646 presence of or response time for first responders or homeland  
647 security personnel. A person arrested for committing a theft  
648 during a riot or an aggravated riot or within a county that is  
649 subject to a state of emergency may not be released until the

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650 | person appears before a committing magistrate at a first  
 651 | appearance hearing. For purposes of sentencing under chapter  
 652 | 921, a felony offense that is reclassified under this paragraph  
 653 | is ranked one level above the ranking under s. 921.0022 or s.  
 654 | 921.0023 of the offense committed.

655 | (c) It is grand theft of the third degree and a felony of  
 656 | the third degree, punishable as provided in s. 775.082, s.  
 657 | 775.083, or s. 775.084, if the property stolen is:

- 658 | 1. Valued at \$750 or more, but less than \$5,000.
- 659 | 2. Valued at \$5,000 or more, but less than \$10,000.
- 660 | 3. Valued at \$10,000 or more, but less than \$20,000.
- 661 | 4. A will, codicil, or other testamentary instrument.
- 662 | 5. A firearm.
- 663 | 6. A motor vehicle, except as provided in paragraph (a).
- 664 | 7. Any commercially farmed animal, including any animal of  
 665 | the equine, avian, bovine, or swine class or other grazing  
 666 | animal; a bee colony of a registered beekeeper; and aquaculture  
 667 | species raised at a certified aquaculture facility. If the  
 668 | property stolen is a commercially farmed animal, including an  
 669 | animal of the equine, avian, bovine, or swine class or other  
 670 | grazing animal; a bee colony of a registered beekeeper; or an  
 671 | aquaculture species raised at a certified aquaculture facility,  
 672 | a \$10,000 fine shall be imposed.
- 673 | 8. Any fire extinguisher that, at the time of the taking,  
 674 | was installed in any building for the purpose of fire prevention

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675 and control. This subparagraph does not apply to a fire  
 676 extinguisher taken from the inventory at a point-of-sale  
 677 business.

678 9. Any amount of citrus fruit consisting of 2,000 or more  
 679 individual pieces of fruit.

680 10. Taken from a designated construction site identified  
 681 by the posting of a sign as provided for in s. 810.09(2)(d).

682 11. Any stop sign.

683 12. Anhydrous ammonia.

684 13. Any amount of a controlled substance as defined in s.  
 685 893.02. Notwithstanding any other law, separate judgments and  
 686 sentences for theft of a controlled substance under this  
 687 subparagraph and for any applicable possession of controlled  
 688 substance offense under s. 893.13 or trafficking in controlled  
 689 substance offense under s. 893.135 may be imposed when all such  
 690 offenses involve the same amount or amounts of a controlled  
 691 substance.

692  
 693 However, if the property is stolen during a riot or an  
 694 aggravated riot prohibited under s. 870.01 and the perpetration  
 695 of the theft is facilitated by conditions arising from the riot;  
 696 or within a county that is subject to a state of emergency  
 697 declared by the Governor under chapter 252, the property is  
 698 stolen after the declaration of emergency is made, and the  
 699 perpetration of the theft is facilitated by conditions arising

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700 from the emergency, the offender commits a felony of the second  
 701 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 702 775.084, if the property is valued at \$5,000 or more, but less  
 703 than \$10,000, as provided under subparagraph 2., or if the  
 704 property is valued at \$10,000 or more, but less than \$20,000, as  
 705 provided under subparagraph 3. As used in this paragraph, the  
 706 terms "conditions arising from a riot" and ~~term~~ "conditions  
 707 arising from the emergency" have the same meanings as provided  
 708 in paragraph (b). A person arrested for committing a theft  
 709 during a riot or an aggravated riot or within a county that is  
 710 subject to a state of emergency may not be released until the  
 711 person appears before a committing magistrate at a first  
 712 appearance hearing ~~means civil unrest, power outages, curfews,~~  
 713 ~~voluntary or mandatory evacuations, or a reduction in the~~  
 714 ~~presence of or the response time for first responders or~~  
 715 ~~homeland security personnel.~~ For purposes of sentencing under  
 716 chapter 921, a felony offense that is reclassified under this  
 717 paragraph is ranked one level above the ranking under s.  
 718 921.0022 or s. 921.0023 of the offense committed.

719 Section 14. Section 836.115, Florida Statutes, is created  
 720 to read:

721 836.115 Cyberintimidation by publication.—

722 (1) As used in this section, the term:

723 (a) "Electronically publish" means to disseminate, post,  
 724 or otherwise disclose information to an Internet site or forum.

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725        (b) "Harass" has the same meaning as provided in s.  
 726 817.568(1)(c).

727        (c) "Personal identification information" has the same  
 728 meaning as provided in s. 817.568(1)(f).

729        (2) It is unlawful for a person to electronically publish  
 730 another person's personal identification information with the  
 731 intent to, or with the intent that a third party will use the  
 732 information to:

733            (a) Incite violence or commit a crime against the person;  
 734 or

735            (b) Threaten or harass the person, placing such person in  
 736 reasonable fear of bodily harm.

737

738        A person who violates this subsection commits a misdemeanor of a  
 739 first degree, punishable as provided in s. 775.082 or s.  
 740 775.083.

741        Section 15. Section 870.01, Florida Statutes, is amended  
 742 to read:

743        870.01 Affrays and riots.—

744        (1) A person commits an affray if he or she engages, by  
 745 mutual consent, in fighting with another person in a public  
 746 place to the terror of the people. A person who commits ~~All~~  
 747 ~~persons guilty of an affray~~ commits ~~shall be guilty of a~~  
 748 misdemeanor of the first degree, punishable as provided in s.  
 749 775.082 or s. 775.083.

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750           (2) A person commits a riot if he or she willfully  
 751 participates in a violent public disturbance involving an  
 752 assembly of three or more persons, acting with a common intent  
 753 to assist each other in violent and disorderly conduct,  
 754 resulting in:

- 755           (a) Injury to another person;
- 756           (b) Damage to property; or
- 757           (c) Imminent danger of injury to another person or damage  
 758 to property.

759  
 760 A person who commits ~~All persons guilty of a riot commits, or of~~  
 761 ~~inciting or encouraging a riot,~~ shall be guilty of a felony of  
 762 the third degree, punishable as provided in s. 775.082, s.  
 763 775.083, or s. 775.084.

764           (3) A person commits aggravated rioting if, in the course  
 765 of committing a riot, he or she:

- 766           (a) Participates with 25 or more other persons;
- 767           (b) Causes great bodily harm to a person not participating  
 768 in the riot;
- 769           (c) Causes property damage in excess of \$5,000;
- 770           (d) Displays, uses, threatens to use, or attempts to use a  
 771 deadly weapon; or
- 772           (e) By force, or threat of force, endangers the safe  
 773 movement of a vehicle traveling on a public street, highway, or  
 774 road.

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775  
 776 A person who commits aggravating rioting commits a felony of the  
 777 second degree, punishable as provided in s. 775.082, s. 775.083,  
 778 or s. 775.084.

779 (4) A person commits inciting a riot if he or she  
 780 willfully incites another person to participate in a riot,  
 781 resulting in a riot or imminent danger of a riot. A person who  
 782 commits inciting a riot commits a felony of the third degree,  
 783 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

784 (5) A person commits aggravated inciting a riot if he or  
 785 she:

786 (a) Incites a riot resulting in great bodily harm to  
 787 another person not participating in the riot;

788 (b) Incites a riot resulting in property damage in excess  
 789 of \$5,000; or

790 (c) Supplies a deadly weapon to another person or teaches  
 791 another person to prepare a deadly weapon with intent that the  
 792 deadly weapon be used in a riot for an unlawful purpose.

793  
 794 A person who commits aggravated inciting a riot commits a felony  
 795 of the second degree, punishable as provided in s. 775.082, s.  
 796 775.083, or s. 775.084.

797 (6) Except for a violation of subsection (1), a person  
 798 arrested for a violation of this section shall be held in  
 799 custody until brought before the court for admittance to bail in



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800 accordance with chapter 903.

801 (7) This section does not prohibit constitutionally  
 802 protected activity such as a peaceful protest.

803 Section 16. Section 870.02, Florida Statutes, is amended  
 804 to read:

805 870.02 Unlawful assemblies.—

806 (1) If three or more persons meet together to commit a  
 807 breach of the peace, or to do any other unlawful act, each of  
 808 them ~~commits~~ ~~shall be guilty of~~ a misdemeanor of the second  
 809 degree, punishable as provided in s. 775.082 or s. 775.083.

810 (2) A person arrested for a violation of this section  
 811 shall be held in custody until brought before the court for  
 812 admittance to bail in accordance with chapter 903.

813 Section 17. Section 870.03, Florida Statutes, is repealed.

814 Section 18. Section 870.07, Florida Statutes, is created  
 815 to read:

816 870.07 Affirmative defense in civil action; party  
 817 convicted of riot.—

818 (1) In a civil action for damages for personal injury,  
 819 wrongful death, or property damage, it is an affirmative defense  
 820 that such action arose from an injury or damage sustained by a  
 821 participant acting in furtherance of a riot. The affirmative  
 822 defense authorized by this section shall be established by  
 823 evidence that the participant has been convicted of a riot or an  
 824 aggravated riot prohibited under s. 870.01, or by proof of the

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825 commission of such crime by a preponderance of the evidence.

826 (2) In a civil action in which a defendant raises an  
 827 affirmative defense under this section, the court must, on  
 828 motion by the defendant, stay the action during the pendency of  
 829 a criminal action that forms the basis for the defense, unless  
 830 the court finds that a conviction in the criminal action would  
 831 not form a valid defense under this section.

832 Section 19. Subsections (3) through (6) of section 872.02,  
 833 Florida Statutes, are renumbered as subsections (4) through (7),  
 834 respectively, a new subsection (3) is added to that section,  
 835 subsections (1) and (2) of that section are republished, and  
 836 present subsection (6) of that section is amended, to read:

837 872.02 Injuring or removing tomb or monument; disturbing  
 838 contents of grave or tomb; penalties.—

839 (1) A person commits a felony of the third degree,  
 840 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 841 if he or she:

842 (a) Willfully and knowingly destroys, mutilates, defaces,  
 843 injures, or removes any tomb, monument, gravestone, burial  
 844 mound, earthen or shell monument containing human skeletal  
 845 remains or associated burial artifacts, or other structure or  
 846 thing placed or designed for a memorial of the dead, or any  
 847 fence, railing, curb, or other thing intended for the protection  
 848 or ornamentation of any tomb, monument, gravestone, burial  
 849 mound, earthen or shell monument containing human skeletal

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850 remains or associated burial artifacts, or other structure  
 851 before mentioned, or for any enclosure for the burial of the  
 852 dead; or

853 (b) Willfully destroys, mutilates, removes, cuts, breaks,  
 854 or injures any tree, shrub, or plant placed or being within any  
 855 such enclosure, except for a person performing routine  
 856 maintenance and upkeep.

857 (2) A person who willfully and knowingly excavates,  
 858 exposes, moves, removes, or otherwise disturbs the contents of a  
 859 grave or tomb commits a felony of the second degree, punishable  
 860 as provided in s. 775.082, s. 775.083, or s. 775.084.

861 (3) For purposes of sentencing under chapter 921, a  
 862 violation of this section, committed by a person in furtherance  
 863 of a riot or an aggravated riot prohibited under s. 870.01 is  
 864 ranked one level above the ranking under s. 921.0022 or s.  
 865 921.0023 for the offense committed.

866 (7)~~(6)~~ If a legally authorized person refuses to sign a  
 867 written authorization, as provided in paragraph (6) (a)~~(5) (a)~~, or  
 868 if a legally authorized person objects, as provided in paragraph  
 869 (6) (b) ~~(5) (b)~~, a public hearing shall be held before the county  
 870 commission of the county where the cemetery is located, or the  
 871 city council, if the cemetery is located in a municipality, and  
 872 the county commission or the city council shall have the  
 873 authority to grant a request for relocation of the contents of  
 874 such graves or tombs.

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875 Section 20. Paragraphs (b), (c), and (d) of subsection (3)  
 876 of section 921.0022, Florida Statutes, are amended to read:

877 921.0022 Criminal Punishment Code; offense severity  
 878 ranking chart.—

879 (3) OFFENSE SEVERITY RANKING CHART

880 (b) LEVEL 2

881

Florida Statute	Felony Degree	Description
--------------------	------------------	-------------

882

379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
------------------------	-----	---

883

379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
------------------------	-----	--

884

403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
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885	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
886	590.28(1)	3rd	Intentional burning of lands.
887	<u>784.03(3)</u>	<u>3rd</u>	<u>Battery during a riot or an aggravated riot.</u>
888	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
889	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
890	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
891	<u>806.13(3)</u>	<u>3rd</u>	<u>Criminal mischief; damage of \$200 or more to a memorial or</u>

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historic property.

892 810.061 (2) 3rd Impairing or impeding telephone  
or power to a dwelling;  
facilitating or furthering  
burglary.

893 810.09 (2) (e) 3rd Trespassing on posted  
commercial horticulture  
property.

894 812.014 (2) (c) 1. 3rd Grand theft, 3rd degree; \$750  
or more but less than \$5,000.

895 812.014 (2) (d) 3rd Grand theft, 3rd degree; \$100  
or more but less than \$750,  
taken from unenclosed curtilage  
of dwelling.

896 812.015 (7) 3rd Possession, use, or attempted  
use of an antishoplifting or  
inventory control device  
countermeasure.

897 817.234 (1) (a) 2. 3rd False statement in support of

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insurance claim.

898

817.481 (3) (a) 3rd Obtain credit or purchase with  
false, expired, counterfeit,  
etc., credit card, value over  
\$300.

899

817.52 (3) 3rd Failure to redeliver hired  
vehicle.

900

817.54 3rd With intent to defraud, obtain  
mortgage note, etc., by false  
representation.

901

817.60 (5) 3rd Dealing in credit cards of  
another.

902

817.60 (6) (a) 3rd Forgery; purchase goods,  
services with false card.

903

817.61 3rd Fraudulent use of credit cards  
over \$100 or more within 6  
months.

904

826.04 3rd Knowingly marries or has sexual

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intercourse with person to whom  
related.

905

831.01 3rd Forgery.

906

831.02 3rd Uttering forged instrument;  
utters or publishes alteration  
with intent to defraud.

907

831.07 3rd Forging bank bills, checks,  
drafts, or promissory notes.

908

831.08 3rd Possessing 10 or more forged  
notes, bills, checks, or  
drafts.

909

831.09 3rd Uttering forged notes, bills,  
checks, drafts, or promissory  
notes.

910

831.11 3rd Bringing into the state forged  
bank bills, checks, drafts, or  
notes.

911

832.05 (3) (a) 3rd Cashing or depositing item with



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intent to defraud.

912

843.08 3rd False personation.

913

893.13(2)(a)2. 3rd Purchase of any s.  
 893.03(1)(c), (2)(c)1.,  
 (2)(c)2., (2)(c)3., (2)(c)6.,  
 (2)(c)7., (2)(c)8., (2)(c)9.,  
 (2)(c)10., (3), or (4) drugs  
 other than cannabis.

914

893.147(2) 3rd Manufacture or delivery of drug  
 paraphernalia.

915

916 (c) LEVEL 3

917

Florida	Felony	
Statute	Degree	Description

918

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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919

316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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920	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
921	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
922	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
923	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
924	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
925	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
926	327.35(2)(b)	3rd	Felony BUI.

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927	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
928	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
929	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
930	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
931	379.2431	3rd	Possessing any marine turtle

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932 (1) (e) 6. species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

932 379.2431 3rd Soliciting to commit or  
 (1) (e) 7. conspiring to commit a violation of the Marine Turtle Protection Act.

933 400.9935 (4) (a) 3rd Operating a clinic, or offering  
 or (b) services requiring licensure, without a license.

934 400.9935 (4) (e) 3rd Filing a false license application or other required information or failing to report information.

935 440.1051 (3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

936

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2021 Legislature

937	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
938	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
939	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
940	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
941	697.08	3rd	Equity skimming.
942	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

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943	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
944	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
945	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
946	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
947	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
948	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
949	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud

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2021 Legislature

Act), property valued at less than \$20,000.

950			Act), property valued at less than \$20,000.
951	817.233	3rd	Burning to defraud insurer.
952	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
953	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
954	817.236	3rd	Filing a false motor vehicle insurance application.
955	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
956	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to

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2021 Legislature

defraud or possessing a  
counterfeit payment instrument  
with intent to defraud.

957

831.29                      2nd      Possession of instruments for  
counterfeiting driver licenses  
or identification cards.

958

838.021 (3) (b)              3rd      Threatens unlawful harm to  
public servant.

959

843.19                      2nd      Injure, disable, or kill  
police, fire, or SAR canine or  
police horse.

960

860.15 (3)                      3rd      Overcharging for repairs and  
parts.

961

870.01 (2)                      3rd      Riot; ~~inciting or encouraging.~~

962

870.01 (4)                      3rd      Inciting a riot.

963

893.13 (1) (a) 2.              3rd      Sell, manufacture, or deliver  
cannabis (or other s.  
893.03 (1) (c), (2) (c) 1.,



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2021 Legislature

(2) (c) 2., (2) (c) 3., (2) (c) 6.,  
 (2) (c) 7., (2) (c) 8., (2) (c) 9.,  
 (2) (c) 10., (3), or (4) drugs).

964

893.13(1)(d)2.            2nd    Sell, manufacture, or deliver  
 s. 893.03(1)(c), (2)(c)1.,  
 (2)(c)2., (2)(c)3., (2)(c)6.,  
 (2)(c)7., (2)(c)8., (2)(c)9.,  
 (2)(c)10., (3), or (4) drugs  
 within 1,000 feet of  
 university.

965

893.13(1)(f)2.            2nd    Sell, manufacture, or deliver  
 s. 893.03(1)(c), (2)(c)1.,  
 (2)(c)2., (2)(c)3., (2)(c)6.,  
 (2)(c)7., (2)(c)8., (2)(c)9.,  
 (2)(c)10., (3), or (4) drugs  
 within 1,000 feet of public  
 housing facility.

966

893.13(4)(c)            3rd    Use or hire of minor; deliver  
 to minor other controlled  
 substances.

967

893.13(6)(a)            3rd    Possession of any controlled

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2021 Legislature

substance other than felony  
possession of cannabis.

968

893.13(7)(a)8. 3rd Withhold information from  
practitioner regarding previous  
receipt of or prescription for  
a controlled substance.

969

893.13(7)(a)9. 3rd Obtain or attempt to obtain  
controlled substance by fraud,  
forgery, misrepresentation,  
etc.

970

893.13(7)(a)10. 3rd Affix false or forged label to  
package of controlled  
substance.

971

893.13(7)(a)11. 3rd Furnish false or fraudulent  
material information on any  
document or record required by  
chapter 893.

972

893.13(8)(a)1. 3rd Knowingly assist a patient,  
other person, or owner of an  
animal in obtaining a

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2021 Legislature

controlled substance through  
deceptive, untrue, or  
fraudulent representations in  
or related to the  
practitioner's practice.

973

893.13(8)(a)2.            3rd    Employ a trick or scheme in the  
practitioner's practice to  
assist a patient, other person,  
or owner of an animal in  
obtaining a controlled  
substance.

974

893.13(8)(a)3.            3rd    Knowingly write a prescription  
for a controlled substance for  
a fictitious person.

975

893.13(8)(a)4.            3rd    Write a prescription for a  
controlled substance for a  
patient, other person, or an  
animal if the sole purpose of  
writing the prescription is a  
monetary benefit for the  
practitioner.

976

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2021 Legislature

977	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
978	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
979	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
980	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
981	(d) LEVEL 4		
982	Florida	Felony	
983	Statute	Degree	Description
	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with

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2021 Legislature

984			siren and lights activated.
	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
985			
	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
986			
	517.07 (1)	3rd	Failure to register securities.
987			
	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
988			
	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
989			
	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
990			
	784.075	3rd	Battery on detention or commitment facility staff.

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991	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
992	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
993	784.081 (3)	3rd	Battery on specified official or employee.
994	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
995	784.083 (3)	3rd	Battery on code inspector.
996	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
997	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
998			

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2021 Legislature

999	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1000	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
1001	787.07	3rd	Human smuggling.
1002	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
1003	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
1004	790.115 (2) (c)	3rd	Possessing firearm on school property.
	800.04 (7) (c)	3rd	Lewd or lascivious exhibition;

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2021 Legislature

1005			offender less than 18 years.
	<u>806.135</u>	<u>2nd</u>	<u>Destroying or demolishing a memorial or historic property.</u>
1006			
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
1007			
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
1008			
	810.06	3rd	Burglary; possession of tools.
1009			
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
1010			
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
1011			
	812.014	3rd	Grand theft, 3rd degree;



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2021 Legislature

1012	(2) (c) 4.-10.		specified items.
	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
1013			
	817.505 (4) (a)	3rd	Patient brokering.
1014			
	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
1015			
	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
1016			
	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
1017			
	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
1018			
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent

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2021 Legislature

1019			breeding disability to any registered horse or cattle.
	837.02 (1)	3rd	Perjury in official proceedings.
1020			
	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1021			
	838.022	3rd	Official misconduct.
1022			
	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1023			
	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
1024			
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
1025			
	843.025	3rd	Deprive law enforcement, correctional, or correctional

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2021 Legislature

			probation officer of means of protection or communication.
1026	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
1027	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
1028	<u>870.01(3)</u>	<u>2nd</u>	<u>Aggravated rioting.</u>
1029	<u>870.01(5)</u>	<u>2nd</u>	<u>Aggravated inciting a riot.</u>
1030	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
1031	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
1032	914.14(2)	3rd	Witnesses accepting bribes.

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1033	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1034	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1035	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
1036	918.12	3rd	Tampering with jurors.
1037	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
1038	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
1039	951.22 (1) (h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device

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2021 Legislature

to aid escape, or cellular  
telephone or other portable  
communication device introduced  
into county detention facility.

1040

1041

1042

Section 21. This act shall take effect upon becoming a  
law.