

By Representative Rojas

1 A bill to be entitled
2 An act relating to local graffiti ordinances;
3 amending s. 806.13, F.S.; providing legislative
4 intent; providing that a county or municipality
5 is not preempted by state law from establishing
6 an ordinance which prohibits the marking of
7 graffiti or other graffiti-related offense and
8 penalizes such offense with higher penalties
9 than those provided by state law or with
10 mandatory community service and mandatory
11 restitution; providing for the court to apply
12 such higher penalties in a delinquency or other
13 proceeding for violation of the ordinance;
14 providing an effective date.

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

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18 Section 1. Subsection (7) is added to section 806.13,
19 Florida Statutes, to read:

20 806.13 Criminal mischief; penalties; penalty for
21 minor.--

22 (7) Because of the difficulty of confronting the
23 blight of graffiti, it is the intent of the Legislature that
24 cities and counties not be preempted by state statute from
25 establishing ordinances prohibiting the marking of graffiti or
26 other graffiti-related offenses. Furthermore, as related to
27 graffiti, such cities and counties shall not be preempted by
28 state statute from establishing higher penalties than those
29 provided by state statute or mandatory penalties or mandatory
30 restitution. In any proceeding to adjudicate an individual
31 for violation of such ordinance, including petitions for

1 delinquency under chapter 39, the court shall apply such
2 higher penalties, mandatory community service, and mandatory
3 restitution.

4 Section 2. This act shall take effect October 1, 1997.

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7 HOUSE SUMMARY

8 Provides legislative intent. Provides that a county or
9 municipality is not preempted by state law from
10 establishing an ordinance which prohibits the marking of
11 graffiti or other graffiti-related offense and penalizes
12 such offense with higher penalties than those provided by
13 state law or with mandatory community service and
14 mandatory restitution. Provides for the court to apply
15 such higher penalties in a delinquency or other
16 proceeding for violation of the ordinance.