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LEGISLATIVE ACTION

Senate

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House

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Senator Farmer moved the following:

**Senate Amendment (with title amendment)**

Delete lines 316 - 1040

and insert:

a riot commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

784.021 Aggravated assault.—

(2) A person who ~~Whoever~~ commits an aggravated assault



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12 commits ~~shall be guilty of~~ a felony of the third degree,  
13 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

14 (3) For the purposes of sentencing under chapter 921, a  
15 violation of this section committed by a person acting in  
16 furtherance of a riot is ranked one level above the ranking  
17 under s. 921.0022 for the offense committed.

18 Section 6. Section 784.03, Florida Statutes, is amended to  
19 read:

20 784.03 Battery; felony battery.—

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

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

24 2. Intentionally causes bodily harm to another person.

25 (b) Except as provided in subsection (2) or subsection (3),  
26 a person who commits battery commits a misdemeanor of the first  
27 degree, punishable as provided in s. 775.082 or s. 775.083.

28 (2) A person who has one prior conviction for battery,  
29 aggravated battery, or felony battery and who commits any second  
30 or subsequent battery commits a felony of the third degree,  
31 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
32 For purposes of this subsection, "conviction" means a  
33 determination of guilt that is the result of a plea or a trial,  
34 regardless of whether adjudication is withheld or a plea of nolo  
35 contendere is entered.

36 (3) A person who commits a battery in furtherance of a riot  
37 commits a felony of the third degree, punishable as provided in  
38 s. 775.082, s. 775.083, or 775.084.

39 Section 7. Section 784.045, Florida Statutes, is amended to  
40 read:



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41 784.045 Aggravated battery.-

42 (1) (a) A person commits aggravated battery who, in  
43 committing battery:

44 1. Intentionally or knowingly causes great bodily harm,  
45 permanent disability, or permanent disfigurement; or

46 2. Uses a deadly weapon.

47 (b) A person commits aggravated battery if the person who  
48 was the victim of the battery was pregnant at the time of the  
49 offense and the offender knew or should have known that the  
50 victim was pregnant.

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

55 (3) For the purposes of sentencing under chapter 921, a  
56 violation of this section committed by a person acting in  
57 furtherance of a riot is ranked one level above the ranking  
58 under s. 921.0022 for the offense committed.

59 Section 8. Section 784.0495, Florida Statutes, is created  
60 to read:

61 784.0495 Mob intimidation.-

62 (1) It is unlawful for a person, assembled with two or more  
63 other persons and acting with a common intent, to use force or  
64 threaten to use imminent force, to compel or induce, or attempt  
65 to compel or induce, another person to do or refrain from doing  
66 any act or to assume, abandon, or maintain a particular  
67 viewpoint against his or her will.

68 (2) A person who violates subsection (1) commits a  
69 misdemeanor of the first degree, punishable as provided in s.



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70 775.082 or s. 775.083.

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

74 Section 9. Subsection (2) of section 784.07, Florida  
75 Statutes, is amended, and subsection (4) is added to that  
76 section, to read:

77 784.07 Assault or battery of law enforcement officers,  
78 firefighters, emergency medical care providers, public transit  
79 employees or agents, or other specified officers;  
80 reclassification of offenses; minimum sentences.-

81 (2) Whenever any person is charged with knowingly  
82 committing an assault or battery upon a law enforcement officer,  
83 a firefighter, an emergency medical care provider, a railroad  
84 special officer, a traffic accident investigation officer as  
85 described in s. 316.640, a nonsworn law enforcement agency  
86 employee who is certified as an agency inspector, a blood  
87 alcohol analyst, or a breath test operator while such employee  
88 is in uniform and engaged in processing, testing, evaluating,  
89 analyzing, or transporting a person who is detained or under  
90 arrest for DUI, a law enforcement explorer, a traffic infraction  
91 enforcement officer as described in s. 316.640, a parking  
92 enforcement specialist as defined in s. 316.640, a person  
93 licensed as a security officer as defined in s. 493.6101 and  
94 wearing a uniform that bears at least one patch or emblem that  
95 is visible at all times that clearly identifies the employing  
96 agency and that clearly identifies the person as a licensed  
97 security officer, or a security officer employed by the board of  
98 trustees of a community college, while the officer, firefighter,



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99 emergency medical care provider, railroad special officer,  
100 traffic accident investigation officer, traffic infraction  
101 enforcement officer, inspector, analyst, operator, law  
102 enforcement explorer, parking enforcement specialist, public  
103 transit employee or agent, or security officer is engaged in the  
104 lawful performance of his or her duties, the offense for which  
105 the person is charged shall be reclassified as follows:

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

108 (b) In the case of battery, from a misdemeanor of the first  
109 degree to a felony of the third degree. Notwithstanding any  
110 other provision of law, a person convicted of battery upon a law  
111 enforcement officer committed in furtherance of a riot shall be  
112 sentenced to a minimum term of imprisonment of 6 months.

113 (c) In the case of aggravated assault, from a felony of the  
114 third degree to a felony of the second degree. Notwithstanding  
115 any other provision of law, any person convicted of aggravated  
116 assault upon a law enforcement officer shall be sentenced to a  
117 minimum term of imprisonment of 3 years.

118 (d) In the case of aggravated battery, from a felony of the  
119 second degree to a felony of the first degree. Notwithstanding  
120 any other provision of law, any person convicted of aggravated  
121 battery of a law enforcement officer shall be sentenced to a  
122 minimum term of imprisonment of 5 years.

123 (4) For purposes of sentencing under chapter 921, a felony  
124 violation of this section committed by a person acting in  
125 furtherance of a riot is ranked one level above the ranking  
126 under s. 921.0022 for the offense committed.

127 Section 10. Subsections (3) through (9) of section 806.13,



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128 Florida Statutes, are renumbered as subsections (4) through  
129 (10), respectively, a new subsection (3) is added to that  
130 section, and present subsection (8) of that section is amended,  
131 to read:

132 806.13 Criminal mischief; penalties; penalty for minor.—

133 (3) Any person who, without the consent of the owner  
134 thereof, willfully and maliciously defaces, injures, or  
135 otherwise damages by any means a memorial or historic property,  
136 as defined in s. 806.135(1), and the value of the damage to the  
137 memorial or historic property is greater than \$200, commits a  
138 felony of the third degree, punishable as provided in s.  
139 775.082, s. 775.083, or s. 775.084. A court shall order any  
140 person convicted of violating this subsection to pay  
141 restitution, which shall include the full cost of repair or  
142 replacement of such memorial or historic property.

143 (9)~~(8)~~ A minor whose driver license or driving privilege is  
144 revoked, suspended, or withheld under subsection (8)~~(7)~~ may  
145 elect to reduce the period of revocation, suspension, or  
146 withholding by performing community service at the rate of 1 day  
147 for each hour of community service performed. In addition, if  
148 the court determines that due to a family hardship, the minor's  
149 driver license or driving privilege is necessary for employment  
150 or medical purposes of the minor or a member of the minor's  
151 family, the court shall order the minor to perform community  
152 service and reduce the period of revocation, suspension, or  
153 withholding at the rate of 1 day for each hour of community  
154 service performed. As used in this subsection, the term  
155 "community service" means cleaning graffiti from public  
156 property.



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157 Section 11. Section 806.135, Florida Statutes, is created  
158 to read:

159 806.135 Destroying or demolishing a memorial or historic  
160 property.—

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

162 (a) "Historic property" means any building, structure,  
163 site, or object that has been officially designated as a  
164 historic building, historic structure, historic site, or  
165 historic object through a federal, state, or local designation  
166 program.

167 (b) "Memorial" means a plaque, statue, marker, flag,  
168 banner, cenotaph, religious symbol, painting, seal, tombstone,  
169 structure name, or display that is constructed and located with  
170 the intent of being permanently displayed or perpetually  
171 maintained; is dedicated to a historical person, an entity, an  
172 event, or a series of events; and honors or recounts the  
173 military service of any past or present United States Armed  
174 Forces military personnel, or the past or present public service  
175 of a resident of the geographical area comprising the state or  
176 the United States. The term includes, but is not limited to, the  
177 following memorials established under chapter 265:

178 1. Florida Women's Hall of Fame.

179 2. Florida Medal of Honor Wall.

180 3. Florida Veterans' Hall of Fame.

181 4. POW-MIA Chair of Honor Memorial.

182 5. Florida Veterans' Walk of Honor and Florida Veterans'  
183 Memorial Garden.

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

185 7. Florida Holocaust Memorial.



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186 8. Florida Slavery Memorial.

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

189 (2) It is unlawful for any person to willfully and  
190 maliciously destroy or demolish any memorial or historic  
191 property, or willfully and maliciously pull down a memorial or  
192 historic property, unless authorized by the owner of the  
193 memorial or historic property. A person who violates this  
194 section commits a felony of the second degree, punishable as  
195 provided in s. 775.082, s. 775.083, or s. 775.084.

196 (3) A court shall order any person convicted of violating  
197 this section to pay restitution, which shall include the full  
198 cost of repair or replacement of such memorial or historic  
199 property.

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

202 810.02 Burglary.—

203 (3) Burglary is a felony of the second degree, punishable  
204 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
205 course of committing the offense, the offender does not make an  
206 assault or battery and is not and does not become armed with a  
207 dangerous weapon or explosive, and the offender enters or  
208 remains in a:

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

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

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





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

217 (e) Authorized emergency vehicle, as defined in s. 316.003;  
218 or

219 (f) Structure or conveyance when the offense intended to be  
220 committed therein is theft of a controlled substance as defined  
221 in s. 893.02. Notwithstanding any other law, separate judgments  
222 and sentences for burglary with the intent to commit theft of a  
223 controlled substance under this paragraph and for any applicable  
224 possession of controlled substance offense under s. 893.13 or  
225 trafficking in controlled substance offense under s. 893.135 may  
226 be imposed when all such offenses involve the same amount or  
227 amounts of a controlled substance.

228  
229 However, if the burglary is committed during a riot and the  
230 perpetration of the burglary is facilitated by conditions  
231 arising from the riot; or within a county that is subject to a  
232 state of emergency declared by the Governor under chapter 252  
233 after the declaration of emergency is made and the perpetration  
234 of the burglary is facilitated by conditions arising from the  
235 emergency, the burglary is a felony of the first degree,  
236 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
237 As used in this subsection, the term "conditions arising from  
238 the riot" means civil unrest, power outages, curfews, or a  
239 reduction in the presence of or response time for first  
240 responders or homeland security personnel and the term  
241 "conditions arising from the emergency" means civil unrest,  
242 power outages, curfews, voluntary or mandatory evacuations, or a  
243 reduction in the presence of or response time for first



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244 responders or homeland security personnel. A person arrested for  
245 committing a burglary during a riot or within a county that is  
246 subject to such a state of emergency may not be released until  
247 the person appears before a committing magistrate at a first  
248 appearance hearing. For purposes of sentencing under chapter  
249 921, a felony offense that is reclassified under this subsection  
250 is ranked one level above the ranking under s. 921.0022 or s.  
251 921.0023 of the offense committed.

252 (4) Burglary is a felony of the third degree, punishable as  
253 provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
254 course of committing the offense, the offender does not make an  
255 assault or battery and is not and does not become armed with a  
256 dangerous weapon or explosive, and the offender enters or  
257 remains in a:

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

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

262  
263 However, if the burglary is committed during a riot and the  
264 perpetration of the burglary is facilitated by conditions  
265 arising from the riot; or within a county that is subject to a  
266 state of emergency declared by the Governor under chapter 252  
267 after the declaration of emergency is made and the perpetration  
268 of the burglary is facilitated by conditions arising from the  
269 emergency, the burglary is a felony of the second degree,  
270 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
271 As used in this subsection, the terms "conditions arising from  
272 the riot" and ~~term~~ "conditions arising from the emergency" have



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273 the same meanings as provided in subsection (3) means civil  
274 unrest, power outages, curfews, voluntary or mandatory  
275 evacuations, or a reduction in the presence of or response time  
276 for first responders or homeland security personnel. A person  
277 arrested for committing a burglary during a riot or within a  
278 county that is subject to such a state of emergency may not be  
279 released until the person appears before a committing magistrate  
280 at a first appearance hearing. For purposes of sentencing under  
281 chapter 921, a felony offense that is reclassified under this  
282 subsection is ranked one level above the ranking under s.  
283 921.0022 or s. 921.0023 of the offense committed.

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

286 812.014 Theft.—

287 (2)

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

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

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

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

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302 the offender commits grand theft in the second degree,  
303 punishable as a felony of the second degree, as provided in s.  
304 775.082, s. 775.083, or s. 775.084. Emergency medical equipment  
305 means mechanical or electronic apparatus used to provide  
306 emergency services and care as defined in s. 395.002(9) or to  
307 treat medical emergencies. Law enforcement equipment means any  
308 property, device, or apparatus used by any law enforcement  
309 officer as defined in s. 943.10 in the officer's official  
310 business. However, if the property is stolen during a riot and  
311 the perpetration of the theft is facilitated by conditions  
312 arising from the riot; or within a county that is subject to a  
313 state of emergency declared by the Governor under chapter 252,  
314 the theft is committed after the declaration of emergency is  
315 made, and the perpetration of the theft is facilitated by  
316 conditions arising from the emergency, the theft is a felony of  
317 the first degree, punishable as provided in s. 775.082, s.  
318 775.083, or s. 775.084. As used in this paragraph, the term  
319 "conditions arising from the riot" means civil unrest, power  
320 outages, curfews, or a reduction in the presence of or response  
321 time for first responders or homeland security personnel and the  
322 term "conditions arising from the emergency" means civil unrest,  
323 power outages, curfews, voluntary or mandatory evacuations, or a  
324 reduction in the presence of or response time for first  
325 responders or homeland security personnel. A person arrested for  
326 committing a theft during a riot or within a county that is  
327 subject to a state of emergency may not be released until the  
328 person appears before a committing magistrate at a first  
329 appearance hearing. For purposes of sentencing under chapter  
330 921, a felony offense that is reclassified under this paragraph



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331 is ranked one level above the ranking under s. 921.0022 or s.  
332 921.0023 of the offense committed.

333 (c) It is grand theft of the third degree and a felony of  
334 the third degree, punishable as provided in s. 775.082, s.  
335 775.083, or s. 775.084, if the property stolen is:

- 336 1. Valued at \$750 or more, but less than \$5,000.
- 337 2. Valued at \$5,000 or more, but less than \$10,000.
- 338 3. Valued at \$10,000 or more, but less than \$20,000.
- 339 4. A will, codicil, or other testamentary instrument.
- 340 5. A firearm.
- 341 6. A motor vehicle, except as provided in paragraph (a).
- 342 7. Any commercially farmed animal, including any animal of  
343 the equine, avian, bovine, or swine class or other grazing  
344 animal; a bee colony of a registered beekeeper; and aquaculture  
345 species raised at a certified aquaculture facility. If the  
346 property stolen is a commercially farmed animal, including an  
347 animal of the equine, avian, bovine, or swine class or other  
348 grazing animal; a bee colony of a registered beekeeper; or an  
349 aquaculture species raised at a certified aquaculture facility,  
350 a \$10,000 fine shall be imposed.

351 8. Any fire extinguisher that, at the time of the taking,  
352 was installed in any building for the purpose of fire prevention  
353 and control. This subparagraph does not apply to a fire  
354 extinguisher taken from the inventory at a point-of-sale  
355 business.

356 9. Any amount of citrus fruit consisting of 2,000 or more  
357 individual pieces of fruit.

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



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- 360 11. Any stop sign.  
361 12. Anhydrous ammonia.  
362 13. Any amount of a controlled substance as defined in s.  
363 893.02. Notwithstanding any other law, separate judgments and  
364 sentences for theft of a controlled substance under this  
365 subparagraph and for any applicable possession of controlled  
366 substance offense under s. 893.13 or trafficking in controlled  
367 substance offense under s. 893.135 may be imposed when all such  
368 offenses involve the same amount or amounts of a controlled  
369 substance.

370  
371 However, if the property is stolen during a riot and the  
372 perpetration of the theft is facilitated by conditions arising  
373 from the riot; or within a county that is subject to a state of  
374 emergency declared by the Governor under chapter 252, the  
375 property is stolen after the declaration of emergency is made,  
376 and the perpetration of the theft is facilitated by conditions  
377 arising from the emergency, the offender commits a felony of the  
378 second degree, punishable as provided in s. 775.082, s. 775.083,  
379 or s. 775.084, if the property is valued at \$5,000 or more, but  
380 less than \$10,000, as provided under subparagraph 2., or if the  
381 property is valued at \$10,000 or more, but less than \$20,000, as  
382 provided under subparagraph 3. As used in this paragraph, the  
383 terms "conditions arising from a riot" and ~~term~~ "conditions  
384 arising from the emergency" have the same meanings as provided  
385 in paragraph (b). A person arrested for committing a theft  
386 during a riot or within a county that is subject to a state of  
387 emergency may not be released until the person appears before a  
388 committing magistrate at a first appearance hearing ~~means civil~~



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389 ~~unrest, power outages, curfews, voluntary or mandatory~~  
390 ~~evacuations, or a reduction in the presence of or the response~~  
391 ~~time for first responders or homeland security personnel.~~ For  
392 purposes of sentencing under chapter 921, a felony offense that  
393 is reclassified under this paragraph is ranked one level above  
394 the ranking under s. 921.0022 or s. 921.0023 of the offense  
395 committed.

396 Section 14. Section 836.115, Florida Statutes, is created  
397 to read:

398 836.115 Cyberintimidation by publication.-

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

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

402 (b) "Harass" has the same meaning as provided in s.  
403 817.568(1)(c).

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

406 (2) It is unlawful for a person to electronically publish  
407 another person's personal identification information with the  
408 intent to, or with the intent that a third party will use the  
409 information to:

410 (a) Incite violence or commit a crime against the person;  
411 or

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

414  
415 A person who violates this subsection commits a misdemeanor of a  
416 first degree, punishable as provided in s. 775.082 or s.  
417 775.083.



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418 Section 15. Section 870.02, Florida Statutes, is amended to  
419 read:

420 870.02 Unlawful assemblies.—

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

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

428 Section 16. Section 870.03, Florida Statutes, is repealed.

429 Section 17. Section 870.07, Florida Statutes, is created to  
430 read:

431 870.07 Affirmative defense in civil action; party convicted  
432 of riot.—

433 (1) In a civil action for damages for personal injury,  
434 wrongful death, or property damage, it is an affirmative defense  
435 that such action arose from an injury or damage sustained by a  
436 participant acting in furtherance of a riot. The affirmative  
437 defense authorized by this section shall be established by  
438 evidence that the participant has been convicted of rioting, or  
439 by proof of the commission of such crime by a preponderance of  
440 the evidence.

441 (2) In a civil action in which a defendant raises an  
442 affirmative defense under this section, the court must, on  
443 motion by the defendant, stay the action during the pendency of  
444 a criminal action that forms the basis for the defense, unless  
445 the court finds that a conviction in the criminal action would  
446 not form a valid defense under this section.





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447 Section 18. Subsections (3) through (6) of section 872.02,  
448 Florida Statutes, are renumbered as subsections (4) through (7),  
449 respectively, a new subsection (3) is added to that section,  
450 subsections (1) and (2) of that section are republished, and  
451 present subsection (6) of that section is amended, to read:

452 872.02 Injuring or removing tomb or monument; disturbing  
453 contents of grave or tomb; penalties.—

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

457 (a) Willfully and knowingly destroys, mutilates, defaces,  
458 injures, or removes any tomb, monument, gravestone, burial  
459 mound, earthen or shell monument containing human skeletal  
460 remains or associated burial artifacts, or other structure or  
461 thing placed or designed for a memorial of the dead, or any  
462 fence, railing, curb, or other thing intended for the protection  
463 or ornamentation of any tomb, monument, gravestone, burial  
464 mound, earthen or shell monument containing human skeletal  
465 remains or associated burial artifacts, or other structure  
466 before mentioned, or for any enclosure for the burial of the  
467 dead; or

468 (b) Willfully destroys, mutilates, removes, cuts, breaks,  
469 or injures any tree, shrub, or plant placed or being within any  
470 such enclosure, except for a person performing routine  
471 maintenance and upkeep.

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



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476 (3) For purposes of sentencing under chapter 921, a  
477 violation of this section, committed by a person in furtherance  
478 of a riot is ranked one level above the ranking under s.  
479 921.0022 or s. 921.0023 for the offense committed.

480 ~~(7)(6)~~ If a legally authorized person refuses to sign a  
481 written authorization, as provided in paragraph ~~(6)(a)(5)(a)~~, or  
482 if a legally authorized person objects, as provided in paragraph  
483 ~~(6)(b)(5)(b)~~, a public hearing shall be held before the county  
484 commission of the county where the cemetery is located, or the  
485 city council, if the cemetery is located in a municipality, and  
486 the county commission or the city council shall have the  
487 authority to grant a request for relocation of the contents of  
488 such graves or tombs.

489 Section 19. Paragraphs (b), (c), and (d) of subsection (3)  
490 of section 921.0022, Florida Statutes, are amended to read:

491 921.0022 Criminal Punishment Code; offense severity ranking  
492 chart.-

493 (3) OFFENSE SEVERITY RANKING CHART

494 (b) LEVEL 2

495

Florida Statute	Felony Degree	Description
379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.

497

379.2431	3rd	Possession of more than 11
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498	(1) (e) 4.		marine turtle eggs in violation of the Marine Turtle Protection Act.
	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.
499	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
500	590.28 (1)	3rd	Intentional burning of lands.
501	<u>784.03 (3)</u>	<u>3rd</u>	<u>Battery during a riot.</u>
502	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
503	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
504	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other



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public service.

505

806.13(3)                      3rd      Criminal mischief; damage of  
\$200 or more to a memorial or  
historic property.

506

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

507

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

508

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

509

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

510

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

511

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



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insurance claim.

512

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

513

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

514

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

515

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

516

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

517

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

518

826.04 3rd Knowingly marries or has sexual  
intercourse with person to whom  
related.

519

831.01 3rd Forgery.



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520	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
521	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
522	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
523	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
524	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
525	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
526	843.08	3rd	False personation.
527	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.

528

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

529

530

531

532                      (c) LEVEL 3

533

Florida Statute	Felony Degree	Description
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534

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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535

316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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536

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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537

316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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538

319.30(4)	3rd	Possession by junkyard of motor vehicle with identification
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number plate removed.

539

319.33(1)(a) 3rd Alter or forge any certificate  
of title to a motor vehicle or  
mobile home.

540

319.33(1)(c) 3rd Procure or pass title on stolen  
vehicle.

541

319.33(4) 3rd With intent to defraud,  
possess, sell, etc., a blank,  
forged, or unlawfully obtained  
title or registration.

542

327.35(2)(b) 3rd Felony BUI.

543

328.05(2) 3rd Possess, sell, or counterfeit  
fictitious, stolen, or  
fraudulent titles or bills of  
sale of vessels.

544

328.07(4) 3rd Manufacture, exchange, or  
possess vessel with counterfeit  
or wrong ID number.

545

376.302(5) 3rd Fraud related to reimbursement  
for cleanup expenses under the  
Inland Protection Trust Fund.

546





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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.
547 379.2431 (1) (e) 6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
548 379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
549 400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
550 400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to



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report information.

551

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

552

501.001(2)(b) 2nd Tamper with a consumer product  
or the container using  
materially false/misleading  
information.

553

624.401(4)(a) 3rd Transacting insurance without a  
certificate of authority.

554

624.401(4)(b)1. 3rd Transacting insurance without a  
certificate of authority;  
premium collected less than  
\$20,000.

555

626.902(1)(a) & 3rd Representing an unauthorized  
(b) insurer.

556

697.08 3rd Equity skimming.

557

790.15(3) 3rd Person directs another to  
discharge firearm from a  
vehicle.

558



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559	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
560	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
561	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
562	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
563	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
564	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
565	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less



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than \$20,000.

566

817.233 3rd Burning to defraud insurer.

567

817.234 3rd Unlawful solicitation of  
(8) (b) & (c) persons involved in motor  
vehicle accidents.

568

817.234 (11) (a) 3rd Insurance fraud; property value  
less than \$20,000.

569

817.236 3rd Filing a false motor vehicle  
insurance application.

570

817.2361 3rd Creating, marketing, or  
presenting a false or  
fraudulent motor vehicle  
insurance card.

571

817.413 (2) 3rd Sale of used goods of \$1,000 or  
more as new.

572

831.28 (2) (a) 3rd Counterfeiting a payment  
instrument with intent to  
defraud or possessing a  
counterfeit payment instrument  
with intent to defraud.

573

831.29 2nd Possession of instruments for



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counterfeiting driver licenses  
or identification cards.

574

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

575

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

576

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

577

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

578

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

579

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.



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580

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.

581

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

582

893.13(6)(a)            3rd    Possession of any controlled  
substance other than felony  
possession of cannabis.

583

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

584

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

585

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



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substance.

586

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

587

893.13(8)(a)1.           3rd     Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

588

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.

589

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

590

893.13(8)(a)4.           3rd     Write a prescription for a controlled substance for a



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patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

591

918.13(1) (a) 3rd Alter, destroy, or conceal investigation evidence.

592

944.47 3rd Introduce contraband to (1) (a) 1. & 2. correctional facility.

593

944.47(1) (c) 2nd Possess contraband while upon the grounds of a correctional institution.

594

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

595

596

597

598 (d) LEVEL 4

599

Florida Statute	Felony Degree	Description
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600

316.1935(3) (a)	2nd	Driving at high speed or with
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wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

601

499.0051 (1) 3rd Failure to maintain or deliver transaction history, transaction information, or transaction statements.

602

499.0051 (5) 2nd Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

603

517.07 (1) 3rd Failure to register securities.

604

517.12 (1) 3rd Failure of dealer, associated person, or issuer of securities to register.

605

784.07 (2) (b) 3rd Battery of law enforcement officer, firefighter, etc.

606

784.074 (1) (c) 3rd Battery of sexually violent predators facility staff.

607

784.075 3rd Battery on detention or commitment facility staff.



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608	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
609	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
610	784.081 (3)	3rd	Battery on specified official or employee.
611	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
612	784.083 (3)	3rd	Battery on code inspector.
613	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
614	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
615	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.



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616	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
617	787.07	3rd	Human smuggling.
618	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
619	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
620	790.115(2)(c)	3rd	Possessing firearm on school property.
621	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
622	<u>806.135</u>	<u>2nd</u>	<u>Destroying or demolishing a memorial or historic property.</u>
623	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault



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or battery.

624

810.02(4)(b) 3rd Burglary, or attempted  
burglary, of an unoccupied  
conveyance; unarmed; no assault  
or battery.

625

810.06 3rd Burglary; possession of tools.

626

810.08(2)(c) 3rd Trespass on property, armed  
with firearm or dangerous  
weapon.

627

812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000  
or more but less than \$20,000.

628

812.014 3rd Grand theft, 3rd degree;  
(2)(c)4.-10. specified items.

629

812.0195(2) 3rd Dealing in stolen property by  
use of the Internet; property  
stolen \$300 or more.

630

817.505(4)(a) 3rd Patient brokering.

631

817.563(1) 3rd Sell or deliver substance other  
than controlled substance  
agreed upon, excluding s.  
893.03(5) drugs.



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632	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
633	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
634	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
635	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
636	837.02 (1)	3rd	Perjury in official proceedings.
637	837.021 (1)	3rd	Make contradictory statements in official proceedings.
638	838.022	3rd	Official misconduct.
639	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
640	839.13 (2) (c)	3rd	Falsifying records of the



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Department of Children and  
Families.

641

843.021                    3rd    Possession of a concealed  
handcuff key by a person in  
custody.

642

843.025                    3rd    Deprive law enforcement,  
correctional, or correctional  
probation officer of means of  
protection or communication.

643

843.15(1) (a)            3rd    Failure to appear while on bail  
for felony (bond estreature or  
bond jumping).

644

847.0135(5) (c)        3rd    Lewd or lascivious exhibition  
using computer; offender less  
than 18 years.

645

874.05(1) (a)           3rd    Encouraging or recruiting  
another to join a criminal  
gang.

646

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).

647



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648	914.14(2)	3rd	Witnesses accepting bribes.
649	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
650	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
651	916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
652	918.12	3rd	Tampering with jurors.
653	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
654	944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
	951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced



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into county detention facility.

655  
656  
657  
658  
659  
660

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 74 - 84.