



965052

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/12/2021	.	
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The Committee on Appropriations (Gibson) recommended the following:

1 **Senate Substitute for Amendment (788596) (with title**
2 **amendment)**

3
4 Delete lines 111 - 784

5 and insert:

6 enforcement agency which does not go toward neighborhood crime
7 intervention or other crime prevention programs, the state
8 attorney for the judicial circuit in which the municipality is
9 located, or a member of the governing body who objects to the
10 funding reduction, may file an appeal by petition to the



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11 Administration Commission within 30 days after the day the
12 tentative budget is posted to the official website of the
13 municipality under subsection (3). The petition must set forth
14 the tentative budget proposed by the municipality, in the form
15 and manner prescribed by the Executive Office of the Governor
16 and approved by the Administration Commission, the operating
17 budget of the municipal law enforcement agency as approved by
18 the municipality for the previous year, and state the reasons or
19 grounds for the appeal. The petition shall be filed with the
20 Executive Office of the Governor, and a copy served upon the
21 governing body of the municipality or to the clerk of the
22 circuit court of the county in which the municipality is
23 located.

24 (b) The governing body of the municipality has 5 working
25 days after service of a copy of the petition to file a reply
26 with the Executive Office of the Governor, and shall serve a
27 copy of such reply to the petitioner.

28 (5) Upon receipt of the petition, the Executive Office of
29 the Governor shall provide for a budget hearing at which the
30 matters presented in the petition and the reply shall be
31 considered. A report of the findings and recommendations of the
32 Executive Office of the Governor thereon shall be promptly
33 submitted to the Administration Commission, which, within 30
34 days, shall approve the action of the governing body of the
35 municipality or amend or modify the budget as to each separate
36 item within the operating budget of the municipal law
37 enforcement agency. The budget as approved, amended, or modified
38 by the Administration Commission shall be final.

39 (8)-(6) If the governing body of a municipality amends the



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40 budget pursuant to paragraph (7) (c) ~~paragraph (5) (e)~~, the
41 adopted amendment must be posted on the official website of the
42 municipality within 5 days after adoption and must remain on the
43 website for at least 2 years. If the municipality does not
44 operate an official website, the municipality must, within a
45 reasonable period of time as established by the county or
46 counties in which the municipality is located, transmit the
47 adopted amendment to the manager or administrator of such county
48 or counties who shall post the adopted amendment on the county's
49 website.

50 Section 2. Section 316.2045, Florida Statutes, is amended
51 to read:

52 316.2045 Obstruction of public streets, highways, and
53 roads.—

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

57 1. Impeding, hindering, stifling, retarding, or restraining
58 traffic or passage thereon; ~~by~~

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

61 3. Endangering the safe movement of vehicles or pedestrians
62 traveling thereon.

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

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



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69 ~~(2) It is unlawful, without proper authorization or a~~
70 ~~lawful permit, for any person or persons willfully to obstruct~~
71 ~~the free, convenient, and normal use of any public street,~~
72 ~~highway, or road by any of the means specified in subsection (1)~~
73 ~~in order to solicit. Any person who violates the provisions of~~
74 ~~this subsection is guilty of a misdemeanor of the second degree,~~
75 ~~punishable as provided in s. 775.082 or s. 775.083.~~

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

83 ~~(3) Permits for the use of any street, road, or right-of-~~
84 ~~way not maintained by the state may be issued by the appropriate~~
85 ~~local government. An organization that is qualified under s.~~
86 ~~501(c)(3) of the Internal Revenue Code and registered under~~
87 ~~chapter 496, or a person or organization acting on behalf of~~
88 ~~that organization, is exempt from local requirements for a~~
89 ~~permit issued under this subsection for charitable solicitation~~
90 ~~activities on or along streets or roads that are not maintained~~
91 ~~by the state under the following conditions:~~

92 ~~(a) The organization, or the person or organization acting~~
93 ~~on behalf of the organization, must provide all of the following~~
94 ~~to the local government:~~

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



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

99 ~~2. For review and comment, a plan for the safety of all~~
100 ~~persons participating in the solicitation, as well as the~~
101 ~~motoring public, at the locations where the solicitation will~~
102 ~~take place.~~

103 ~~3. Specific details of the location or locations of the~~
104 ~~proposed solicitation and the hours during which the~~
105 ~~solicitation activities will occur.~~

106 ~~4. Proof of commercial general liability insurance against~~
107 ~~claims for bodily injury and property damage occurring on~~
108 ~~streets, roads, or rights-of-way or arising from the solicitor's~~
109 ~~activities or use of the streets, roads, or rights-of-way by the~~
110 ~~solicitor or the solicitor's agents, contractors, or employees.~~
111 ~~The insurance shall have a limit of not less than \$1 million per~~
112 ~~occurrence for the general aggregate. The certificate of~~
113 ~~insurance shall name the local government as an additional~~
114 ~~insured and shall be filed with the local government no later~~
115 ~~than 72 hours before the date of the solicitation.~~

116 ~~5. Proof of registration with the Department of Agriculture~~
117 ~~and Consumer Services pursuant to s. 496.405 or proof that the~~
118 ~~soliciting organization is exempt from the registration~~
119 ~~requirement.~~

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

123 ~~(c) All solicitation shall occur during daylight hours~~
124 ~~only.~~

125 ~~(d) Solicitation activities shall not interfere with the~~
126 ~~safe and efficient movement of traffic and shall not cause~~



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127 ~~danger to the participants or the public.~~

128 ~~(e) No person engaging in solicitation activities shall~~
129 ~~persist after solicitation has been denied, act in a demanding~~
130 ~~or harassing manner, or use any sound or voice amplifying~~
131 ~~apparatus or device.~~

132 ~~(f) All persons participating in the solicitation shall be~~
133 ~~at least 18 years of age and shall possess picture~~
134 ~~identification.~~

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

137 ~~(h) The local government may stop solicitation activities~~
138 ~~if any conditions or requirements of this subsection are not~~
139 ~~met.~~

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

143 ~~(2)(5)~~ Notwithstanding ~~the provisions of~~ subsection (1),
144 any commercial vehicle used solely for the purpose of collecting
145 solid waste or recyclable or recovered materials may stop or
146 stand on any public street, highway, or road for the sole
147 purpose of collecting solid waste or recyclable or recovered
148 materials. However, such solid waste or recyclable or recovered
149 materials collection vehicle shall show or display amber
150 flashing hazard lights at all times that it is engaged in
151 stopping or standing for the purpose of collecting solid waste
152 or recyclable or recovered materials. Local governments may
153 establish reasonable regulations governing the standing and
154 stopping of such commercial vehicles, provided that such
155 regulations are applied uniformly and without regard to the



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156 ownership of the vehicles.

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

159 768.28 Waiver of sovereign immunity in tort actions;
160 recovery limits; civil liability for damages caused during a
161 riot; limitation on attorney fees; statute of limitations;
162 exclusions; indemnification; risk management programs.—

163 (5) (a) The state and its agencies and subdivisions shall be
164 liable for tort claims in the same manner and to the same extent
165 as a private individual under like circumstances, but liability
166 shall not include punitive damages or interest for the period
167 before judgment. Neither the state nor its agencies or
168 subdivisions shall be liable to pay a claim or a judgment by any
169 one person which exceeds the sum of \$200,000 or any claim or
170 judgment, or portions thereof, which, when totaled with all
171 other claims or judgments paid by the state or its agencies or
172 subdivisions arising out of the same incident or occurrence,
173 exceeds the sum of \$300,000. However, a judgment or judgments
174 may be claimed and rendered in excess of these amounts and may
175 be settled and paid pursuant to this act up to \$200,000 or
176 \$300,000, as the case may be; and that portion of the judgment
177 that exceeds these amounts may be reported to the Legislature,
178 but may be paid in part or in whole only by further act of the
179 Legislature. Notwithstanding the limited waiver of sovereign
180 immunity provided herein, the state or an agency or subdivision
181 thereof may agree, within the limits of insurance coverage
182 provided, to settle a claim made or a judgment rendered against
183 it without further action by the Legislature, but the state or
184 agency or subdivision thereof shall not be deemed to have waived



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185 any defense of sovereign immunity or to have increased the
186 limits of its liability as a result of its obtaining insurance
187 coverage for tortious acts in excess of the \$200,000 or \$300,000
188 waiver provided above. The limitations of liability set forth in
189 this subsection shall apply to the state and its agencies and
190 subdivisions whether or not the state or its agencies or
191 subdivisions possessed sovereign immunity before July 1, 1974.

192 (b) A municipality has a duty to allow the municipal law
193 enforcement agency, as long as it appropriately trains its law
194 enforcement officers on standards regarding use of force,
195 physical restraints, and deploying tear gas, to respond
196 appropriately to protect persons and property during a riot or
197 an unlawful assembly based on the availability of adequate
198 equipment to its municipal law enforcement officers and relevant
199 state and federal laws. If the governing body of a municipality
200 or a person authorized by the governing body of the municipality
201 breaches that duty, the municipality is civilly liable for any
202 damages including damages arising from personal injury, wrongful
203 death, or property damages proximately caused by the
204 municipality's breach of duty. The sovereign immunity recovery
205 limits in paragraph (a) do not apply to an action under this
206 paragraph.

207 Section 4. Subsection (2) of section 784.011, Florida
208 Statutes, is amended and subsection (3) is added to that
209 section, to read:

210 784.011 Assault.—

211 (2) Except as provided in subsection (3), a person who
212 assaults another person ~~whoever commits an assault shall be~~
213 ~~guilty of~~ a misdemeanor of the second degree, punishable as



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214 provided in s. 775.082 or s. 775.083.

215 (3) A person, regardless of race or ethnicity and who is
216 clearly identified, who assaults another person in furtherance
217 of a riot or an aggravated riot prohibited under s. 870.01
218 commits a misdemeanor of the first degree, punishable as
219 provided in s. 775.082 or s. 775.083.

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

223 784.021 Aggravated assault.—

224 (2) A person who ~~Whoever~~ commits an aggravated assault
225 commits shall be guilty of a felony of the third degree,
226 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

227 (3) For the purposes of sentencing under chapter 921, a
228 violation of this section committed by a person, regardless of
229 race or ethnicity and who is clearly identified, acting in
230 furtherance of a riot or an aggravated riot prohibited under s.
231 870.01 is ranked one level above the ranking under s. 921.0022
232 for the offense committed.

233 Section 6. Section 784.03, Florida Statutes, is amended to
234 read:

235 784.03 Battery; felony battery.—

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

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

239 2. Intentionally causes bodily harm to another person.

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



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243 (2) A person who has one prior conviction for battery,
244 aggravated battery, or felony battery and who commits any second
245 or subsequent battery commits a felony of the third degree,
246 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
247 For purposes of this subsection, "conviction" means a
248 determination of guilt that is the result of a plea or a trial,
249 regardless of whether adjudication is withheld or a plea of nolo
250 contendere is entered.

251 (3) A person, regardless of race or ethnicity and who is
252 clearly identified, who commits a battery in furtherance of a
253 riot or an aggravated riot prohibited under s. 870.01 commits a
254 felony of the third degree, punishable as provided in s.
255 775.082, s. 775.083, or 775.084.

256 Section 7. Section 784.045, Florida Statutes, is amended to
257 read:

258 784.045 Aggravated battery.—

259 (1) (a) A person commits aggravated battery who, in
260 committing battery:

261 1. Intentionally or knowingly causes great bodily harm,
262 permanent disability, or permanent disfigurement; or

263 2. Uses a deadly weapon.

264 (b) A person commits aggravated battery if the person who
265 was the victim of the battery was pregnant at the time of the
266 offense and the offender knew or should have known that the
267 victim was pregnant.

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



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272 (3) For the purposes of sentencing under chapter 921, a
273 violation of this section committed by a person, regardless of
274 race or ethnicity and who is clearly identified, acting in
275 furtherance of a riot or an aggravated riot prohibited under s.
276 870.01 is ranked one level above the ranking under s. 921.0022
277 for the offense committed.

278 Section 8. Section 784.0495, Florida Statutes, is created
279 to read:

280 784.0495 Mob intimidation.—

281 (1) It is unlawful for a person, regardless of race or
282 ethnicity and who is clearly identified, assembled with two or
283 more other persons and acting with a common intent, to use force
284 or threaten to use imminent force, to compel or induce, or
285 attempt to compel or induce, another person to do or refrain
286 from doing any act or to assume, abandon, or maintain a
287 particular viewpoint against his or her will.

288 (2) A person who violates subsection (1) commits a
289 misdemeanor of the first degree, punishable as provided in s.
290 775.082 or s. 775.083.

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

294 Section 9. Subsection (2) of section 784.07, Florida
295 Statutes, is amended and subsection (4) is added to that
296 section, to read:

297 784.07 Assault or battery of law enforcement officers,
298 firefighters, emergency medical care providers, public transit
299 employees or agents, or other specified officers;
300 reclassification of offenses; minimum sentences.—



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301 (2) Whenever any person is charged with knowingly
302 committing an assault or battery upon a law enforcement officer,
303 a firefighter, an emergency medical care provider, a railroad
304 special officer, a traffic accident investigation officer as
305 described in s. 316.640, a nonsworn law enforcement agency
306 employee who is certified as an agency inspector, a blood
307 alcohol analyst, or a breath test operator while such employee
308 is in uniform and engaged in processing, testing, evaluating,
309 analyzing, or transporting a person who is detained or under
310 arrest for DUI, a law enforcement explorer, a traffic infraction
311 enforcement officer as described in s. 316.640, a parking
312 enforcement specialist as defined in s. 316.640, a person
313 licensed as a security officer as defined in s. 493.6101 and
314 wearing a uniform that bears at least one patch or emblem that
315 is visible at all times that clearly identifies the employing
316 agency and that clearly identifies the person as a licensed
317 security officer, or a security officer employed by the board of
318 trustees of a community college, while the officer, firefighter,
319 emergency medical care provider, railroad special officer,
320 traffic accident investigation officer, traffic infraction
321 enforcement officer, inspector, analyst, operator, law
322 enforcement explorer, parking enforcement specialist, public
323 transit employee or agent, or security officer is engaged in the
324 lawful performance of his or her duties, the offense for which
325 the person is charged shall be reclassified as follows:

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

328 (b) In the case of battery, from a misdemeanor of the first
329 degree to a felony of the third degree. Notwithstanding any



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330 other provision of law, a person, regardless of race or
331 ethnicity and who is clearly identified, convicted of battery
332 upon a law enforcement officer committed in furtherance of a
333 riot or an aggravated riot prohibited under s. 870.01 shall be
334 sentenced to a minimum term of imprisonment of 6 months.

335 (c) In the case of aggravated assault, from a felony of the
336 third degree to a felony of the second degree. Notwithstanding
337 any other provision of law, any person convicted of aggravated
338 assault upon a law enforcement officer shall be sentenced to a
339 minimum term of imprisonment of 3 years.

340 (d) In the case of aggravated battery, from a felony of the
341 second degree to a felony of the first degree. Notwithstanding
342 any other provision of law, any person convicted of aggravated
343 battery of a law enforcement officer shall be sentenced to a
344 minimum term of imprisonment of 5 years.

345 (4) For purposes of sentencing under chapter 921, a felony
346 violation of this section committed by a person, regardless of
347 race or ethnicity and who is clearly identified, acting in
348 furtherance of a riot or an aggravated riot prohibited under s.
349 870.01 is ranked one level above the ranking under s. 921.0022
350 for the offense committed.

351 Section 10. Subsections (3) through (9) of section 806.13,
352 Florida Statutes, are renumbered as subsections (4) through
353 (10), respectively, a new subsection (3) is added to that
354 section, and present subsection (8) of that section is amended,
355 to read:

356 806.13 Criminal mischief; penalties; penalty for minor.—

357 (3) Any person who, without the consent of the owner
358 thereof, willfully and maliciously defaces, injures, or



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359 otherwise damages by any means a memorial or historic property,
360 as defined in s. 806.135(1), and the value of the damage to the
361 memorial or historic property is greater than \$200, commits a
362 felony of the third degree, punishable as provided in s.
363 775.082, s. 775.083, or s. 775.084. A court shall order any
364 person convicted of violating this subsection to pay
365 restitution, which shall include the full cost of repair or
366 replacement of such memorial or historic property.

367 (9)~~(8)~~ A minor whose driver license or driving privilege is
368 revoked, suspended, or withheld under subsection (8)~~(7)~~ may
369 elect to reduce the period of revocation, suspension, or
370 withholding by performing community service at the rate of 1 day
371 for each hour of community service performed. In addition, if
372 the court determines that due to a family hardship, the minor's
373 driver license or driving privilege is necessary for employment
374 or medical purposes of the minor or a member of the minor's
375 family, the court shall order the minor to perform community
376 service and reduce the period of revocation, suspension, or
377 withholding at the rate of 1 day for each hour of community
378 service performed. As used in this subsection, the term
379 "community service" means cleaning graffiti from public
380 property.

381 Section 11. Section 806.135, Florida Statutes, is created
382 to read:

383 806.135 Destroying or demolishing a memorial or historic
384 property.—

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

386 (a) "Historic property" means any building, structure,
387 site, or object that has been officially designated as a



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388 historic building, historic structure, historic site, or
389 historic object through a federal, state, or local designation
390 program.

391 (b) "Memorial" means a plaque, statue, marker, flag,
392 banner, cenotaph, religious symbol, painting, seal, tombstone,
393 structure name, or display that is constructed and located with
394 the intent of being permanently displayed or perpetually
395 maintained; is dedicated to a historical person, an entity, an
396 event, or a series of events; and honors or recounts the
397 military service of any past or present United States Armed
398 Forces military personnel, or the past or present public service
399 of a resident of the geographical area comprising the state or
400 the United States. The term includes, but is not limited to, the
401 following memorials established under chapter 265:

- 402 1. Florida Women's Hall of Fame.
- 403 2. Florida Medal of Honor Wall.
- 404 3. Florida Veterans' Hall of Fame.
- 405 4. POW-MIA Chair of Honor Memorial.
- 406 5. Florida Veterans' Walk of Honor and Florida Veterans'
407 Memorial Garden.
- 408 6. Florida Law Enforcement Officers' Hall of Fame.
- 409 7. Florida Holocaust Memorial.
- 410 8. Florida Slavery Memorial.
- 411 9. Any other memorial located within the Capitol Complex,
412 including, but not limited to, Waller Park.

413 (2) It is unlawful for any person to willfully and
414 maliciously destroy or demolish any memorial or historic
415 property, or willfully and maliciously pull down a memorial or
416 historic property, unless authorized by the owner of the



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417 memorial or historic property. A person who violates this
418 section commits a felony of the second degree, punishable as
419 provided in s. 775.082, s. 775.083, or s. 775.084.

420 (3) A court shall order any person convicted of violating
421 this section to pay restitution, which shall include the full
422 cost of repair or replacement of such memorial or historic
423 property.

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

426 810.02 Burglary.—

427 (3) Burglary is a felony of the second degree, punishable
428 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
429 course of committing the offense, the offender does not make an
430 assault or battery and is not and does not become armed with a
431 dangerous weapon or explosive, and the offender enters or
432 remains in a:

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

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

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

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

441 (e) Authorized emergency vehicle, as defined in s. 316.003;
442 or

443 (f) Structure or conveyance when the offense intended to be
444 committed therein is theft of a controlled substance as defined
445 in s. 893.02. Notwithstanding any other law, separate judgments



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446 and sentences for burglary with the intent to commit theft of a
447 controlled substance under this paragraph and for any applicable
448 possession of controlled substance offense under s. 893.13 or
449 trafficking in controlled substance offense under s. 893.135 may
450 be imposed when all such offenses involve the same amount or
451 amounts of a controlled substance.

452

453 However, if the burglary is committed during a riot or an
454 aggravated riot prohibited under s. 870.01 and the perpetration
455 of the burglary is facilitated by conditions arising from the
456 riot; or within a county that is subject to a state of emergency
457 declared by the Governor under chapter 252 after the declaration
458 of emergency is made and the perpetration of the burglary is
459 facilitated by conditions arising from the emergency, the
460 burglary is a felony of the first degree, punishable as provided
461 in s. 775.082, s. 775.083, or s. 775.084. As used in this
462 subsection, the term "conditions arising from the riot" means
463 civil unrest, power outages, curfews, or a reduction in the
464 presence of or response time for first responders or homeland
465 security personnel and the term "conditions arising from the
466 emergency" means civil unrest, power outages, curfews, voluntary
467 or mandatory evacuations, or a reduction in the presence of or
468 response time for first responders or homeland security
469 personnel. A person, regardless of race or ethnicity and who is
470 clearly identified, arrested for committing a burglary during a
471 riot or an aggravated riot or within a county that is subject to
472 such a state of emergency may not be released until the person
473 appears before a committing magistrate at a first appearance
474 hearing. For purposes of sentencing under chapter 921, a felony



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475 offense that is reclassified under this subsection is ranked one
476 level above the ranking under s. 921.0022 or s. 921.0023 of the
477 offense committed.

478 (4) Burglary is a felony of the third degree, punishable as
479 provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
480 course of committing the offense, the offender does not make an
481 assault or battery and is not and does not become armed with a
482 dangerous weapon or explosive, and the offender enters or
483 remains in a:

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

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

488
489 However, if the burglary is committed during a riot or an
490 aggravated riot prohibited under s. 870.01 and the perpetration
491 of the burglary is facilitated by conditions arising from the
492 riot; or within a county that is subject to a state of emergency
493 declared by the Governor under chapter 252 after the declaration
494 of emergency is made and the perpetration of the burglary is
495 facilitated by conditions arising from the emergency, the
496 burglary is a felony of the second degree, punishable as
497 provided in s. 775.082, s. 775.083, or s. 775.084. As used in
498 this subsection, the terms "conditions arising from the riot"
499 and ~~term~~ "conditions arising from the emergency" have the same
500 meanings as provided in subsection (3) ~~means civil unrest, power~~
501 ~~outages, curfews, voluntary or mandatory evacuations, or a~~
502 ~~reduction in the presence of or response time for first~~
503 ~~responders or homeland security personnel.~~ A person, regardless



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504 of race or ethnicity and who is clearly identified, arrested for
505 committing a burglary during a riot or an aggravated riot or
506 within a county that is subject to such a state of emergency may
507 not be released until the person appears before a committing
508 magistrate at a first appearance hearing. For purposes of
509 sentencing under chapter 921, a felony offense that is
510 reclassified under this subsection is ranked one level above the
511 ranking under s. 921.0022 or s. 921.0023 of the offense
512 committed.

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

515 812.014 Theft.—

516 (2)

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

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

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

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

530

531 the offender commits grand theft in the second degree,
532 punishable as a felony of the second degree, as provided in s.



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533 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
534 means mechanical or electronic apparatus used to provide
535 emergency services and care as defined in s. 395.002(9) or to
536 treat medical emergencies. Law enforcement equipment means any
537 property, device, or apparatus used by any law enforcement
538 officer as defined in s. 943.10 in the officer's official
539 business. However, if the property is stolen during a riot or an
540 aggravated riot prohibited under s. 870.01 and the perpetration
541 of the theft is facilitated by conditions arising from the riot;
542 or within a county that is subject to a state of emergency
543 declared by the Governor under chapter 252, the theft is
544 committed after the declaration of emergency is made, and the
545 perpetration of the theft is facilitated by conditions arising
546 from the emergency, the theft is a felony of the first degree,
547 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
548 As used in this paragraph, the term "conditions arising from the
549 riot" means civil unrest, power outages, curfews, or a reduction
550 in the presence of or response time for first responders or
551 homeland security personnel and the term "conditions arising
552 from the emergency" means civil unrest, power outages, curfews,
553 voluntary or mandatory evacuations, or a reduction in the
554 presence of or response time for first responders or homeland
555 security personnel. A person, regardless of race or ethnicity
556 and who is clearly identified, arrested for committing a theft
557 during a riot or an aggravated riot or within a county that is
558 subject to a state of emergency may not be released until the
559 person appears before a committing magistrate at a first
560 appearance hearing. For purposes of sentencing under chapter
561 921, a felony offense that is reclassified under this paragraph



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562 is ranked one level above the ranking under s. 921.0022 or s.
563 921.0023 of the offense committed.

564 (c) It is grand theft of the third degree and a felony of
565 the third degree, punishable as provided in s. 775.082, s.
566 775.083, or s. 775.084, if the property stolen is:

- 567 1. Valued at \$750 or more, but less than \$5,000.
- 568 2. Valued at \$5,000 or more, but less than \$10,000.
- 569 3. Valued at \$10,000 or more, but less than \$20,000.
- 570 4. A will, codicil, or other testamentary instrument.
- 571 5. A firearm.
- 572 6. A motor vehicle, except as provided in paragraph (a).
- 573 7. Any commercially farmed animal, including any animal of
574 the equine, avian, bovine, or swine class or other grazing
575 animal; a bee colony of a registered beekeeper; and aquaculture
576 species raised at a certified aquaculture facility. If the
577 property stolen is a commercially farmed animal, including an
578 animal of the equine, avian, bovine, or swine class or other
579 grazing animal; a bee colony of a registered beekeeper; or an
580 aquaculture species raised at a certified aquaculture facility,
581 a \$10,000 fine shall be imposed.

582 8. Any fire extinguisher that, at the time of the taking,
583 was installed in any building for the purpose of fire prevention
584 and control. This subparagraph does not apply to a fire
585 extinguisher taken from the inventory at a point-of-sale
586 business.

587 9. Any amount of citrus fruit consisting of 2,000 or more
588 individual pieces of fruit.

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



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- 591 11. Any stop sign.
592 12. Anhydrous ammonia.
593 13. Any amount of a controlled substance as defined in s.
594 893.02. Notwithstanding any other law, separate judgments and
595 sentences for theft of a controlled substance under this
596 subparagraph and for any applicable possession of controlled
597 substance offense under s. 893.13 or trafficking in controlled
598 substance offense under s. 893.135 may be imposed when all such
599 offenses involve the same amount or amounts of a controlled
600 substance.

601
602 However, if the property is stolen during a riot or an
603 aggravated riot prohibited under s. 870.01 and the perpetration
604 of the theft is facilitated by conditions arising from the riot;
605 or within a county that is subject to a state of emergency
606 declared by the Governor under chapter 252, the property is
607 stolen after the declaration of emergency is made, and the
608 perpetration of the theft is facilitated by conditions arising
609 from the emergency, the offender commits a felony of the second
610 degree, punishable as provided in s. 775.082, s. 775.083, or s.
611 775.084, if the property is valued at \$5,000 or more, but less
612 than \$10,000, as provided under subparagraph 2., or if the
613 property is valued at \$10,000 or more, but less than \$20,000, as
614 provided under subparagraph 3. As used in this paragraph, the
615 terms "conditions arising from a riot" and ~~term~~ "conditions
616 arising from the emergency" have the same meanings as provided
617 in paragraph (b). A person, regardless of race or ethnicity and
618 who is clearly identified, arrested for committing a theft
619 during a riot or an aggravated riot or within a county that is



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620 subject to a state of emergency may not be released until the
621 person appears before a committing magistrate at a first
622 appearance hearing means civil unrest, power outages, curfews,
623 voluntary or mandatory evacuations, or a reduction in the
624 presence of or the response time for first responders or
625 homeland security personnel. For purposes of sentencing under
626 chapter 921, a felony offense that is reclassified under this
627 paragraph is ranked one level above the ranking under s.
628 921.0022 or s. 921.0023 of the offense committed.

629 Section 14. Section 836.115, Florida Statutes, is created
630 to read:

631 836.115 Cyberintimidation by publication.-

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

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

635 (b) "Harass" has the same meaning as provided in s.
636 817.568(1)(c).

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

639 (2) It is unlawful for a person, regardless of race or
640 ethnicity and who is clearly identified, to electronically
641 publish another person's personal identification information
642 with the intent to, or with the intent that a third party will
643 use the information to:

644 (a) Incite violence or commit a crime against the person;
645 or

646 (b) Threaten or harass the person, placing such person in
647 reasonable fear of bodily harm.
648



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649 A person who violates this subsection commits a misdemeanor of a
650 first degree, punishable as provided in s. 775.082 or s.
651 775.083.

652 Section 15. Section 870.01, Florida Statutes, is amended to
653 read:

654 870.01 Affrays and riots.—

655 (1) A person commits an affray if he or she engages, by
656 mutual consent, in fighting with another person in a public
657 place to the terror of the people. A person who commits ~~All~~
658 persons guilty of an affray commits shall be guilty of a
659 misdemeanor of the first degree, punishable as provided in s.
660 775.082 or s. 775.083.

661 (2) A person, regardless of race or ethnicity and who is
662 clearly identified, commits a riot if he or she willfully
663 participates in a violent public disturbance involving an
664 assembly of three or more persons, acting with a common intent
665 to assist each other in violent and disorderly conduct,
666 resulting in:

667 (a) Injury to another person;

668 (b) Damage to property; or

669 (c) Imminent danger of injury to another person or damage
670 to property.

671
672 A person who commits ~~All persons guilty of a riot commits, or of~~
673 inciting or encouraging a riot, shall be guilty of a felony of
674 the third degree, punishable as provided in s. 775.082, s.
675 775.083, or s. 775.084.

676 (3) A person, regardless of race or ethnicity and who is
677 clearly identified, commits aggravated rioting if, in the course



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678 of committing a riot, he or she:

679 (a) Participates with 25 or more other persons;

680 (b) Causes great bodily harm to a person not participating
681 in the riot;

682 (c) Causes property damage in excess of \$5,000;

683 (d) Displays, uses, threatens to use, or attempts to use a
684 deadly weapon; or

685 (e) By force, or threat of force, endangers the safe
686 movement of a vehicle traveling on a public street, highway, or
687 road.

688
689 A person who commits aggravating rioting commits a felony of the
690 second degree, punishable as provided in s. 775.082, s. 775.083,
691 or s. 775.084.

692 (4) A person, regardless of race or ethnicity and who is
693 clearly identified, commits inciting a riot if he or she
694 willfully incites another person to participate in a riot,
695 resulting in a riot or imminent danger of a riot. A person who
696 commits inciting a riot commits a felony of the third degree,
697 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

698 (5) A person, regardless of race or ethnicity and who is
699 clearly identified, commits aggravated inciting a riot if he or
700

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

702 And the title is amended as follows:

703 Delete lines 45 - 79

704 and insert:

705 imprisonment for a certain person convicted of battery
706 on a law enforcement officer committed in furtherance



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707 of a riot or an aggravated riot; increasing the
708 offense severity ranking of an assault or battery
709 against specified persons for the purposes of the
710 Criminal Punishment Code if committed in furtherance
711 of a riot or an aggravated riot; amending s. 806.13,
712 F.S.; prohibiting defacing, injuring, or damaging a
713 memorial or historic property; providing a penalty;
714 requiring a court to order restitution for such a
715 violation; creating s. 806.135, F.S.; defining the
716 terms "historic property" and "memorial"; prohibiting
717 a person from destroying or demolishing a memorial or
718 historic property; providing a penalty; requiring a
719 court to order restitution for such a violation;
720 amending s. 810.02, F.S.; reclassifying specified
721 burglary offenses committed during a riot or an
722 aggravated riot and facilitated by conditions arising
723 from the riot; providing a definition; requiring a
724 person arrested for such a violation to be held in
725 custody until first appearance; amending s. 812.014,
726 F.S.; reclassifying specified theft offenses committed
727 during a riot or an aggravated riot and facilitated by
728 conditions arising from the riot; providing a
729 definition; requiring a certain person arrested for
730 such a violation to be held in custody until first
731 appearance; creating s. 836.115, F.S.; providing
732 definitions; prohibiting cyberintimidation by
733 publication; providing criminal penalties; amending s.
734 870.01, F.S.; prohibiting a person from fighting in a
735 public place; prohibiting a certain person from



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736 willfully participating in a specified violent public
737 disturbance resulting in specified damage or injury;
738 providing an increased penalty for rioting under
739 specified circumstances; prohibiting a certain person
740 from