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LEGISLATIVE ACTION

Senate

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House

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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.  
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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