

1 A bill to be entitled
2 An act relating to combating public disorder; amending
3 s. 166.241, F.S.; authorizing a resident of a
4 municipality to file an appeal to the Administration
5 Commission if the governing body of the municipality
6 makes a specified reduction to the operating budget of
7 a municipal law enforcement agency; requiring the
8 petition to contain specified information; requiring
9 the Executive Office of the Governor to conduct a
10 budget hearing considering the matter and make
11 findings and recommendations to the Administration
12 Commission; requiring the commission to approve,
13 amend, or modify the municipality's budget; amending
14 s. 316.2045, F.S.; revising the prohibition on
15 obstructing traffic by standing on the street,
16 highway, or road; deleting provisions concerning
17 charitable solicitations; amending s. 768.28, F.S.;
18 creating a cause of action against a municipality for
19 obstructing or interfering with reasonable law
20 enforcement protection during a riot or an unlawful
21 assembly; waiving sovereign immunity for a
22 municipality in specified circumstances; amending s.
23 784.011, F.S.; reclassifying the penalty for an
24 assault committed in furtherance of a riot or an
25 aggravated riot; amending s. 784.021, F.S.; increasing

26 | the offense severity ranking of an aggravated assault
27 | for the purposes of the Criminal Punishment Code if
28 | committed in furtherance of a riot or an aggravated
29 | riot; amending s. 784.03, F.S.; reclassifying the
30 | penalty for a battery committed in furtherance of a
31 | riot or an aggravated riot; amending s. 784.045, F.S.;
32 | increasing the offense severity ranking of an
33 | aggravated battery for the purposes of the Criminal
34 | Punishment Code if committed in furtherance of a riot
35 | or an aggravated riot; creating s. 784.0495, F.S.;
36 | prohibiting specified assemblies from using or
37 | threatening the use of force against another person to
38 | do any act or assume or abandon a particular
39 | viewpoint; providing a penalty; requiring a person
40 | arrested for a violation to be held in custody until
41 | first appearance; amending s. 784.07, F.S.; requiring
42 | a minimum term of imprisonment for a person convicted
43 | of battery on a law enforcement officer committed in
44 | furtherance of a riot or an aggravated riot;
45 | increasing the offense severity ranking of an assault
46 | or battery against specified first responders for the
47 | purposes of the Criminal Punishment Code if committed
48 | in furtherance of a riot or an aggravated riot;
49 | amending s. 806.13, F.S.; prohibiting defacing,
50 | injuring, or damaging a memorial; providing a penalty;

51 requiring a court to order restitution for such a
52 violation; creating s. 806.135, F.S.; providing a
53 definition; prohibiting a person from destroying or
54 demolishing a memorial; providing a penalty; requiring
55 a court to order restitution for such a violation;
56 amending s. 810.02, F.S.; reclassifying specified
57 burglary offenses committed during a riot or an
58 aggravated riot and facilitated by conditions arising
59 from the riot; providing a definition; requiring a
60 person arrested for such a violation to be held in
61 custody until first appearance; amending s. 812.014,
62 F.S.; reclassifying specified theft offenses committed
63 during a riot or an aggravated riot and facilitated by
64 conditions arising from the riot; providing a
65 definition; requiring a person arrested for such a
66 violation to be held in custody until first
67 appearance; creating s. 836.115, F.S.; providing
68 definitions; prohibiting cyberintimidation by
69 publication; providing criminal penalties; amending s.
70 870.01, F.S.; prohibiting a person from fighting in a
71 public place; prohibiting specified assemblies from
72 engaging in disorderly and violent conduct resulting
73 in specified damage or injury; providing an increased
74 penalty for rioting under specified circumstances;
75 prohibiting a person from inciting or encouraging a

76 riot; providing an increased penalty for inciting or
77 encouraging a riot under specified circumstances;
78 providing definitions; requiring a person arrested for
79 such a violation to be held in custody until first
80 appearance; providing an exception; amending s.
81 870.02, F.S.; requiring a person arrested for an
82 unlawful assembly to be held in custody until first
83 appearance; amending s. 870.03, F.S.; requiring a
84 person arrested for a riot or rout to be held in
85 custody until first appearance; creating s. 870.07,
86 F.S.; creating an affirmative defense to a civil
87 action where the plaintiff participated in a riot or
88 unlawful assembly; amending s. 872.02, F.S.;

89 increasing the offense severity ranking of specified
90 offenses involving graves and tombs for the purposes
91 of the Criminal Punishment Code if committed in
92 furtherance of a riot or an aggravated riot; amending
93 s. 921.0022, F.S.; conforming provisions to changes
94 made by the act; ranking offenses created by the act
95 on the offense severity ranking chart; providing an
96 effective date.

97
98 Be It Enacted by the Legislature of the State of Florida:

99
100 Section 1. Subsections (4) through (6) of section 166.241,

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

105 166.241 Fiscal years, budgets, appeal of municipal law
106 enforcement agency budget, and budget amendments.—

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

122 (b) The governing body of the municipality has 5 working
123 days after delivery of a copy of the petition to file a reply
124 with the Executive Office of the Governor, and shall deliver a
125 copy of such reply to the petitioner.

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

137 (8)~~(6)~~ If the governing body of a municipality amends the
 138 budget pursuant to paragraph (7) (c) ~~paragraph (5) (e)~~, the
 139 adopted amendment must be posted on the official website of the
 140 municipality within 5 days after adoption and must remain on the
 141 website for at least 2 years. If the municipality does not
 142 operate an official website, the municipality must, within a
 143 reasonable period of time as established by the county or
 144 counties in which the municipality is located, transmit the
 145 adopted amendment to the manager or administrator of such county
 146 or counties who shall post the adopted amendment on the county's
 147 website.

148 Section 2. Section 316.2045, Florida Statutes, is amended
 149 to read:

150 316.2045 Obstruction of public streets, highways, and

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151 roads.—

152 (1) A ~~It is unlawful for any person~~ may not intentionally
153 ~~or persons willfully to~~ obstruct the free, convenient, and
154 normal use of a any public street, highway, or road by impeding,
155 hindering, stifling, retarding, or restraining traffic or
156 passage thereon, by standing or remaining on the street,
157 highway, or road ~~or approaching motor vehicles thereon,~~ or by
158 endangering the safe movement of vehicles or pedestrians
159 traveling thereon. A ~~;~~ ~~and any person or persons~~ who violates
160 ~~violate the provisions of this subsection, upon conviction,~~
161 shall be cited for a pedestrian violation, punishable as
162 provided in chapter 318.

163 ~~(2) It is unlawful, without proper authorization or a~~
164 ~~lawful permit, for any person or persons willfully to obstruct~~
165 ~~the free, convenient, and normal use of any public street,~~
166 ~~highway, or road by any of the means specified in subsection (1)~~
167 ~~in order to solicit. Any person who violates the provisions of~~
168 ~~this subsection is guilty of a misdemeanor of the second degree,~~
169 ~~punishable as provided in s. 775.082 or s. 775.083.~~
170 ~~Organizations qualified under s. 501(c)(3) of the Internal~~
171 ~~Revenue Code and registered pursuant to chapter 496, or persons~~
172 ~~or organizations acting on their behalf are exempted from the~~
173 ~~provisions of this subsection for activities on streets or roads~~
174 ~~not maintained by the state. Permits for the use of any portion~~
175 ~~of a state-maintained road or right-of-way shall be required~~

176 ~~only for those purposes and in the manner set out in s. 337.406.~~

177 ~~(3) Permits for the use of any street, road, or right-of-~~
178 ~~way not maintained by the state may be issued by the appropriate~~
179 ~~local government. An organization that is qualified under s.~~
180 ~~501(c)(3) of the Internal Revenue Code and registered under~~
181 ~~chapter 496, or a person or organization acting on behalf of~~
182 ~~that organization, is exempt from local requirements for a~~
183 ~~permit issued under this subsection for charitable solicitation~~
184 ~~activities on or along streets or roads that are not maintained~~
185 ~~by the state under the following conditions:~~

186 ~~(a) The organization, or the person or organization acting~~
187 ~~on behalf of the organization, must provide all of the following~~
188 ~~to the local government:~~

189 ~~1. No fewer than 14 calendar days prior to the proposed~~
190 ~~solicitation, the name and address of the person or organization~~
191 ~~that will perform the solicitation and the name and address of~~
192 ~~the organization that will receive funds from the solicitation.~~

193 ~~2. For review and comment, a plan for the safety of all~~
194 ~~persons participating in the solicitation, as well as the~~
195 ~~motoring public, at the locations where the solicitation will~~
196 ~~take place.~~

197 ~~3. Specific details of the location or locations of the~~
198 ~~proposed solicitation and the hours during which the~~
199 ~~solicitation activities will occur.~~

200 ~~4. Proof of commercial general liability insurance against~~

201 ~~claims for bodily injury and property damage occurring on~~
202 ~~streets, roads, or rights-of-way or arising from the solicitor's~~
203 ~~activities or use of the streets, roads, or rights-of-way by the~~
204 ~~solicitor or the solicitor's agents, contractors, or employees.~~
205 ~~The insurance shall have a limit of not less than \$1 million per~~
206 ~~occurrence for the general aggregate. The certificate of~~
207 ~~insurance shall name the local government as an additional~~
208 ~~insured and shall be filed with the local government no later~~
209 ~~than 72 hours before the date of the solicitation.~~

210 ~~5. Proof of registration with the Department of~~
211 ~~Agriculture and Consumer Services pursuant to s. 496.405 or~~
212 ~~proof that the soliciting organization is exempt from the~~
213 ~~registration requirement.~~

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

217 ~~(c) All solicitation shall occur during daylight hours~~
218 ~~only.~~

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

222 ~~(e) No person engaging in solicitation activities shall~~
223 ~~persist after solicitation has been denied, act in a demanding~~
224 ~~or harassing manner, or use any sound or voice-amplifying~~
225 ~~apparatus or device.~~

226 ~~(f) All persons participating in the solicitation shall be~~
 227 ~~at least 18 years of age and shall possess picture~~
 228 ~~identification.~~

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

231 ~~(h) The local government may stop solicitation activities~~
 232 ~~if any conditions or requirements of this subsection are not~~
 233 ~~met.~~

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

237 (2)~~(5)~~ Notwithstanding the provisions of subsection (1),
 238 any commercial vehicle used solely for the purpose of collecting
 239 solid waste or recyclable or recovered materials may stop or
 240 stand on any public street, highway, or road for the sole
 241 purpose of collecting solid waste or recyclable or recovered
 242 materials. However, such solid waste or recyclable or recovered
 243 materials collection vehicle shall show or display amber
 244 flashing hazard lights at all times that it is engaged in
 245 stopping or standing for the purpose of collecting solid waste
 246 or recyclable or recovered materials. Local governments may
 247 establish reasonable regulations governing the standing and
 248 stopping of such commercial vehicles, provided that such
 249 regulations are applied uniformly and without regard to the
 250 ownership of the vehicles.

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

253 768.28 Waiver of sovereign immunity in tort actions;
254 recovery limits; civil liability for damages caused during a
255 riot; limitation on attorney fees; statute of limitations;
256 exclusions; indemnification; risk management programs.—

257 (5) (a) The state and its agencies and subdivisions shall
258 be liable for tort claims in the same manner and to the same
259 extent as a private individual under like circumstances, but
260 liability shall not include punitive damages or interest for the
261 period before judgment. Neither the state nor its agencies or
262 subdivisions shall be liable to pay a claim or a judgment by any
263 one person which exceeds the sum of \$200,000 or any claim or
264 judgment, or portions thereof, which, when totaled with all
265 other claims or judgments paid by the state or its agencies or
266 subdivisions arising out of the same incident or occurrence,
267 exceeds the sum of \$300,000. However, a judgment or judgments
268 may be claimed and rendered in excess of these amounts and may
269 be settled and paid pursuant to this act up to \$200,000 or
270 \$300,000, as the case may be; and that portion of the judgment
271 that exceeds these amounts may be reported to the Legislature,
272 but may be paid in part or in whole only by further act of the
273 Legislature. Notwithstanding the limited waiver of sovereign
274 immunity provided herein, the state or an agency or subdivision
275 thereof may agree, within the limits of insurance coverage

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276 provided, to settle a claim made or a judgment rendered against
277 it without further action by the Legislature, but the state or
278 agency or subdivision thereof shall not be deemed to have waived
279 any defense of sovereign immunity or to have increased the
280 limits of its liability as a result of its obtaining insurance
281 coverage for tortious acts in excess of the \$200,000 or \$300,000
282 waiver provided above. The limitations of liability set forth in
283 this subsection shall apply to the state and its agencies and
284 subdivisions whether or not the state or its agencies or
285 subdivisions possessed sovereign immunity before July 1, 1974.

286 (b) A governing body of a municipality that intentionally
287 obstructs or interferes with the ability of a municipal law
288 enforcement agency to provide reasonable law enforcement
289 protection during a riot or unlawful assembly is civilly liable
290 for any damages, including damages arising from personal injury,
291 wrongful death, or property damage, proximately caused by the
292 agency's failure to provide reasonable law enforcement
293 protection during a riot or unlawful assembly. The sovereign
294 immunity recovery limits in paragraph (a) do not apply to an
295 action under this paragraph.

296 Section 4. Subsection (2) of section 784.011, Florida
297 Statutes, is amended and subsection (3) is added to that
298 section, to read:

299 784.011 Assault.—

300 (2) Except as provided in subsection (3), a person who

301 assaults another person ~~Whoever commits an assault shall be~~
 302 ~~guilty of~~ a misdemeanor of the second degree, punishable as
 303 provided in s. 775.082 or s. 775.083.

304 (3) A person who assaults another person in furtherance of
 305 a riot or an aggravated riot prohibited under s. 870.01 commits
 306 a misdemeanor of the first degree, punishable as provided in s.
 307 775.082 or s. 775.083.

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

311 784.021 Aggravated assault.—

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

315 (3) For the purposes of sentencing under chapter 921 and
 316 determining incentive gain-time eligibility under chapter 944, a
 317 violation of this section committed by a person acting in
 318 furtherance of a riot or an aggravated riot prohibited under s.
 319 870.01 is ranked one level above the ranking under s. 921.0022
 320 for the offense committed.

321 Section 6. Section 784.03, Florida Statutes, is amended to
 322 read:

323 784.03 Battery; felony battery.—

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

325 1. Actually and intentionally touches or strikes another

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326 | person against the will of the other; or

327 | 2. Intentionally causes bodily harm to another person.

328 | (b) Except as provided in subsection (2) or subsection
329 | (3), a person who commits battery commits a misdemeanor of the
330 | first degree, punishable as provided in s. 775.082 or s.
331 | 775.083.

332 | (2) A person who has one prior conviction for battery,
333 | aggravated battery, or felony battery and who commits any second
334 | or subsequent battery commits a felony of the third degree,
335 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
336 | For purposes of this subsection, "conviction" means a
337 | determination of guilt that is the result of a plea or a trial,
338 | regardless of whether adjudication is withheld or a plea of nolo
339 | contendere is entered.

340 | (3) A person who commits a battery in furtherance of a
341 | riot or an aggravated riot prohibited under s. 870.01 commits a
342 | felony of the third degree, punishable as provided in s.
343 | 775.082, s. 775.083, or 775.084.

344 | Section 7. Section 784.045, Florida Statutes, is amended
345 | to read:

346 | 784.045 Aggravated battery.—

347 | (1)(a) A person commits aggravated battery who, in
348 | committing battery:

349 | 1. Intentionally or knowingly causes great bodily harm,
350 | permanent disability, or permanent disfigurement; or

351 2. Uses a deadly weapon.

352 (b) A person commits aggravated battery if the person who
 353 was the victim of the battery was pregnant at the time of the
 354 offense and the offender knew or should have known that the
 355 victim was pregnant.

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

360 (3) For the purposes of sentencing under chapter 921 and
 361 determining incentive gain-time eligibility under chapter 944, a
 362 violation of this section committed by a person acting in
 363 furtherance of a riot or an aggravated riot prohibited under s.
 364 870.01 is ranked one level above the ranking under s. 921.0022
 365 for the offense committed.

366 Section 8. Section 784.0495, Florida Statutes, is created
 367 to read:

368 784.0495 Mob intimidation.-

369 (1) It is unlawful for a person, assembled with two or
 370 more other persons and acting with a common intent, to compel or
 371 induce, or attempt to compel or induce, another person by force,
 372 or threat of force, to do any act or to assume or abandon a
 373 particular viewpoint.

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

376 775.082 or s. 775.083.

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

380 Section 9. Subsection (2) of section 784.07, Florida
381 Statutes, is amended and subsection (4) is added to that
382 section, to read:

383 784.07 Assault or battery of law enforcement officers,
384 firefighters, emergency medical care providers, public transit
385 employees or agents, or other specified officers;
386 reclassification of offenses; minimum sentences.—

387 (2) Whenever any person is charged with knowingly
388 committing an assault or battery upon a law enforcement officer,
389 a firefighter, an emergency medical care provider, a railroad
390 special officer, a traffic accident investigation officer as
391 described in s. 316.640, a nonsworn law enforcement agency
392 employee who is certified as an agency inspector, a blood
393 alcohol analyst, or a breath test operator while such employee
394 is in uniform and engaged in processing, testing, evaluating,
395 analyzing, or transporting a person who is detained or under
396 arrest for DUI, a law enforcement explorer, a traffic infraction
397 enforcement officer as described in s. 316.640, a parking
398 enforcement specialist as defined in s. 316.640, a person
399 licensed as a security officer as defined in s. 493.6101 and
400 wearing a uniform that bears at least one patch or emblem that

401 is visible at all times that clearly identifies the employing
402 agency and that clearly identifies the person as a licensed
403 security officer, or a security officer employed by the board of
404 trustees of a community college, while the officer, firefighter,
405 emergency medical care provider, railroad special officer,
406 traffic accident investigation officer, traffic infraction
407 enforcement officer, inspector, analyst, operator, law
408 enforcement explorer, parking enforcement specialist, public
409 transit employee or agent, or security officer is engaged in the
410 lawful performance of his or her duties, the offense for which
411 the person is charged shall be reclassified as follows:

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

414 (b) In the case of battery, from a misdemeanor of the
415 first degree to a felony of the third degree. Notwithstanding
416 any other provision of law, a person convicted of battery upon a
417 law enforcement officer committed in furtherance of a riot or an
418 aggravated riot prohibited under s. 870.01 shall be sentenced to
419 a minimum term of imprisonment of 6 months.

420 (c) In the case of aggravated assault, from a felony of
421 the third degree to a felony of the second degree.
422 Notwithstanding any other provision of law, any person convicted
423 of aggravated assault upon a law enforcement officer shall be
424 sentenced to a minimum term of imprisonment of 3 years.

425 (d) In the case of aggravated battery, from a felony of

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426 the second degree to a felony of the first degree.
427 Notwithstanding any other provision of law, any person convicted
428 of aggravated battery of a law enforcement officer shall be
429 sentenced to a minimum term of imprisonment of 5 years.

430 (4) For purposes of sentencing under chapter 921 and
431 determining incentive gain-time eligibility under chapter 944, a
432 felony violation of this section committed by a person acting in
433 furtherance of a riot or an aggravated riot prohibited under s.
434 870.01 is ranked one level above the ranking under s. 921.0022
435 for the offense committed.

436 Section 10. Subsections (3) through (9) of section 806.13,
437 Florida Statutes, are renumbered as subsections (4) through
438 (10), respectively, a new subsection (3) is added to that
439 section, and present subsection (8) of that section is amended,
440 to read:

441 806.13 Criminal mischief; penalties; penalty for minor.—

442 (3) Any person who, without the consent of the owner
443 thereof, willfully and maliciously defaces, injures, or
444 otherwise damages by any means a memorial, as defined in s.
445 806.135, and the value of the damage to the memorial is greater
446 than \$200, commits a felony of the third degree, punishable as
447 provided in s. 775.082, s. 775.083, or s. 775.084. A court shall
448 order any person convicted of violating this subsection to pay
449 restitution, which shall include the full cost of repair or
450 replacement of such memorial.

451 ~~(9)(8)~~ A minor whose driver license or driving privilege
452 is revoked, suspended, or withheld under subsection ~~(8)(7)~~ may
453 elect to reduce the period of revocation, suspension, or
454 withholding by performing community service at the rate of 1 day
455 for each hour of community service performed. In addition, if
456 the court determines that due to a family hardship, the minor's
457 driver license or driving privilege is necessary for employment
458 or medical purposes of the minor or a member of the minor's
459 family, the court shall order the minor to perform community
460 service and reduce the period of revocation, suspension, or
461 withholding at the rate of 1 day for each hour of community
462 service performed. As used in this subsection, the term
463 "community service" means cleaning graffiti from public
464 property.

465 Section 11. Section 806.135, Florida Statutes, is created
466 to read:

467 806.135 Destroying or demolishing a memorial.-

468 (1) As used in this section, the term "memorial" means a
469 plaque, statue, marker, flag, banner, cenotaph, religious
470 symbol, painting, seal, tombstone, structure name, or display
471 that is constructed and located with the intent of being
472 permanently displayed or perpetually maintained; is dedicated to
473 a historical person, an entity, an event, or a series of events;
474 and honors or recounts the military service of any past or
475 present United States Armed Forces military personnel, or the

476 past or present public service of a resident of the geographical
477 area comprising the state or the United States. The term
478 includes, but is not limited to, the following memorials
479 established under chapter 265:

480 (a) Florida Women's Hall of Fame.

481 (b) Florida Medal of Honor Wall.

482 (c) Florida Veterans' Hall of Fame.

483 (d) POW-MIA Chair of Honor Memorial.

484 (e) Florida Veterans' Walk of Honor and Florida Veterans'
485 Memorial Garden.

486 (f) Florida Law Enforcement Officers' Hall of Fame.

487 (g) Florida Holocaust Memorial.

488 (h) Florida Slavery Memorial.

489 (i) Any other memorial located within the Capitol Complex,
490 including, but not limited to, Waller Park.

491 (2) It is unlawful for any person to willfully and
492 maliciously destroy or demolish any memorial, or pull down a
493 memorial, unless authorized by the owner of the memorial. A
494 person who violates this section commits a felony of the second
495 degree, punishable as provided in s. 775.082, s. 775.083, or s.
496 775.084.

497 (3) A court shall order any person convicted of violating
498 this section to pay restitution, which shall include the full
499 cost of repair or replacement of such memorial.

500 Section 12. Subsections (3) and (4) of section 810.02,

501 Florida Statutes, are amended to read:

502 810.02 Burglary.—

503 (3) Burglary is a felony of the second degree, punishable
 504 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
 505 course of committing the offense, the offender does not make an
 506 assault or battery and is not and does not become armed with a
 507 dangerous weapon or explosive, and the offender enters or
 508 remains in a:

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

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

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

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

517 (e) Authorized emergency vehicle, as defined in s.
 518 316.003; or

519 (f) Structure or conveyance when the offense intended to
 520 be committed therein is theft of a controlled substance as
 521 defined in s. 893.02. Notwithstanding any other law, separate
 522 judgments and sentences for burglary with the intent to commit
 523 theft of a controlled substance under this paragraph and for any
 524 applicable possession of controlled substance offense under s.
 525 893.13 or trafficking in controlled substance offense under s.

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526 893.135 may be imposed when all such offenses involve the same
527 amount or amounts of a controlled substance.

528
529 However, if the burglary is committed during a riot or an
530 aggravated riot prohibited under s. 870.01 and the perpetration
531 of the burglary is facilitated by conditions arising from the
532 riot; or within a county that is subject to a state of emergency
533 declared by the Governor under chapter 252 after the declaration
534 of emergency is made and the perpetration of the burglary is
535 facilitated by conditions arising from the emergency, the
536 burglary is a felony of the first degree, punishable as provided
537 in s. 775.082, s. 775.083, or s. 775.084. As used in this
538 subsection, the term "conditions arising from the riot" means
539 civil unrest, power outages, curfews, or a reduction in the
540 presence of or response time for first responders or homeland
541 security personnel and the term "conditions arising from the
542 emergency" means civil unrest, power outages, curfews, voluntary
543 or mandatory evacuations, or a reduction in the presence of or
544 response time for first responders or homeland security
545 personnel. A person arrested for committing a burglary during a
546 riot or an aggravated riot or within a county that is subject to
547 such a state of emergency may not be released until the person
548 appears before a committing magistrate at a first appearance
549 hearing. For purposes of sentencing under chapter 921, a felony
550 offense that is reclassified under this subsection is ranked one

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551 level above the ranking under s. 921.0022 or s. 921.0023 of the
552 offense committed.

553 (4) Burglary is a felony of the third degree, punishable
554 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
555 course of committing the offense, the offender does not make an
556 assault or battery and is not and does not become armed with a
557 dangerous weapon or explosive, and the offender enters or
558 remains in a:

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

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

563
564 However, if the burglary is committed during a riot or an
565 aggravated riot prohibited under s. 870.01 and the perpetration
566 of the burglary is facilitated by conditions arising from the
567 riot; or within a county that is subject to a state of emergency
568 declared by the Governor under chapter 252 after the declaration
569 of emergency is made and the perpetration of the burglary is
570 facilitated by conditions arising from the emergency, the
571 burglary is a felony of the second degree, punishable as
572 provided in s. 775.082, s. 775.083, or s. 775.084. As used in
573 this subsection, the terms "conditions arising from the riot"
574 and ~~term~~ "conditions arising from the emergency" have the same
575 meanings as provided in subsection (3) ~~means civil unrest, power~~

576 ~~outages, curfews, voluntary or mandatory evacuations, or a~~
577 ~~reduction in the presence of or response time for first~~
578 ~~responders or homeland security personnel.~~ A person arrested for
579 committing a burglary during a riot or an aggravated riot or
580 within a county that is subject to such a state of emergency may
581 not be released until the person appears before a committing
582 magistrate at a first appearance hearing. For purposes of
583 sentencing under chapter 921, a felony offense that is
584 reclassified under this subsection is ranked one level above the
585 ranking under s. 921.0022 or s. 921.0023 of the offense
586 committed.

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

589 812.014 Theft.—

590 (2)

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

593 2. The property stolen is cargo valued at less than
594 \$50,000 that has entered the stream of interstate or intrastate
595 commerce from the shipper's loading platform to the consignee's
596 receiving dock;

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

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601 4. The property stolen is law enforcement equipment,
602 valued at \$300 or more, that is taken from an authorized
603 emergency vehicle, as defined in s. 316.003,
604
605 the offender commits grand theft in the second degree,
606 punishable as a felony of the second degree, as provided in s.
607 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
608 means mechanical or electronic apparatus used to provide
609 emergency services and care as defined in s. 395.002(9) or to
610 treat medical emergencies. Law enforcement equipment means any
611 property, device, or apparatus used by any law enforcement
612 officer as defined in s. 943.10 in the officer's official
613 business. However, if the property is stolen during a riot or an
614 aggravated riot prohibited under s. 870.01 and the perpetration
615 of the theft is facilitated by conditions arising from the riot;
616 or within a county that is subject to a state of emergency
617 declared by the Governor under chapter 252, the theft is
618 committed after the declaration of emergency is made, and the
619 perpetration of the theft is facilitated by conditions arising
620 from the emergency, the theft is a felony of the first degree,
621 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
622 As used in this paragraph, the term "conditions arising from the
623 riot" means civil unrest, power outages, curfews, or a reduction
624 in the presence of or response time for first responders or
625 homeland security personnel and the term "conditions arising

626 from the emergency" means civil unrest, power outages, curfews,
627 voluntary or mandatory evacuations, or a reduction in the
628 presence of or response time for first responders or homeland
629 security personnel. A person arrested for committing a theft
630 during a riot or an aggravated riot or within a county that is
631 subject to a state of emergency may not be released until the
632 person appears before a committing magistrate at a first
633 appearance hearing. For purposes of sentencing under chapter
634 921, a felony offense that is reclassified under this paragraph
635 is ranked one level above the ranking under s. 921.0022 or s.
636 921.0023 of the offense committed.

637 (c) It is grand theft of the third degree and a felony of
638 the third degree, punishable as provided in s. 775.082, s.
639 775.083, or s. 775.084, if the property stolen is:

- 640 1. Valued at \$750 or more, but less than \$5,000.
- 641 2. Valued at \$5,000 or more, but less than \$10,000.
- 642 3. Valued at \$10,000 or more, but less than \$20,000.
- 643 4. A will, codicil, or other testamentary instrument.
- 644 5. A firearm.
- 645 6. A motor vehicle, except as provided in paragraph (a).
- 646 7. Any commercially farmed animal, including any animal of
647 the equine, avian, bovine, or swine class or other grazing
648 animal; a bee colony of a registered beekeeper; and aquaculture
649 species raised at a certified aquaculture facility. If the
650 property stolen is a commercially farmed animal, including an

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651 animal of the equine, avian, bovine, or swine class or other
 652 grazing animal; a bee colony of a registered beekeeper; or an
 653 aquaculture species raised at a certified aquaculture facility,
 654 a \$10,000 fine shall be imposed.

655 8. Any fire extinguisher that, at the time of the taking,
 656 was installed in any building for the purpose of fire prevention
 657 and control. This subparagraph does not apply to a fire
 658 extinguisher taken from the inventory at a point-of-sale
 659 business.

660 9. Any amount of citrus fruit consisting of 2,000 or more
 661 individual pieces of fruit.

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

664 11. Any stop sign.

665 12. Anhydrous ammonia.

666 13. Any amount of a controlled substance as defined in s.
 667 893.02. Notwithstanding any other law, separate judgments and
 668 sentences for theft of a controlled substance under this
 669 subparagraph and for any applicable possession of controlled
 670 substance offense under s. 893.13 or trafficking in controlled
 671 substance offense under s. 893.135 may be imposed when all such
 672 offenses involve the same amount or amounts of a controlled
 673 substance.

674
 675 However, if the property is stolen during a riot or an

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676 aggravated riot prohibited under s. 870.01 and the perpetration
677 of the theft is facilitated by conditions arising from the riot;
678 or within a county that is subject to a state of emergency
679 declared by the Governor under chapter 252, the property is
680 stolen after the declaration of emergency is made, and the
681 perpetration of the theft is facilitated by conditions arising
682 from the emergency, the offender commits a felony of the second
683 degree, punishable as provided in s. 775.082, s. 775.083, or s.
684 775.084, if the property is valued at \$5,000 or more, but less
685 than \$10,000, as provided under subparagraph 2., or if the
686 property is valued at \$10,000 or more, but less than \$20,000, as
687 provided under subparagraph 3. As used in this paragraph, the
688 terms "conditions arising from a riot" and ~~term~~ "conditions
689 arising from the emergency" have the same meanings as provided
690 in paragraph (b). A person arrested for committing a theft
691 during a riot or an aggravated riot or within a county that is
692 subject to a state of emergency may not be released until the
693 person appears before a committing magistrate at a first
694 appearance hearing ~~means civil unrest, power outages, curfews,~~
695 ~~voluntary or mandatory evacuations, or a reduction in the~~
696 ~~presence of or the response time for first responders or~~
697 ~~homeland security personnel.~~ For purposes of sentencing under
698 chapter 921, a felony offense that is reclassified under this
699 paragraph is ranked one level above the ranking under s.
700 921.0022 or s. 921.0023 of the offense committed.

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701 Section 14. Section 836.115, Florida Statutes, is created
702 to read:

703 836.115 Cyberintimidation by publication.-

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

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

707 (b) "Harass" has the same meaning as provided in s.
708 817.568(1)(c).

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

711 (2) A person who electronically publishes another's
712 personal identification information with the intent to, or with
713 the intent the information will be used by another to, threaten,
714 intimidate, harass, incite violence, or commit a crime against a
715 person, or place a person in reasonable fear of death or great
716 bodily harm commits a misdemeanor of a first degree, punishable
717 as provided in s. 775.082 or s. 775.083.

718 Section 15. Section 870.01, Florida Statutes, is amended
719 to read:

720 870.01 Affrays and riots.-

721 (1) A person who, by mutual consent, engages in fighting
722 with another in a public place to the terror of the people
723 commits ~~All persons guilty of an affray, shall be guilty of a~~
724 misdemeanor of the first degree, punishable as provided in s.
725 775.082 or s. 775.083.

726 (2) A person who participates in a public disturbance
727 involving an assembly of three or more persons acting with a
728 common intent to mutually assist each other in disorderly and
729 violent conduct resulting in injury or damage to another person
730 or property, or creating a clear and present danger of injury or
731 damage to another person or property, commits ~~All persons guilty~~
732 ~~of a riot, or of inciting or encouraging a riot, shall be guilty~~
733 ~~of a felony of the third degree, punishable as provided in s.~~
734 ~~775.082, s. 775.083, or s. 775.084.~~

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

737 (a) Participates with nine or more other persons;

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

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

741 (d) Displays, uses, threatens to use, or attempts to use a
742 deadly weapon; or

743 (e) By force, or threat of force, endangers the safe
744 movement of a vehicle traveling on a public street, highway, or
745 road.

746
747 A violation of this subsection is a felony of the second degree,
748 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

749 (4) A person who willfully incites or encourages another
750 to participate in a riot, resulting in a riot or a clear and

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751 present danger of a riot, commits inciting or encouraging a
752 riot, a felony of the third degree, punishable as provided in s.
753 775.082, s. 775.083, or s. 775.084.

754 (5) A person commits aggravated inciting or encouraging a
755 riot if he or she:

756 (a) Incites or encourages a riot resulting in great bodily
757 harm to another person not participating in the riot;

758 (b) Incites or encourages a riot resulting in property
759 damage in excess of \$5,000; or

760 (c) Supplies a deadly weapon to another person or teaches
761 another person to prepare a deadly weapon with intent that the
762 deadly weapon be used in a riot.

763
764 A violation of this subsection is a felony of the second degree,
765 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

766 (6) Except for a violation of subsection (1), a person
767 arrested for a violation of this section shall be held in
768 custody until brought before the court for admittance to bail in
769 accordance with chapter 903.

770 Section 16. Section 870.02, Florida Statutes, is amended
771 to read:

772 870.02 Unlawful assemblies.—

773 (1) If three or more persons meet together to commit a
774 breach of the peace, or to do any other unlawful act, each of
775 them ~~commits~~ shall be guilty of a misdemeanor of the second

776 degree, punishable as provided in s. 775.082 or s. 775.083.

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

780 Section 17. Section 870.03, Florida Statutes, is amended
 781 to read:

782 870.03 Riots and routs.—

783 (1) If any persons unlawfully assembled demolish, pull
 784 down or destroy, or begin to demolish, pull down or destroy, any
 785 dwelling house or other building, or any ship or vessel, each of
 786 them ~~commits shall be guilty of~~ a felony of the third degree,
 787 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

791 Section 18. Section 870.07, Florida Statutes, is created
 792 to read:

793 870.07 Affirmative defense in civil action; party
 794 convicted of riot or unlawful assembly.—

795 (1) In a civil action for damages for personal injury,
 796 wrongful death, or property damage, it is an affirmative defense
 797 that such action arose from injury or damage sustained by a
 798 participant acting in furtherance of a riot or unlawful
 799 assembly. The affirmative defense authorized by this section
 800 shall be established by evidence that the participant has been

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801 convicted of riot, aggravated riot, or unlawful assembly, or by
802 proof of the commission of such crime by a preponderance of the
803 evidence.

804 (2) In a civil action in which a defendant raises an
805 affirmative defense under this section, the court must, on
806 motion by the defendant, stay the action during the pendency of
807 a criminal action that forms the basis for the defense, unless
808 the court finds that a conviction in the criminal action would
809 not form a valid defense under this section.

810 Section 19. Subsections (3) through (6) of section 872.02,
811 Florida Statutes, are renumbered as subsections (4) through (7),
812 respectively, a new subsection (3) is added to that section,
813 subsections (1) and (2) of that section are republished, and
814 present subsection (6) of that section is amended, to read:

815 872.02 Injuring or removing tomb or monument; disturbing
816 contents of grave or tomb; penalties.—

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

820 (a) Willfully and knowingly destroys, mutilates, defaces,
821 injures, or removes any tomb, monument, gravestone, burial
822 mound, earthen or shell monument containing human skeletal
823 remains or associated burial artifacts, or other structure or
824 thing placed or designed for a memorial of the dead, or any
825 fence, railing, curb, or other thing intended for the protection

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826 or ornamentation of any tomb, monument, gravestone, burial
827 mound, earthen or shell monument containing human skeletal
828 remains or associated burial artifacts, or other structure
829 before mentioned, or for any enclosure for the burial of the
830 dead; or

831 (b) Willfully destroys, mutilates, removes, cuts, breaks,
832 or injures any tree, shrub, or plant placed or being within any
833 such enclosure, except for a person performing routine
834 maintenance and upkeep.

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

839 (3) For purposes of sentencing under chapter 921 and
840 determining incentive gain-time eligibility under chapter 944, a
841 violation of this section, committed by a person in furtherance
842 of a riot or an aggravated riot prohibited under s. 870.01 is
843 ranked one level above the ranking under s. 921.0022 or s.
844 921.0023 for the offense committed.

845 (7)~~(6)~~ If a legally authorized person refuses to sign a
846 written authorization, as provided in paragraph (6) (a)~~(5) (a)~~, or
847 if a legally authorized person objects, as provided in paragraph
848 (6) (b) ~~(5) (b)~~, a public hearing shall be held before the county
849 commission of the county where the cemetery is located, or the
850 city council, if the cemetery is located in a municipality, and

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851 the county commission or the city council shall have the
 852 authority to grant a request for relocation of the contents of
 853 such graves or tombs.

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

856 921.0022 Criminal Punishment Code; offense severity
 857 ranking chart.—

858 (3) OFFENSE SEVERITY RANKING CHART

859 (b) LEVEL 2

860

Florida	Felony	Description
Statute	Degree	
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 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

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feet in volume or any quantity
for commercial purposes, or
hazardous waste.

864

517.07(2) 3rd Failure to furnish a prospectus
meeting requirements.

865

590.28(1) 3rd Intentional burning of lands.

866

784.03(3) 3rd Battery during a riot or an
aggravated riot.

867

784.05(3) 3rd Storing or leaving a loaded
firearm within reach of minor
who uses it to inflict injury
or death.

868

787.04(1) 3rd In violation of court order,
take, entice, etc., minor
beyond state limits.

869

806.13(1)(b)3. 3rd Criminal mischief; damage
\$1,000 or more to public
communication or any other
public service.

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870	<u>806.13(3)</u>	<u>3rd</u>	<u>Criminal mischief; damage of \$200 or more to a memorial.</u>
871	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
872	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
873	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.
874	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.
875	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

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817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
817.52(3)	3rd	Failure to redeliver hired vehicle.
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
817.60(5)	3rd	Dealing in credit cards of another.
817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.

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883	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
884	831.01	3rd	Forgery.
885	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
886	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
887	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
888	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
889	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.

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890	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
891	843.08	3rd	False personation.
892	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.
893	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
894			
895	(c) LEVEL 3		
896	Florida	Felony	
	Statute	Degree	Description
897	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
898			

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899	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
900	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
901	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
902	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
903	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
904	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

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905	327.35 (2) (b)	3rd	Felony BUI.
906	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
907	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
908	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
909	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.

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910	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.
911	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
912	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
913	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
914	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a

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report.

915 501.001 (2) (b) 2nd Tampers with a consumer product
or the container using
materially false/misleading
information.

916 624.401 (4) (a) 3rd Transacting insurance without a
certificate of authority.

917 624.401 (4) (b) 1. 3rd Transacting insurance without a
certificate of authority;
premium collected less than
\$20,000.

918 626.902 (1) (a) & 3rd Representing an unauthorized
(b) insurer.

919 697.08 3rd Equity skimming.

920 790.15 (3) 3rd Person directs another to
discharge firearm from a
vehicle.

921 806.10 (1) 3rd Maliciously injure, destroy, or

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922			interfere with vehicles or equipment used in firefighting.
923	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
924	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
925	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
926	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
927	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
928	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.

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929	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
930	817.233	3rd	Burning to defraud insurer.
931	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
932	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
933	817.236	3rd	Filing a false motor vehicle insurance application.
934	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
935	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.

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936	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
937	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
938	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
939	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
940	860.15 (3)	3rd	Overcharging for repairs and parts.
941	870.01 (2)	3rd	Riot; inciting or encouraging.
942	<u>870.01 (4)</u>	<u>3rd</u>	<u>Inciting or encouraging a riot.</u>
	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver

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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).

943

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.

944

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.

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

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946	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
947	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
948	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
949	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
950	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
951	893.13(8)(a)1.	3rd	Knowingly assist a patient,

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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.

952

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.

953

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

954

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

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practitioner.

955

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

956

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

957

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

958

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

959

960 (d) LEVEL 4

961

Florida	Felony	
Statute	Degree	Description

962

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

963

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

964

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

965

517.07(1) 3rd Failure to register securities.

966

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

967

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

968

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

969

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970	784.075	3rd	Battery on detention or commitment facility staff.
971	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
972	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
973	784.081 (3)	3rd	Battery on specified official or employee.
974	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
975	784.083 (3)	3rd	Battery on code inspector.
976	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
	787.03 (1)	3rd	Interference with custody; wrongly takes minor from

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appointed guardian.

977 787.04 (2) 3rd Take, entice, or remove child
beyond state limits with
criminal intent pending custody
proceedings.

978 787.04 (3) 3rd Carrying child beyond state
lines with criminal intent to
avoid producing child at
custody hearing or delivering
to designated person.

979 787.07 3rd Human smuggling.

980 790.115 (1) 3rd Exhibiting firearm or weapon
within 1,000 feet of a school.

981 790.115 (2) (b) 3rd Possessing electric weapon or
device, destructive device, or
other weapon on school
property.

982 790.115 (2) (c) 3rd Possessing firearm on school
property.

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983	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
984	<u>806.135</u>	<u>2nd</u>	<u>Destroying or demolishing a memorial.</u>
985	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
986	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
987	810.06	3rd	Burglary; possession of tools.
988	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
989	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

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990	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
991	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
992	817.505(4) (a)	3rd	Patient brokering.
993	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
994	817.568(2) (a)	3rd	Fraudulent use of personal identification information.
995	817.625(2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
996	817.625(2) (c)	3rd	Possess, sell, or deliver skimming device.
997			

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998	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
999	837.02 (1)	3rd	Perjury in official proceedings.
1000	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1001	838.022	3rd	Official misconduct.
1002	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1003	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
1004	843.021	3rd	Possession of a concealed handcuff key by a person in custody.

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1005	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
1006	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
1007	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
1008	<u>870.01(3)</u>	<u>3rd</u>	<u>Aggravated rioting.</u>
1009	<u>870.01(5)</u>	<u>3rd</u>	<u>Aggravated inciting or encouraging a riot.</u>
1010	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
	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.

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			drugs).
1011			
	914.14 (2)	3rd	Witnesses accepting bribes.
1012			
	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1013			
	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1014			
	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
1015			
	918.12	3rd	Tampering with jurors.
1016			
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
1017			
	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

