

1 A bill to be entitled
2 An act relating to combating public disorder; amending
3 s. 166.241, F.S.; authorizing specified elected
4 officials to file an appeal to the Administration
5 Commission if the governing body of a municipality
6 makes a specified reduction to the operating budget of
7 the 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 to use imminent force against another
38 | person to do or refrain from doing any act or to
39 | assume, abandon, or maintain a particular viewpoint
40 | under certain circumstances; providing a penalty;
41 | requiring a person arrested for a violation to be held
42 | in custody until first appearance; amending s. 784.07,
43 | F.S.; requiring a minimum term of imprisonment for a
44 | person convicted of battery on a law enforcement
45 | officer committed in furtherance of a riot or an
46 | aggravated riot; increasing the offense severity
47 | ranking of an assault or battery against specified
48 | persons for the purposes of the Criminal Punishment
49 | Code if committed in furtherance of a riot or an
50 | aggravated riot; amending s. 806.13, F.S.; prohibiting

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

76 prohibiting a person from inciting a riot; providing
77 an increased penalty for inciting a riot under
78 specified circumstances; providing definitions;
79 requiring a person arrested for such a violation to be
80 held in custody until first appearance; providing an
81 exception; amending s. 870.02, F.S.; requiring a
82 person arrested for an unlawful assembly to be held in
83 custody until first appearance; repealing s. 870.03,
84 F.S.; relating to riots or routs; creating s. 870.07,
85 F.S.; creating an affirmative defense to a civil
86 action where the plaintiff participated in a riot;
87 amending s. 872.02, F.S.; increasing the offense
88 severity ranking of specified offenses involving
89 graves and tombs for the purposes of the Criminal
90 Punishment Code if committed in furtherance of a riot
91 or an aggravated riot; amending s. 921.0022, F.S.;
92 conforming provisions to changes made by the act;
93 ranking offenses created by the act on the offense
94 severity ranking chart; providing an effective date.

95
96 Be It Enacted by the Legislature of the State of Florida:

97
98 Section 1. Subsections (4) through (6) of section 166.241,
99 Florida Statutes, are renumbered as subsections (6) through (8),
100 respectively, new subsections (4) and (5) are added to that

101 section, and present subsection (6) of that section is amended,
102 to read:

103 166.241 Fiscal years, budgets, appeal of municipal law
104 enforcement agency budget, and budget amendments.—

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

123 (b) The governing body of the municipality has 5 working
124 days after service of a copy of the petition to file a reply
125 with the Executive Office of the Governor, and shall serve a

126 copy of such reply to the petitioner.

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

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

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

151 316.2045 Obstruction of public streets, highways, and
152 roads.—

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

156 1. Impeding, hindering, stifling, retarding, or
157 restraining traffic or passage thereon; ~~by~~

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

160 3. Endangering the safe movement of vehicles or
161 pedestrians traveling thereon.

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

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

168 ~~(2) It is unlawful, without proper authorization or a~~
169 ~~lawful permit, for any person or persons willfully to obstruct~~
170 ~~the free, convenient, and normal use of any public street,~~
171 ~~highway, or road by any of the means specified in subsection (1)~~
172 ~~in order to solicit. Any person who violates the provisions of~~
173 ~~this subsection is guilty of a misdemeanor of the second degree,~~
174 ~~punishable as provided in s. 775.082 or s. 775.083.~~
175 ~~Organizations qualified under s. 501(c)(3) of the Internal~~

176 ~~Revenue Code and registered pursuant to chapter 496, or persons~~
177 ~~or organizations acting on their behalf are exempted from the~~
178 ~~provisions of this subsection for activities on streets or roads~~
179 ~~not maintained by the state. Permits for the use of any portion~~
180 ~~of a state-maintained road or right-of-way shall be required~~
181 ~~only for those purposes and in the manner set out in s. 337.406.~~

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

191 ~~(a) The organization, or the person or organization acting~~
192 ~~on behalf of the organization, must provide all of the following~~
193 ~~to the local government:~~

194 ~~1. No fewer than 14 calendar days prior to the proposed~~
195 ~~solicitation, the name and address of the person or organization~~
196 ~~that will perform the solicitation and the name and address of~~
197 ~~the organization that will receive funds from the solicitation.~~

198 ~~2. For review and comment, a plan for the safety of all~~
199 ~~persons participating in the solicitation, as well as the~~
200 ~~motoring public, at the locations where the solicitation will~~

201 ~~take place.~~

202 ~~3. Specific details of the location or locations of the~~
203 ~~proposed solicitation and the hours during which the~~
204 ~~solicitation activities will occur.~~

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

215 ~~5. Proof of registration with the Department of~~
216 ~~Agriculture and Consumer Services pursuant to s. 496.405 or~~
217 ~~proof that the soliciting organization is exempt from the~~
218 ~~registration requirement.~~

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

222 ~~(c) All solicitation shall occur during daylight hours~~
223 ~~only.~~

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

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

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

231 ~~(f) All persons participating in the solicitation shall be~~
232 ~~at least 18 years of age and shall possess picture~~
233 ~~identification.~~

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

236 ~~(h) The local government may stop solicitation activities~~
237 ~~if any conditions or requirements of this subsection are not~~
238 ~~met.~~

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

242 (2)~~(5)~~ Notwithstanding the provisions of subsection (1),
243 any commercial vehicle used solely for the purpose of collecting
244 solid waste or recyclable or recovered materials may stop or
245 stand on any public street, highway, or road for the sole
246 purpose of collecting solid waste or recyclable or recovered
247 materials. However, such solid waste or recyclable or recovered
248 materials collection vehicle shall show or display amber
249 flashing hazard lights at all times that it is engaged in
250 stopping or standing for the purpose of collecting solid waste

251 or recyclable or recovered materials. Local governments may
252 establish reasonable regulations governing the standing and
253 stopping of such commercial vehicles, provided that such
254 regulations are applied uniformly and without regard to the
255 ownership of the vehicles.

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

258 768.28 Waiver of sovereign immunity in tort actions;
259 recovery limits; civil liability for damages caused during a
260 riot; limitation on attorney fees; statute of limitations;
261 exclusions; indemnification; risk management programs.—

262 (5) (a) The state and its agencies and subdivisions shall
263 be liable for tort claims in the same manner and to the same
264 extent as a private individual under like circumstances, but
265 liability shall not include punitive damages or interest for the
266 period before judgment. Neither the state nor its agencies or
267 subdivisions shall be liable to pay a claim or a judgment by any
268 one person which exceeds the sum of \$200,000 or any claim or
269 judgment, or portions thereof, which, when totaled with all
270 other claims or judgments paid by the state or its agencies or
271 subdivisions arising out of the same incident or occurrence,
272 exceeds the sum of \$300,000. However, a judgment or judgments
273 may be claimed and rendered in excess of these amounts and may
274 be settled and paid pursuant to this act up to \$200,000 or
275 \$300,000, as the case may be; and that portion of the judgment

276 that exceeds these amounts may be reported to the Legislature,
277 but may be paid in part or in whole only by further act of the
278 Legislature. Notwithstanding the limited waiver of sovereign
279 immunity provided herein, the state or an agency or subdivision
280 thereof may agree, within the limits of insurance coverage
281 provided, to settle a claim made or a judgment rendered against
282 it without further action by the Legislature, but the state or
283 agency or subdivision thereof shall not be deemed to have waived
284 any defense of sovereign immunity or to have increased the
285 limits of its liability as a result of its obtaining insurance
286 coverage for tortious acts in excess of the \$200,000 or \$300,000
287 waiver provided above. The limitations of liability set forth in
288 this subsection shall apply to the state and its agencies and
289 subdivisions whether or not the state or its agencies or
290 subdivisions possessed sovereign immunity before July 1, 1974.

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

301 Section 4. Subsection (2) of section 784.011, Florida
 302 Statutes, is amended and subsection (3) is added to that
 303 section, to read:

304 784.011 Assault.—

305 (2) Except as provided in subsection (3), a person who
 306 assaults another person ~~Whoever commits an assault shall be~~
 307 ~~guilty of~~ a misdemeanor of the second degree, punishable as
 308 provided in s. 775.082 or s. 775.083.

309 (3) A person who assaults another person in furtherance of
 310 a riot or an aggravated riot prohibited under s. 870.01 commits
 311 a misdemeanor of the first degree, punishable as provided in s.
 312 775.082 or s. 775.083.

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

316 784.021 Aggravated assault.—

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

320 (3) For the purposes of sentencing under chapter 921, a
 321 violation of this section committed by a person acting in
 322 furtherance of a riot or an aggravated riot prohibited under s.
 323 870.01 is ranked one level above the ranking under s. 921.0022
 324 for the offense committed.

325 Section 6. Section 784.03, Florida Statutes, is amended to

326 read:

327 784.03 Battery; felony battery.—

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

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

331 2. Intentionally causes bodily harm to another person.

332 (b) Except as provided in subsection (2) or subsection
333 (3), a person who commits battery commits a misdemeanor of the
334 first degree, punishable as provided in s. 775.082 or s.
335 775.083.

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

344 (3) A person who commits a battery in furtherance of a
345 riot or an aggravated riot prohibited under s. 870.01 commits a
346 felony of the third degree, punishable as provided in s.
347 775.082, s. 775.083, or 775.084.

348 Section 7. Section 784.045, Florida Statutes, is amended
349 to read:

350 784.045 Aggravated battery.—

351 (1) (a) A person commits aggravated battery who, in
 352 committing battery:

353 1. Intentionally or knowingly causes great bodily harm,
 354 permanent disability, or permanent disfigurement; or

355 2. Uses a deadly weapon.

356 (b) A person commits aggravated battery if the person who
 357 was the victim of the battery was pregnant at the time of the
 358 offense and the offender knew or should have known that the
 359 victim was pregnant.

360 (2) A person who violates subsection (1) commits ~~whoever~~
 361 ~~commits aggravated battery shall be guilty of~~ a felony of the
 362 second degree, punishable as provided in s. 775.082, s. 775.083,
 363 or s. 775.084.

364 (3) For the purposes of sentencing under chapter 921, a
 365 violation of this section committed by a person acting in
 366 furtherance of a riot or an aggravated riot prohibited under s.
 367 870.01 is ranked one level above the ranking under s. 921.0022
 368 for the offense committed.

369 Section 8. Section 784.0495, Florida Statutes, is created
 370 to read:

371 784.0495 Mob intimidation.-

372 (1) It is unlawful for a person, assembled with two or
 373 more other persons and acting with a common intent, to use force
 374 or threaten to use imminent force, to compel or induce, or
 375 attempt to compel or induce, another person to do or refrain

376 from doing any act or to assume, abandon, or maintain a
377 particular viewpoint against his or her will.

378 (2) A person who violates subsection (1) commits a
379 misdemeanor of the first degree, punishable as provided in s.
380 775.082 or s. 775.083.

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

384 Section 9. Subsection (2) of section 784.07, Florida
385 Statutes, is amended and subsection (4) is added to that
386 section, to read:

387 784.07 Assault or battery of law enforcement officers,
388 firefighters, emergency medical care providers, public transit
389 employees or agents, or other specified officers;
390 reclassification of offenses; minimum sentences.—

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

401 enforcement officer as described in s. 316.640, a parking
402 enforcement specialist as defined in s. 316.640, a person
403 licensed as a security officer as defined in s. 493.6101 and
404 wearing a uniform that bears at least one patch or emblem that
405 is visible at all times that clearly identifies the employing
406 agency and that clearly identifies the person as a licensed
407 security officer, or a security officer employed by the board of
408 trustees of a community college, while the officer, firefighter,
409 emergency medical care provider, railroad special officer,
410 traffic accident investigation officer, traffic infraction
411 enforcement officer, inspector, analyst, operator, law
412 enforcement explorer, parking enforcement specialist, public
413 transit employee or agent, or security officer is engaged in the
414 lawful performance of his or her duties, the offense for which
415 the person is charged shall be reclassified as follows:

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

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

424 (c) In the case of aggravated assault, from a felony of
425 the third degree to a felony of the second degree.

426 Notwithstanding any other provision of law, any person convicted
 427 of aggravated assault upon a law enforcement officer shall be
 428 sentenced to a minimum term of imprisonment of 3 years.

429 (d) In the case of aggravated battery, from a felony of
 430 the second degree to a felony of the first degree.

431 Notwithstanding any other provision of law, any person convicted
 432 of aggravated battery of a law enforcement officer shall be
 433 sentenced to a minimum term of imprisonment of 5 years.

434 (4) For purposes of sentencing under chapter 921, a felony
 435 violation of this section committed by a person acting in
 436 furtherance of a riot or an aggravated riot prohibited under s.
 437 870.01 is ranked one level above the ranking under s. 921.0022
 438 for the offense committed.

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

444 806.13 Criminal mischief; penalties; penalty for minor.—

445 (3) Any person who, without the consent of the owner
 446 thereof, willfully and maliciously defaces, injures, or
 447 otherwise damages by any means a memorial, as defined in s.
 448 806.135(1), and the value of the damage to the memorial is
 449 greater than \$200, commits a felony of the third degree,
 450 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

451 A court shall order any person convicted of violating this
452 subsection to pay restitution, which shall include the full cost
453 of repair or replacement of such memorial.

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

468 Section 11. Section 806.135, Florida Statutes, is created
469 to read:

470 806.135 Destroying or demolishing a memorial.—

471 (1) As used in this section, the term "memorial" means a
472 plaque, statue, marker, flag, banner, cenotaph, religious
473 symbol, painting, seal, tombstone, structure name, or display
474 that is constructed and located with the intent of being
475 permanently displayed or perpetually maintained; is dedicated to

476 a historical person, an entity, an event, or a series of events;
477 and honors or recounts the military service of any past or
478 present United States Armed Forces military personnel, or the
479 past or present public service of a resident of the geographical
480 area comprising the state or the United States. The term
481 includes, but is not limited to, the following memorials
482 established under chapter 265:

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

484 (b) Florida Medal of Honor Wall.

485 (c) Florida Veterans' Hall of Fame.

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

487 (e) Florida Veterans' Walk of Honor and Florida Veterans'
488 Memorial Garden.

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

490 (g) Florida Holocaust Memorial.

491 (h) Florida Slavery Memorial.

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

494 (2) It is unlawful for any person to willfully and
495 maliciously destroy or demolish any memorial, or pull down a
496 memorial, unless authorized by the owner of the memorial. A
497 person who violates this section commits a felony of the second
498 degree, punishable as provided in s. 775.082, s. 775.083, or s.
499 775.084.

500 (3) A court shall order any person convicted of violating

501 this section to pay restitution, which shall include the full
502 cost of repair or replacement of such memorial.

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

505 810.02 Burglary.—

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

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

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

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

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

520 (e) Authorized emergency vehicle, as defined in s.
521 316.003; or

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

526 theft of a controlled substance under this paragraph and for any
527 applicable possession of controlled substance offense under s.
528 893.13 or trafficking in controlled substance offense under s.
529 893.135 may be imposed when all such offenses involve the same
530 amount or amounts of a controlled substance.

531

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

551 appears before a committing magistrate at a first appearance
552 hearing. For purposes of sentencing under chapter 921, a felony
553 offense that is reclassified under this subsection is ranked one
554 level above the ranking under s. 921.0022 or s. 921.0023 of the
555 offense committed.

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

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

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

566

567 However, if the burglary is committed during a riot or an
568 aggravated riot prohibited under s. 870.01 and the perpetration
569 of the burglary is facilitated by conditions arising from the
570 riot; or within a county that is subject to a state of emergency
571 declared by the Governor under chapter 252 after the declaration
572 of emergency is made and the perpetration of the burglary is
573 facilitated by conditions arising from the emergency, the
574 burglary is a felony of the second degree, punishable as
575 provided in s. 775.082, s. 775.083, or s. 775.084. As used in

576 | this subsection, the terms "conditions arising from the riot"
 577 | and ~~term~~ "conditions arising from the emergency" have the same
 578 | meanings as provided in subsection (3) ~~means civil unrest, power~~
 579 | ~~outages, curfews, voluntary or mandatory evacuations, or a~~
 580 | ~~reduction in the presence of or response time for first~~
 581 | ~~responders or homeland security personnel~~. A person arrested for
 582 | committing a burglary during a riot or an aggravated riot or
 583 | within a county that is subject to such a state of emergency may
 584 | not be released until the person appears before a committing
 585 | magistrate at a first appearance hearing. For purposes of
 586 | sentencing under chapter 921, a felony offense that is
 587 | reclassified under this subsection is ranked one level above the
 588 | ranking under s. 921.0022 or s. 921.0023 of the offense
 589 | committed.

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

592 | 812.014 Theft.—

593 | (2)

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

596 | 2. The property stolen is cargo valued at less than
 597 | \$50,000 that has entered the stream of interstate or intrastate
 598 | commerce from the shipper's loading platform to the consignee's
 599 | receiving dock;

600 | 3. The property stolen is emergency medical equipment,

601 valued at \$300 or more, that is taken from a facility licensed
602 under chapter 395 or from an aircraft or vehicle permitted under
603 chapter 401; or

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

626 riot" means civil unrest, power outages, curfews, or a reduction
627 in the presence of or response time for first responders or
628 homeland security personnel and the term "conditions arising
629 from the emergency" means civil unrest, power outages, curfews,
630 voluntary or mandatory evacuations, or a reduction in the
631 presence of or response time for first responders or homeland
632 security personnel. A person arrested for committing a theft
633 during a riot or an aggravated riot or within a county that is
634 subject to a state of emergency may not be released until the
635 person appears before a committing magistrate at a first
636 appearance hearing. For purposes of sentencing under chapter
637 921, a felony offense that is reclassified under this paragraph
638 is ranked one level above the ranking under s. 921.0022 or s.
639 921.0023 of the offense committed.

640 (c) It is grand theft of the third degree and a felony of
641 the third degree, punishable as provided in s. 775.082, s.
642 775.083, or s. 775.084, if the property stolen is:

- 643 1. Valued at \$750 or more, but less than \$5,000.
- 644 2. Valued at \$5,000 or more, but less than \$10,000.
- 645 3. Valued at \$10,000 or more, but less than \$20,000.
- 646 4. A will, codicil, or other testamentary instrument.
- 647 5. A firearm.
- 648 6. A motor vehicle, except as provided in paragraph (a).
- 649 7. Any commercially farmed animal, including any animal of
650 the equine, avian, bovine, or swine class or other grazing

651 animal; a bee colony of a registered beekeeper; and aquaculture
 652 species raised at a certified aquaculture facility. If the
 653 property stolen is a commercially farmed animal, including an
 654 animal of the equine, avian, bovine, or swine class or other
 655 grazing animal; a bee colony of a registered beekeeper; or an
 656 aquaculture species raised at a certified aquaculture facility,
 657 a \$10,000 fine shall be imposed.

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

663 9. Any amount of citrus fruit consisting of 2,000 or more
 664 individual pieces of fruit.

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

667 11. Any stop sign.

668 12. Anhydrous ammonia.

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

676 substance.

677

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

701 chapter 921, a felony offense that is reclassified under this
702 paragraph is ranked one level above the ranking under s.
703 921.0022 or s. 921.0023 of the offense committed.

704 Section 14. Section 836.115, Florida Statutes, is created
705 to read:

706 836.115 Cyberintimidation by publication.-

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

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

710 (b) "Harass" has the same meaning as provided in s.
711 817.568(1)(c).

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

714 (2) It is unlawful for a person to electronically publish
715 another person's personal identification information with the
716 intent to, or with the intent that a third party will use the
717 information to:

718 (a) Incite violence or commit a crime against the person;
719 or

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

722
723 A person who violates this subsection commits a misdemeanor of a
724 first degree, punishable as provided in s. 775.082 or s.
725 775.083.

726 Section 15. Section 870.01, Florida Statutes, is amended
 727 to read:

728 870.01 Affrays and riots.—

729 (1) A person commits an affray if he or she engages, by
 730 mutual consent, in fighting with another person in a public
 731 place to the terror of the people. A person who commits ~~All~~
 732 ~~persons guilty of an affray~~ commits ~~shall be guilty of a~~
 733 misdemeanor of the first degree, punishable as provided in s.
 734 775.082 or s. 775.083.

735 (2) A person commits a riot if he or she participates in a
 736 violent public disturbance involving an assembly of three or
 737 more persons, acting with a common intent to assist each other
 738 in violent and disorderly conduct, resulting in:

739 (a) Injury to another person;

740 (b) Damage to property; or

741 (c) Imminent danger of injury to another person or damage
 742 to property.

743
 744 A person who commits ~~All persons guilty of a riot~~ commits, ~~or of~~
 745 ~~inciting or encouraging a riot,~~ shall be guilty of a felony of
 746 the third degree, punishable as provided in s. 775.082, s.
 747 775.083, or s. 775.084.

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

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

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

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

754 (d) Displays, uses, threatens to use, or attempts to use a
 755 deadly weapon; or

756 (e) By force, or threat of force, endangers the safe
 757 movement of a vehicle traveling on a public street, highway, or
 758 road.

759
 760 A person who commits aggravating rioting commits a felony of the
 761 second degree, punishable as provided in s. 775.082, s. 775.083,
 762 or s. 775.084.

763 (4) A person commits inciting a riot if he or she
 764 willfully incites another person to participate in a riot,
 765 resulting in a riot or imminent danger of a riot. A person who
 766 commits inciting a riot commits a felony of the third degree,
 767 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

768 (5) A person commits aggravated inciting a riot if he or
 769 she:

770 (a) Incites a riot resulting in great bodily harm to
 771 another person not participating in the riot;

772 (b) Incites a riot resulting in property damage in excess
 773 of \$5,000; or

774 (c) Supplies a deadly weapon to another person or teaches
 775 another person to prepare a deadly weapon with intent that the

776 deadly weapon be used in a riot for an unlawful purpose.

777
 778 A person who commits aggravated inciting a riot commits a felony
 779 of the second degree, punishable as provided in s. 775.082, s.
 780 775.083, or s. 775.084.

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

785 (7) This section does not prohibit constitutionally
 786 protected activity such as a peaceful protest.

787 Section 16. Section 870.02, Florida Statutes, is amended
 788 to read:

789 870.02 Unlawful assemblies.—

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

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

797 Section 17. Section 870.03, Florida Statutes, is repealed.

798 Section 18. Section 870.07, Florida Statutes, is created
 799 to read:

800 870.07 Affirmative defense in civil action; party

801 convicted of riot.-

802 (1) In a civil action for damages for personal injury,
 803 wrongful death, or property damage, it is an affirmative defense
 804 that such action arose from an injury or damage sustained by a
 805 participant acting in furtherance of a riot. The affirmative
 806 defense authorized by this section shall be established by
 807 evidence that the participant has been convicted of a riot or an
 808 aggravated riot prohibited under s. 870.01, or by proof of the
 809 commission of such crime by a preponderance of the evidence.

810 (2) In a civil action in which a defendant raises an
 811 affirmative defense under this section, the court must, on
 812 motion by the defendant, stay the action during the pendency of
 813 a criminal action that forms the basis for the defense, unless
 814 the court finds that a conviction in the criminal action would
 815 not form a valid defense under this section.

816 Section 19. Subsections (3) through (6) of section 872.02,
 817 Florida Statutes, are renumbered as subsections (4) through (7),
 818 respectively, a new subsection (3) is added to that section,
 819 subsections (1) and (2) of that section are republished, and
 820 present subsection (6) of that section is amended, to read:

821 872.02 Injuring or removing tomb or monument; disturbing
 822 contents of grave or tomb; penalties.-

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

826 (a) Willfully and knowingly destroys, mutilates, defaces,
827 injures, or removes any tomb, monument, gravestone, burial
828 mound, earthen or shell monument containing human skeletal
829 remains or associated burial artifacts, or other structure or
830 thing placed or designed for a memorial of the dead, or any
831 fence, railing, curb, or other thing intended for the protection
832 or ornamentation of any tomb, monument, gravestone, burial
833 mound, earthen or shell monument containing human skeletal
834 remains or associated burial artifacts, or other structure
835 before mentioned, or for any enclosure for the burial of the
836 dead; or

837 (b) Willfully destroys, mutilates, removes, cuts, breaks,
838 or injures any tree, shrub, or plant placed or being within any
839 such enclosure, except for a person performing routine
840 maintenance and upkeep.

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

845 (3) For purposes of sentencing under chapter 921, a
846 violation of this section, committed by a person in furtherance
847 of a riot or an aggravated riot prohibited under s. 870.01 is
848 ranked one level above the ranking under s. 921.0022 or s.
849 921.0023 for the offense committed.

850 (7)~~(6)~~ If a legally authorized person refuses to sign a

851 written authorization, as provided in paragraph (6) (a) ~~(5) (a)~~, or
 852 if a legally authorized person objects, as provided in paragraph
 853 (6) (b) ~~(5) (b)~~, a public hearing shall be held before the county
 854 commission of the county where the cemetery is located, or the
 855 city council, if the cemetery is located in a municipality, and
 856 the county commission or the city council shall have the
 857 authority to grant a request for relocation of the contents of
 858 such graves or tombs.

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

861 921.0022 Criminal Punishment Code; offense severity
 862 ranking chart.—

863 (3) OFFENSE SEVERITY RANKING CHART

864 (b) LEVEL 2

865

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

866

867

of the Marine Turtle Protection Act.

868

403.413 (6) (c) 3rd Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

869

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

870

590.28 (1) 3rd Intentional burning of lands.

871

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

872

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

873

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

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874	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
875	<u>806.13(3)</u>	<u>3rd</u>	<u>Criminal mischief; damage of \$200 or more to a memorial.</u>
876	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
877	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
878	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.
879	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.

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880	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
881	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
882	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
883	817.52 (3)	3rd	Failure to redeliver hired vehicle.
884	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
885	817.60 (5)	3rd	Dealing in credit cards of another.
886	817.60 (6) (a)	3rd	Forgery; purchase goods,

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services with false card.

887

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

888

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

889

831.01 3rd Forgery.

890

831.02 3rd Uttering forged instrument;
utters or publishes alteration
with intent to defraud.

891

831.07 3rd Forging bank bills, checks,
drafts, or promissory notes.

892

831.08 3rd Possessing 10 or more forged
notes, bills, checks, or
drafts.

893

831.09 3rd Uttering forged notes, bills,
checks, drafts, or promissory

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notes.

894

831.11 3rd Bringing into the state forged bank bills, checks, drafts, or notes.

895

832.05 (3) (a) 3rd Cashing or depositing item with intent to defraud.

896

843.08 3rd False personation.

897

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.

898

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

899

900 (c) LEVEL 3

901

Florida	Felony	
Statute	Degree	Description

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902	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
903	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
904	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
905	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
906	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
907	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
908	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.

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909	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
910	327.35(2)(b)	3rd	Felony BUI.
911	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
912	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
913	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
914	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.

915

379.2431 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.

916

379.2431 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

917

400.9935 (4) (a) 3rd Operating a clinic, or offering services requiring licensure, or (b) without a license.

918

400.9935 (4) (e) 3rd Filing a false license application or other required information or failing to

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report information.

919

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

920

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

921

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

922

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

923

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

924

697.08 3rd Equity skimming.

925

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926	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
927	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
928	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
929	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
930	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
931	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
	812.015 (8) (b)	3rd	Retail theft with intent to

			sell; conspires with others.
932	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
933	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
934	817.233	3rd	Burning to defraud insurer.
935	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
936	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
937	817.236	3rd	Filing a false motor vehicle insurance application.
938	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle

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insurance card.

939

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

940

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

941

831.29 2nd Possession of instruments for counterfeiting driver licenses or identification cards.

942

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

943

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

944

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

945

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946	870.01 (2)	3rd	Riot; inciting or encouraging.
947	<u>870.01 (4)</u>	<u>3rd</u>	<u>Inciting a riot.</u>
948	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).
949	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.
949	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.

950

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

951

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

952

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

953

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

954

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

955

893.13(7)(a)11. 3rd Furnish false or fraudulent

material information on any document or record required by chapter 893.

956

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

957

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.

958

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

959

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 practitioner.

960

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

961

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

962

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

963

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

964

965 (d) LEVEL 4

966

Florida Felony Description

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	Statute	Degree	
967	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
968	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
969	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
970	517.07 (1)	3rd	Failure to register securities.
971	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
972	784.07 (2) (b)	3rd	Battery of law enforcement

officer, firefighter, etc.

973

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

974

784.075 3rd Battery on detention or commitment facility staff.

975

784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

976

784.08 (2) (c) 3rd Battery on a person 65 years of age or older.

977

784.081 (3) 3rd Battery on specified official or employee.

978

784.082 (3) 3rd Battery by detained person on visitor or other detainee.

979

784.083 (3) 3rd Battery on code inspector.

980

784.085 3rd Battery of child by throwing, tossing, projecting, or

expelling certain fluids or materials.

981

787.03 (1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

982

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

983

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

984

787.07 3rd Human smuggling.

985

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

986

790.115 (2) (b) 3rd Possessing electric weapon or device, destructive device, or

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other weapon on school
property.

987

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

988

800.04 (7) (c) 3rd Lewd or lascivious exhibition;
offender less than 18 years.

989

806.135 2nd Destroying or demolishing a
memorial.

990

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

991

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

992

810.06 3rd Burglary; possession of tools.

993

810.08 (2) (c) 3rd Trespass on property, armed

			with firearm or dangerous weapon.
994	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
995	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
996	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
997	817.505 (4) (a)	3rd	Patient brokering.
998	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
999	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
1000	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or

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1001			reencoder.
	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
1002			
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
1003			
	837.02 (1)	3rd	Perjury in official proceedings.
1004			
	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1005			
	838.022	3rd	Official misconduct.
1006			
	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1007			
	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.

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1008	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
1009	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
1010	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
1011	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
1012	<u>870.01 (3)</u>	<u>2nd</u>	<u>Aggravated rioting.</u>
1013	<u>870.01 (5)</u>	<u>2nd</u>	<u>Aggravated inciting a riot.</u>
1014	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.

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1015	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
1016	914.14(2)	3rd	Witnesses accepting bribes.
1017	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
1018	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1019	916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
1020	918.12	3rd	Tampering with jurors.
1021	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
1022			

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1023	944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
1024	951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.
1025	Section 21. This act shall take effect upon becoming a		
1026	law.		