

By Senator Jones

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1 A bill to be entitled
2 An act relating to criminal justice; amending s.
3 166.241, F.S.; deleting provisions relating to
4 allowing specified elected officials to file an appeal
5 to the Administration Commission if the governing body
6 of a municipality makes a specified reduction to the
7 operating budget of the municipal law enforcement
8 agency; deleting petition contents requirements;
9 deleting a provision requiring the Executive Office of
10 the Governor to conduct a budget hearing considering
11 the matter and make findings and recommendations to
12 the Administration Commission; deleting a provision
13 requiring the commission to approve, amend, or modify
14 the municipality's budget; amending s. 768.28, F.S.;
15 deleting provisions providing that a municipality has
16 a duty to allow the municipal law enforcement agency
17 to respond to a riot or an unlawful assembly in a
18 specified manner based on specified circumstances;
19 deleting provisions providing that a municipality is
20 civilly liable for specified damages proximately
21 caused by the municipality's specified breach of such
22 duty; amending s. 784.011, F.S.; deleting a criminal
23 penalty for an assault committed in furtherance of a
24 riot or an aggravated riot; amending s. 784.021, F.S.;
25 deleting a provision increasing the offense severity
26 ranking of an aggravated assault for the purposes of
27 the Criminal Punishment Code if committed in
28 furtherance of a riot or an aggravated riot; amending
29 s. 784.03, F.S.; deleting a criminal penalty for a

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30 battery committed in furtherance of a riot or an
31 aggravated riot; conforming a provision to changes
32 made by the act; amending s. 784.045, F.S.; deleting a
33 provision increasing the offense severity ranking of
34 an aggravated battery for the purposes of the Criminal
35 Punishment Code if committed in furtherance of a riot
36 or an aggravated riot; repealing s. 784.0495, F.S.,
37 relating to mob intimidation; amending s. 784.07,
38 F.S.; deleting a provision requiring a minimum term of
39 imprisonment for a person convicted of battery on a
40 law enforcement officer committed in furtherance of a
41 riot or an aggravated riot; deleting a provision
42 increasing the offense severity ranking of an assault
43 or battery against specified persons for the purposes
44 of the Criminal Punishment Code if committed in
45 furtherance of a riot or an aggravated riot; amending
46 s. 806.13, F.S.; deleting a criminal penalty
47 prohibiting the defacing, injuring, or damaging of a
48 memorial or historic property; deleting a provision
49 requiring a court to order restitution for such a
50 violation; repealing s. 806.135, F.S., relating to
51 destroying or demolishing a memorial or historic
52 property; amending s. 810.02, F.S.; deleting
53 provisions reclassifying specified burglary offenses
54 committed during a riot or an aggravated riot and
55 facilitated by conditions arising from the riot;
56 deleting the definition of the term "conditions
57 arising from the riot"; deleting a provision requiring
58 a person arrested for such a violation to be held in

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59 custody until first appearance; amending s. 812.014,
60 F.S.; deleting provisions reclassifying specified
61 theft offenses committed during a riot or an
62 aggravated riot and facilitated by conditions arising
63 from the riot; deleting the definition of the term
64 "conditions arising from the riot"; deleting
65 provisions requiring a person arrested for such a
66 violation to be held in custody until first
67 appearance; repealing s. 836.115, F.S., relating to
68 cyberintimidation by publication; amending s. 870.01,
69 F.S.; revising provisions relating to affrays and
70 riots; deleting criminal penalties relating to
71 aggravated rioting; deleting a provision relating to
72 inciting a riot; deleting criminal penalties relating
73 to aggravated inciting a riot; deleting a provision
74 requiring certain persons arrested for specified
75 violations to be held in custody until first
76 appearance; amending s. 870.02, F.S.; deleting a
77 provision requiring that persons arrested for unlawful
78 assembly be held in custody until first appearance;
79 reviving, reenacting, and amending s. 870.03, F.S.,
80 relating to riots and routs; making a technical
81 change; repealing s. 870.07, F.S., relating to an
82 affirmative defense in a civil action and parties
83 convicted of rioting; amending s. 872.02, F.S.;
84 deleting a provision increasing the offense severity
85 ranking of specified offenses involving graves and
86 tombs for the purposes of the Criminal Punishment Code
87 if committed in furtherance of a riot or an aggravated

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88 riot; amending s. 921.0022, F.S.; conforming
89 provisions to changes made by the act; providing an
90 effective date.

91

92 Be It Enacted by the Legislature of the State of Florida:

93

94 Section 1. Subsections (4), (5), and (8) of section
95 166.241, Florida Statutes, are amended to read:

96 166.241 Fiscal years, budgets, ~~appeal of municipal law~~
97 ~~enforcement agency budget~~, and budget amendments.—

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

116 ~~(b) The governing body of the municipality has 5 working~~

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117 ~~days after service of a copy of the petition to file a reply~~
118 ~~with the Executive Office of the Governor and shall serve a copy~~
119 ~~of such reply to the petitioner.~~

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

131 ~~(6)-(8)~~ (6) If the governing body of a municipality amends the
132 budget pursuant to paragraph (5) (c) ~~paragraph (7) (e)~~, the
133 adopted amendment must be posted on the official website of the
134 municipality within 5 days after adoption and must remain on the
135 website for at least 2 years. If the municipality does not
136 operate an official website, the municipality must, within a
137 reasonable period of time as established by the county or
138 counties in which the municipality is located, transmit the
139 adopted amendment to the manager or administrator of such county
140 or counties who shall post the adopted amendment on the county's
141 website.

142 Section 2. Subsection (5) of section 768.28, Florida
143 Statutes, is amended to read:

144 768.28 Waiver of sovereign immunity in tort actions;
145 recovery limits; ~~civil liability for damages caused during a~~

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146 ~~riot~~; limitation on attorney fees; statute of limitations;
147 exclusions; indemnification; risk management programs.—

148 (5) ~~(a)~~ The state and its agencies and subdivisions shall be
149 liable for tort claims in the same manner and to the same extent
150 as a private individual under like circumstances, but liability
151 shall not include punitive damages or interest for the period
152 before judgment. Neither the state nor its agencies or
153 subdivisions shall be liable to pay a claim or a judgment by any
154 one person which exceeds the sum of \$200,000 or any claim or
155 judgment, or portions thereof, which, when totaled with all
156 other claims or judgments paid by the state or its agencies or
157 subdivisions arising out of the same incident or occurrence,
158 exceeds the sum of \$300,000. However, a judgment or judgments
159 may be claimed and rendered in excess of these amounts and may
160 be settled and paid pursuant to this act up to \$200,000 or
161 \$300,000, as the case may be; and that portion of the judgment
162 that exceeds these amounts may be reported to the Legislature,
163 but may be paid in part or in whole only by further act of the
164 Legislature. Notwithstanding the limited waiver of sovereign
165 immunity provided herein, the state or an agency or subdivision
166 thereof may agree, within the limits of insurance coverage
167 provided, to settle a claim made or a judgment rendered against
168 it without further action by the Legislature, but the state or
169 agency or subdivision thereof shall not be deemed to have waived
170 any defense of sovereign immunity or to have increased the
171 limits of its liability as a result of its obtaining insurance
172 coverage for tortious acts in excess of the \$200,000 or \$300,000
173 waiver provided above. The limitations of liability set forth in
174 this subsection shall apply to the state and its agencies and

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175 subdivisions whether or not the state or its agencies or
176 subdivisions possessed sovereign immunity before July 1, 1974.

177 ~~(b) A municipality has a duty to allow the municipal law~~
178 ~~enforcement agency to respond appropriately to protect persons~~
179 ~~and property during a riot or an unlawful assembly based on the~~
180 ~~availability of adequate equipment to its municipal law~~
181 ~~enforcement officers and relevant state and federal laws. If the~~
182 ~~governing body of a municipality or a person authorized by the~~
183 ~~governing body of the municipality breaches that duty, the~~
184 ~~municipality is civilly liable for any damages, including~~
185 ~~damages arising from personal injury, wrongful death, or~~
186 ~~property damages proximately caused by the municipality's breach~~
187 ~~of duty. The sovereign immunity recovery limits in paragraph (a)~~
188 ~~do not apply to an action under this paragraph.~~

189 Section 3. Subsections (2) and (3) of section 784.011,
190 Florida Statutes, are amended to read:

191 784.011 Assault.—

192 (2) ~~Except as provided in subsection (3),~~ A person who
193 assaults another person commits a misdemeanor of the second
194 degree, punishable as provided in s. 775.082 or s. 775.083.

195 ~~(3) A person who assaults another person in furtherance of~~
196 ~~a riot or an aggravated riot prohibited under s. 870.01 commits~~
197 ~~a misdemeanor of the first degree, punishable as provided in s.~~
198 ~~775.082 or s. 775.083.~~

199 Section 4. Subsection (3) of section 784.021, Florida
200 Statutes, is amended to read:

201 784.021 Aggravated assault.—

202 ~~(3) For the purposes of sentencing under chapter 921, a~~
203 ~~violation of this section committed by a person acting in~~

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204 ~~furtherance of a riot or an aggravated riot prohibited under s.~~
205 ~~870.01 is ranked one level above the ranking under s. 921.0022~~
206 ~~for the offense committed.~~

207 Section 5. Subsections (1) and (3) of section 784.03,
208 Florida Statutes, are amended to read:

209 784.03 Battery; felony battery.—

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

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

213 2. Intentionally causes bodily harm to another person.

214 (b) Except as provided in subsection (2) ~~or subsection (3)~~,
215 a person who commits battery commits a misdemeanor of the first
216 degree, punishable as provided in s. 775.082 or s. 775.083.

217 ~~(3) A person who commits a battery in furtherance of a riot~~
218 ~~or an aggravated riot prohibited under s. 870.01 commits a~~
219 ~~felony of the third degree, punishable as provided in s.~~
220 ~~775.082, s. 775.083, or 775.084.~~

221 Section 6. Subsection (3) of section 784.045, Florida
222 Statutes, is amended to read:

223 784.045 Aggravated battery.—

224 ~~(3) For the purposes of sentencing under chapter 921, a~~
225 ~~violation of this section committed by a person acting in~~
226 ~~furtherance of a riot or an aggravated riot prohibited under s.~~
227 ~~870.01 is ranked one level above the ranking under s. 921.0022~~
228 ~~for the offense committed.~~

229 Section 7. Section 784.0495, Florida Statutes, is repealed.

230 Section 8. Subsections (2) and (4) of section 784.07,
231 Florida Statutes, are amended to read:

232 784.07 Assault or battery of law enforcement officers,

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233 firefighters, emergency medical care providers, public transit
234 employees or agents, or other specified officers;
235 reclassification of offenses; minimum sentences.-

236 (2) Whenever any person is charged with knowingly
237 committing an assault or battery upon a law enforcement officer,
238 a firefighter, an emergency medical care provider, a railroad
239 special officer, a traffic accident investigation officer as
240 described in s. 316.640, a nonsworn law enforcement agency
241 employee who is certified as an agency inspector, a blood
242 alcohol analyst, or a breath test operator while such employee
243 is in uniform and engaged in processing, testing, evaluating,
244 analyzing, or transporting a person who is detained or under
245 arrest for DUI, a law enforcement explorer, a traffic infraction
246 enforcement officer as described in s. 316.640, a parking
247 enforcement specialist as defined in s. 316.640, a person
248 licensed as a security officer as defined in s. 493.6101 and
249 wearing a uniform that bears at least one patch or emblem that
250 is visible at all times that clearly identifies the employing
251 agency and that clearly identifies the person as a licensed
252 security officer, or a security officer employed by the board of
253 trustees of a community college, while the officer, firefighter,
254 emergency medical care provider, railroad special officer,
255 traffic accident investigation officer, traffic infraction
256 enforcement officer, inspector, analyst, operator, law
257 enforcement explorer, parking enforcement specialist, public
258 transit employee or agent, or security officer is engaged in the
259 lawful performance of his or her duties, the offense for which
260 the person is charged shall be reclassified as follows:

261 (a) In the case of assault, from a misdemeanor of the

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262 second degree to a misdemeanor of the first degree.

263 (b) In the case of battery, from a misdemeanor of the first
264 degree to a felony of the third degree. ~~Notwithstanding any~~
265 ~~other provision of law, a person convicted of battery upon a law~~
266 ~~enforcement officer committed in furtherance of a riot or an~~
267 ~~aggravated riot prohibited under s. 870.01 shall be sentenced to~~
268 ~~a minimum term of imprisonment of 6 months.~~

269 (c) In the case of aggravated assault, from a felony of the
270 third degree to a felony of the second degree. Notwithstanding
271 any other provision of law, any person convicted of aggravated
272 assault upon a law enforcement officer shall be sentenced to a
273 minimum term of imprisonment of 3 years.

274 (d) In the case of aggravated battery, from a felony of the
275 second degree to a felony of the first degree. Notwithstanding
276 any other provision of law, any person convicted of aggravated
277 battery of a law enforcement officer shall be sentenced to a
278 minimum term of imprisonment of 5 years.

279 ~~(4) For purposes of sentencing under chapter 921, a felony~~
280 ~~violation of this section committed by a person acting in~~
281 ~~furtherance of a riot or an aggravated riot prohibited under s.~~
282 ~~870.01 is ranked one level above the ranking under s. 921.0022~~
283 ~~for the offense committed.~~

284 Section 9. Subsections (3) and (9) of section 806.13,
285 Florida Statutes, are amended to read:

286 806.13 Criminal mischief; penalties; penalty for minor.—

287 ~~(3) Any person who, without the consent of the owner~~
288 ~~thereof, willfully and maliciously defaces, injures, or~~
289 ~~otherwise damages by any means a memorial or historic property,~~
290 ~~as defined in s. 806.135(1), and the value of the damage to the~~

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291 ~~memorial or historic property is greater than \$200, commits a~~
292 ~~felony of the third degree, punishable as provided in s.~~
293 ~~775.082, s. 775.083, or s. 775.084. A court shall order any~~
294 ~~person convicted of violating this subsection to pay~~
295 ~~restitution, which shall include the full cost of repair or~~
296 ~~replacement of such memorial or historic property.~~

297 (8)~~(9)~~ A minor whose driver license or driving privilege is
298 revoked, suspended, or withheld under subsection (7) ~~(8)~~ may
299 elect to reduce the period of revocation, suspension, or
300 withholding by performing community service at the rate of 1 day
301 for each hour of community service performed. In addition, if
302 the court determines that due to a family hardship, the minor's
303 driver license or driving privilege is necessary for employment
304 or medical purposes of the minor or a member of the minor's
305 family, the court shall order the minor to perform community
306 service and reduce the period of revocation, suspension, or
307 withholding at the rate of 1 day for each hour of community
308 service performed. As used in this subsection, the term
309 "community service" means cleaning graffiti from public
310 property.

311 Section 10. Section 806.135, Florida Statutes, is repealed.

312 Section 11. Subsections (3) and (4) of section 810.02,
313 Florida Statutes, are amended to read:

314 810.02 Burglary.—

315 (3) Burglary is a felony of the second degree, punishable
316 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
317 course of committing the offense, the offender does not make an
318 assault or battery and is not and does not become armed with a
319 dangerous weapon or explosive, and the offender enters or

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320 remains in a:

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

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

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

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

329 (e) Authorized emergency vehicle, as defined in s. 316.003;
330 or

331 (f) Structure or conveyance when the offense intended to be
332 committed therein is theft of a controlled substance as defined
333 in s. 893.02. Notwithstanding any other law, separate judgments
334 and sentences for burglary with the intent to commit theft of a
335 controlled substance under this paragraph and for any applicable
336 possession of controlled substance offense under s. 893.13 or
337 trafficking in controlled substance offense under s. 893.135 may
338 be imposed when all such offenses involve the same amount or
339 amounts of a controlled substance.

340

341 However, if the burglary is committed ~~during a riot or an~~
342 ~~aggravated riot prohibited under s. 870.01 and the perpetration~~
343 ~~of the burglary is facilitated by conditions arising from the~~
344 ~~riot; or~~ within a county that is subject to a state of emergency
345 declared by the Governor under chapter 252 after the declaration
346 of emergency is made and the perpetration of the burglary is
347 facilitated by conditions arising from the emergency, the
348 burglary is a felony of the first degree, punishable as provided

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349 in s. 775.082, s. 775.083, or s. 775.084. As used in this
350 subsection, the term ~~"conditions arising from the riot"~~ means
351 ~~civil unrest, power outages, curfews, or a reduction in the~~
352 ~~presence of or response time for first responders or homeland~~
353 ~~security personnel and the term~~ "conditions arising from the
354 emergency" means civil unrest, power outages, curfews, voluntary
355 or mandatory evacuations, or a reduction in the presence of or
356 response time for first responders or homeland security
357 personnel. A person arrested for committing a burglary ~~during a~~
358 ~~riot or an aggravated riot or~~ within a county that is subject to
359 such a state of emergency may not be released until the person
360 appears before a committing magistrate at a first appearance
361 hearing. For purposes of sentencing under chapter 921, a felony
362 offense that is reclassified under this subsection is ranked one
363 level above the ranking under s. 921.0022 or s. 921.0023 of the
364 offense committed.

365 (4) Burglary is a felony of the third degree, punishable as
366 provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
367 course of committing the offense, the offender does not make an
368 assault or battery and is not and does not become armed with a
369 dangerous weapon or explosive, and the offender enters or
370 remains in a:

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

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

375

376 However, if the burglary is committed ~~during a riot or an~~
377 ~~aggravated riot prohibited under s. 870.01 and the perpetration~~

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378 ~~of the burglary is facilitated by conditions arising from the~~
379 ~~riot; or~~ within a county that is subject to a state of emergency
380 declared by the Governor under chapter 252 after the declaration
381 of emergency is made and the perpetration of the burglary is
382 facilitated by conditions arising from the emergency, the
383 burglary is a felony of the second degree, punishable as
384 provided in s. 775.082, s. 775.083, or s. 775.084. As used in
385 this subsection, the term ~~terms~~ "conditions arising from the
386 ~~riot~~" and "conditions arising from the emergency" has ~~have~~ the
387 same meaning ~~meanings~~ as provided in subsection (3). A person
388 arrested for committing a burglary ~~during a riot or an~~
389 ~~aggravated riot or~~ within a county that is subject to such a
390 state of emergency may not be released until the person appears
391 before a committing magistrate at a first appearance hearing.
392 For purposes of sentencing under chapter 921, a felony offense
393 that is reclassified under this subsection is ranked one level
394 above the ranking under s. 921.0022 or s. 921.0023 of the
395 offense committed.

396 Section 12. Paragraphs (b) and (c) of subsection (2) of
397 section 812.014, Florida Statutes, are amended to read:

398 812.014 Theft.—

399 (2)

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

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

406 3. The property stolen is emergency medical equipment,

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

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

413

414 the offender commits grand theft in the second degree,
415 punishable as a felony of the second degree, as provided in s.
416 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
417 means mechanical or electronic apparatus used to provide
418 emergency services and care as defined in s. 395.002(9) or to
419 treat medical emergencies. Law enforcement equipment means any
420 property, device, or apparatus used by any law enforcement
421 officer as defined in s. 943.10 in the officer's official
422 business. However, if the property is stolen ~~during a riot or an~~
423 ~~aggravated riot prohibited under s. 870.01 and the perpetration~~
424 ~~of the theft is facilitated by conditions arising from the riot,~~
425 ~~or~~ within a county that is subject to a state of emergency
426 declared by the Governor under chapter 252, the theft is
427 committed after the declaration of emergency is made, and the
428 perpetration of the theft is facilitated by conditions arising
429 from the emergency, the theft is a felony of the first degree,
430 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
431 As used in this paragraph, the term ~~"conditions arising from the~~
432 ~~riot"~~ means civil unrest, power outages, curfews, or a reduction
433 in the presence of or response time for first responders or
434 ~~homeland security personnel and the term~~ "conditions arising
435 from the emergency" means civil unrest, power outages, curfews,

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436 voluntary or mandatory evacuations, or a reduction in the
437 presence of or response time for first responders or homeland
438 security personnel. ~~A person arrested for committing a theft~~
439 ~~during a riot or an aggravated riot or within a county that is~~
440 ~~subject to a state of emergency may not be released until the~~
441 ~~person appears before a committing magistrate at a first~~
442 ~~appearance hearing.~~ For purposes of sentencing under chapter
443 921, a felony offense that is reclassified under this paragraph
444 is ranked one level above the ranking under s. 921.0022 or s.
445 921.0023 of the offense committed.

446 (c) It is grand theft of the third degree and a felony of
447 the third degree, punishable as provided in s. 775.082, s.
448 775.083, or s. 775.084, if the property stolen is:

- 449 1. Valued at \$750 or more, but less than \$5,000.
- 450 2. Valued at \$5,000 or more, but less than \$10,000.
- 451 3. Valued at \$10,000 or more, but less than \$20,000.
- 452 4. A will, codicil, or other testamentary instrument.
- 453 5. A firearm.
- 454 6. A motor vehicle, except as provided in paragraph (a).
- 455 7. Any commercially farmed animal, including any animal of
456 the equine, avian, bovine, or swine class or other grazing
457 animal; a bee colony of a registered beekeeper; and aquaculture
458 species raised at a certified aquaculture facility. If the
459 property stolen is a commercially farmed animal, including an
460 animal of the equine, avian, bovine, or swine class or other
461 grazing animal; a bee colony of a registered beekeeper; or an
462 aquaculture species raised at a certified aquaculture facility,
463 a \$10,000 fine shall be imposed.
- 464 8. Any fire extinguisher that, at the time of the taking,

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465 was installed in any building for the purpose of fire prevention
466 and control. This subparagraph does not apply to a fire
467 extinguisher taken from the inventory at a point-of-sale
468 business.

469 9. Any amount of citrus fruit consisting of 2,000 or more
470 individual pieces of fruit.

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

473 11. Any stop sign.

474 12. Anhydrous ammonia.

475 13. Any amount of a controlled substance as defined in s.
476 893.02. Notwithstanding any other law, separate judgments and
477 sentences for theft of a controlled substance under this
478 subparagraph and for any applicable possession of controlled
479 substance offense under s. 893.13 or trafficking in controlled
480 substance offense under s. 893.135 may be imposed when all such
481 offenses involve the same amount or amounts of a controlled
482 substance.

483
484 However, if the property is stolen ~~during a riot or an~~
485 ~~aggravated riot prohibited under s. 870.01 and the perpetration~~
486 ~~of the theft is facilitated by conditions arising from the riot,~~
487 ~~or~~ within a county that is subject to a state of emergency
488 declared by the Governor under chapter 252, the property is
489 stolen after the declaration of emergency is made, and the
490 perpetration of the theft is facilitated by conditions arising
491 from the emergency, the offender commits a felony of the second
492 degree, punishable as provided in s. 775.082, s. 775.083, or s.
493 775.084, if the property is valued at \$5,000 or more, but less

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494 than \$10,000, as provided under subparagraph 2., or if the
495 property is valued at \$10,000 or more, but less than \$20,000, as
496 provided under subparagraph 3. As used in this paragraph, the
497 term ~~terms "conditions arising from a riot" and "conditions~~
498 ~~arising from the emergency" has have~~ the same meaning ~~meanings~~
499 as provided in paragraph (b). ~~A person arrested for committing a~~
500 ~~theft during a riot or an aggravated riot or within a county~~
501 ~~that is subject to a state of emergency may not be released~~
502 ~~until the person appears before a committing magistrate at a~~
503 ~~first appearance hearing.~~ For purposes of sentencing under
504 chapter 921, a felony offense that is reclassified under this
505 paragraph is ranked one level above the ranking under s.
506 921.0022 or s. 921.0023 of the offense committed.

507 Section 13. Section 836.115, Florida Statutes, is repealed.

508 Section 14. Section 870.01, Florida Statutes, is amended to
509 read:

510 870.01 Affrays and riots.—

511 (1) ~~A person commits an affray if he or she engages, by~~
512 ~~mutual consent, in fighting with another person in a public~~
513 ~~place to the terror of the people.~~ A person who commits an
514 affray commits a misdemeanor of the first degree, punishable as
515 provided in s. 775.082 or s. 775.083.

516 (2) ~~A person commits a riot if he or she willfully~~
517 ~~participates in a violent public disturbance involving an~~
518 ~~assembly of three or more persons, acting with a common intent~~
519 ~~to assist each other in violent and disorderly conduct,~~
520 ~~resulting in:~~

521 ~~(a) Injury to another person;~~

522 ~~(b) Damage to property; or~~

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523 ~~(c) Imminent danger of injury to another person or damage~~
524 ~~to property.~~

525
526 ~~A person~~ who commits a riot commits a felony of the third
527 degree, punishable as provided in s. 775.082, s. 775.083, or s.
528 775.084.

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

531 ~~(a) Participates with 25 or more other persons;~~

532 ~~(b) Causes great bodily harm to a person not participating~~
533 ~~in the riot;~~

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

535 ~~(d) Displays, uses, threatens to use, or attempts to use a~~
536 ~~deadly weapon; or~~

537 ~~(e) By force, or threat of force, endangers the safe~~
538 ~~movement of a vehicle traveling on a public street, highway, or~~
539 ~~road.~~

540
541 ~~A person who commits aggravated rioting commits a felony of the~~
542 ~~second degree, punishable as provided in s. 775.082, s. 775.083,~~
543 ~~or s. 775.084.~~

544 ~~(4) A person commits inciting a riot if he or she willfully~~
545 ~~incites another person to participate in a riot, resulting in a~~
546 ~~riot or imminent danger of a riot. A person who commits inciting~~
547 ~~a riot commits a felony of the third degree, punishable as~~
548 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

549 ~~(5) A person commits aggravated inciting a riot if he or~~
550 ~~she:~~

551 ~~(a) Incites a riot resulting in great bodily harm to~~

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552 ~~another person not participating in the riot;~~

553 ~~(b) Incites a riot resulting in property damage in excess~~
554 ~~of \$5,000; or~~

555 ~~(c) Supplies a deadly weapon to another person or teaches~~
556 ~~another person to prepare a deadly weapon with intent that the~~
557 ~~deadly weapon be used in a riot for an unlawful purpose.~~

558

559 ~~A person who commits aggravated inciting a riot commits a felony~~
560 ~~of the second degree, punishable as provided in s. 775.082, s.~~
561 ~~775.083, or s. 775.084.~~

562 ~~(6) Except for a violation of subsection (1), a person~~
563 ~~arrested for a violation of this section shall be held in~~
564 ~~custody until brought before the court for admittance to bail in~~
565 ~~accordance with chapter 903.~~

566 ~~(4)(7)~~ This section does not prohibit constitutionally
567 protected activity such as a peaceful protest.

568 Section 15. Section 870.02, Florida Statutes, is amended to
569 read:

570 870.02 Unlawful assemblies.—

571 ~~(1)~~ If three or more persons meet together to commit a
572 breach of the peace, or to do any other unlawful act, each of
573 them commits a misdemeanor of the second degree, punishable as
574 provided in s. 775.082 or s. 775.083.

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

578 Section 16. Notwithstanding the April 19, 2021, repeal of
579 section 870.03, Florida Statutes, that section is revived,
580 reenacted, and amended to read:

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581 870.03 Riots and routs.—If any persons unlawfully assembled
582 demolish, pull down or destroy, or begin to demolish, pull down
583 or destroy, any dwelling house or other building, or any ship or
584 vessel, each such person commits ~~of them shall be guilty of a~~
585 felony of the third degree, punishable as provided in s.
586 775.082, s. 775.083, or s. 775.084.

587 Section 17. Section 870.07, Florida Statutes, is repealed.

588 Section 18. Subsections (3) and (7) of section 872.02,
589 Florida Statutes, are amended to read:

590 872.02 Injuring or removing tomb or monument; disturbing
591 contents of grave or tomb; penalties.—

592 ~~(3) For purposes of sentencing under chapter 921, a~~
593 ~~violation of this section committed by a person in furtherance~~
594 ~~of a riot or an aggravated riot prohibited under s. 870.01 is~~
595 ~~ranked one level above the ranking under s. 921.0022 or s.~~
596 ~~921.0023 for the offense committed.~~

597 (6)(7) If a legally authorized person refuses to sign a
598 written authorization, as provided in paragraph (5)(a) ~~(6)(a)~~,
599 or if a legally authorized person objects, as provided in
600 paragraph (5)(b) ~~(6)(b)~~, a public hearing shall be held before
601 the county commission of the county where the cemetery is
602 located, or the city council, if the cemetery is located in a
603 municipality, and the county commission or the city council
604 shall have the authority to grant a request for relocation of
605 the contents of such graves or tombs.

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

608 921.0022 Criminal Punishment Code; offense severity ranking
609 chart.—

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610 (3) OFFENSE SEVERITY RANKING CHART

611 (b) LEVEL 2

612

Florida
Statute

Felony
Degree

Description

613

379.2431
(1) (e) 3.

3rd

Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.

614

379.2431
(1) (e) 4.

3rd

Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

615

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.

616

517.07 (2)

3rd

Failure to furnish a prospectus meeting requirements.

617

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618	590.28 (1)	3rd	Intentional burning of lands.
619	784.03 (3)	3rd	Battery during a riot or an aggravated riot.
620	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
621	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
622	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
623	806.13 (3)	3rd	Criminal mischief; damage of \$200 or more to a memorial or historic property.
	810.061 (2)	3rd	Impairing or impeding

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telephone or power to a dwelling; facilitating or furthering burglary.

624

810.09 (2) (e)

3rd

Trespassing on posted commercial horticulture property.

625

812.014 (2) (c) 1.

3rd

Grand theft, 3rd degree; \$750 or more but less than \$5,000.

626

812.014 (2) (d)

3rd

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

627

812.015 (7)

3rd

Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

628

817.234 (1) (a) 2.

3rd

False statement in support of insurance claim.

629

817.481 (3) (a)

3rd

Obtain credit or

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purchase with false,
expired, counterfeit,
etc., credit card, value
over \$300.

630

817.52 (3)

3rd

Failure to redeliver
hired vehicle.

631

817.54

3rd

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

632

817.60 (5)

3rd

Dealing in credit cards
of another.

633

817.60 (6) (a)

3rd

Forgery; purchase goods,
services with false
card.

634

817.61

3rd

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

635

826.04

3rd

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

636

831.01

3rd

Forgery.

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637
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831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	False personation.

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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.

645
 893.147 (2) 3rd Manufacture or delivery
 of drug paraphernalia.

646
 647 (c) LEVEL 3

648

Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement

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officer in patrol vehicle
with siren and lights
activated.

653

319.30 (4)

3rd

Possession by junkyard of
motor vehicle with
identification number plate
removed.

654

319.33 (1) (a)

3rd

Alter or forge any
certificate of title to a
motor vehicle or mobile
home.

655

319.33 (1) (c)

3rd

Procure or pass title on
stolen vehicle.

656

319.33 (4)

3rd

With intent to defraud,
possess, sell, etc., a
blank, forged, or
unlawfully obtained title
or registration.

657

327.35 (2) (b)

3rd

Felony BUI.

658

328.05 (2)

3rd

Possess, sell, or
counterfeit fictitious,
stolen, or fraudulent
titles or bills of sale of

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vessels.

659

328.07(4)

3rd

Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

660

376.302(5)

3rd

Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

661

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.

662

379.2431
(1)(e)6.

3rd

Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species

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described in the Marine
Turtle Protection Act.

663

379.2431
(1) (e) 7.

3rd

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

664

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services requiring
licensure, without a
license.

665

400.9935 (4) (e)

3rd

Filing a false license
application or other
required information or
failing to report
information.

666

440.1051 (3)

3rd

False report of workers'
compensation fraud or
retaliation for making such
a report.

667

501.001 (2) (b)

2nd

Tampers with a consumer
product or the container
using materially
false/misleading
information.

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668
669
670
671
672
673
674
675

624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.

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676	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
677	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
678	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
679	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
680	812.081 (2)	3rd	Theft of a trade secret.
681	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
682	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
682	817.233	3rd	Burning to defraud insurer.

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683

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

684

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

685

817.236 3rd Filing a false motor
vehicle insurance
application.

686

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

687

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

688

817.49 (2) (b) 1. 3rd Willful making of a false
report of a crime causing
great bodily harm,
permanent disfigurement, or
permanent disability.

689

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

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(2) (c) 10., (3), or (4) drugs).

697

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.

698

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.

699

893.13 (4) (c)

3rd

Use or hire of minor; deliver to minor other controlled substances.

700

893.13 (6) (a)

3rd

Possession of any controlled substance other than felony possession of

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cannabis.

701

893.13(7)(a)8.

3rd

Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

702

893.13(7)(a)9.

3rd

Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

703

893.13(7)(a)10.

3rd

Affix false or forged label to package of controlled substance.

704

893.13(7)(a)11.

3rd

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

705

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

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706	893.13 (8) (a) 2.	3rd	related to the practitioner's practice.
707	893.13 (8) (a) 3.	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.
708	893.13 (8) (a) 4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
709	918.13 (1) (a)	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.
710	944.47 (1) (a) 1. & 2.	3rd	Alter, destroy, or conceal investigation evidence. Introduce contraband to correctional facility.

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711

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

712

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

713

714 (d) LEVEL 4

715

Florida	Felony	
Statute	Degree	Description

716

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.
------------------	-----	---

717

499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
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718

499.0051 (5)

2nd

Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

719

517.07 (1)

3rd

Failure to register securities.

720

517.12 (1)

3rd

Failure of dealer, associated person, or issuer of securities to register.

721

784.07 (2) (b)

3rd

Battery of law enforcement officer, firefighter, etc.

722

784.074 (1) (c)

3rd

Battery of sexually violent predators facility staff.

723

784.075

3rd

Battery on detention or commitment facility staff.

724

784.078

3rd

Battery of facility employee by throwing,

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tossing, or expelling
certain fluids or
materials.

725

784.08 (2) (c)

3rd

Battery on a person 65
years of age or older.

726

784.081 (3)

3rd

Battery on specified
official or employee.

727

784.082 (3)

3rd

Battery by detained
person on visitor or
other detainee.

728

784.083 (3)

3rd

Battery on code
inspector.

729

784.085

3rd

Battery of child by
throwing, tossing,
projecting, or expelling
certain fluids or
materials.

730

787.03 (1)

3rd

Interference with
custody; wrongly takes
minor from appointed
guardian.

731

787.04 (2)

3rd

Take, entice, or remove

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child beyond state
limits with criminal
intent pending custody
proceedings.

732

787.04 (3)

3rd

Carrying child beyond
state lines with
criminal intent to avoid
producing child at
custody hearing or
delivering to designated
person.

733

787.07

3rd

Human smuggling.

734

790.115 (1)

3rd

Exhibiting firearm or
weapon within 1,000 feet
of a school.

735

790.115 (2) (b)

3rd

Possessing electric
weapon or device,
destructive device, or
other weapon on school
property.

736

790.115 (2) (c)

3rd

Possessing firearm on
school property.

737

800.04 (7) (c)

3rd

Lewd or lascivious

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exhibition; offender
less than 18 years.

738

~~806.135~~

2nd

~~Destroying or
demolishing a memorial
or historic property.~~

739

810.02 (4) (a)

3rd

Burglary, or attempted
burglary, of an
unoccupied structure;
unarmed; no assault or
battery.

740

810.02 (4) (b)

3rd

Burglary, or attempted
burglary, of an
unoccupied conveyance;
unarmed; no assault or
battery.

741

810.06

3rd

Burglary; possession of
tools.

742

810.08 (2) (c)

3rd

Trespass on property,
armed with firearm or
dangerous weapon.

743

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree
\$10,000 or more but less
than \$20,000.

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744
745
746
747
748
749
750
751

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

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752	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
753	837.02 (1)	3rd	Perjury in official proceedings.
754	837.021 (1)	3rd	Make contradictory statements in official proceedings.
755	838.022	3rd	Official misconduct.
756	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
757	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
758	843.021	3rd	Possession of a concealed handcuff key by a person in custody.

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	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
759	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
760	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
761	870.01(3)	2nd	Aggravated rioting.
762	870.01(5)	2nd	Aggravated inciting a riot.
763	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
764	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a),

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(2) (b), or (2) (c) 5.
drugs).

765

914.14 (2)

3rd

Witnesses accepting
bribes.

766

914.22 (1)

3rd

Force, threaten, etc.,
witness, victim, or
informant.

767

914.23 (2)

3rd

Retaliation against a
witness, victim, or
informant, no bodily
injury.

768

916.1085
(2) (c) 1.

3rd

Introduction of
specified contraband
into certain DCF
facilities.

769

918.12

3rd

Tampering with jurors.

770

934.215

3rd

Use of two-way
communications device to
facilitate commission of
a crime.

771

944.47 (1) (a) 6.

3rd

Introduction of
contraband (cellular

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telephone or other
portable communication
device) into
correctional
institution.

772

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.

773

774

Section 20. This act shall take effect upon becoming a law.