

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. 316.2045, F.S.;  
15      revising the prohibition on obstructing traffic by  
16      standing on the street, highway, or road; prohibiting  
17      persons from willfully obstructing public streets,  
18      highways, or roads under certain circumstances in  
19      order to solicit; providing criminal penalties;  
20      providing exceptions; authorizing appropriate local  
21      governments to issue permits for the use of streets,  
22      roads, or rights-of-way not maintained by the state;  
23      providing exemptions for certain charitable  
24      solicitation activities; providing requirements;  
25      providing construction; amending s. 768.28, F.S.;  
26      deleting provisions providing that a municipality has  
27      a duty to allow the municipal law enforcement agency  
28      to respond to a riot or an unlawful assembly in a  
29      specified manner based on specified circumstances;

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30 deleting provisions providing that a municipality is  
31 civilly liable for specified damages proximately  
32 caused by the municipality's specified breach of such  
33 duty; amending s. 784.011, F.S.; deleting a criminal  
34 penalty for an assault committed in furtherance of a  
35 riot or an aggravated riot; amending s. 784.021, F.S.;  
36 deleting a provision increasing the offense severity  
37 ranking of an aggravated assault for the purposes of  
38 the Criminal Punishment Code if committed in  
39 furtherance of a riot or an aggravated riot; amending  
40 s. 784.03, F.S.; deleting a criminal penalty for a  
41 battery committed in furtherance of a riot or an  
42 aggravated riot; conforming a provision to changes  
43 made by the act; amending s. 784.045, F.S.; deleting a  
44 provision increasing the offense severity ranking of  
45 an aggravated battery for the purposes of the Criminal  
46 Punishment Code if committed in furtherance of a riot  
47 or an aggravated riot; repealing s. 784.0495, F.S.,  
48 relating to mob intimidation; amending s. 784.07,  
49 F.S.; deleting a provision requiring a minimum term of  
50 imprisonment for a person convicted of battery on a  
51 law enforcement officer committed in furtherance of a  
52 riot or an aggravated riot; deleting a provision  
53 increasing the offense severity ranking of an assault  
54 or battery against specified persons for the purposes  
55 of the Criminal Punishment Code if committed in  
56 furtherance of a riot or an aggravated riot; amending  
57 s. 806.13, F.S.; deleting a criminal penalty  
58 prohibiting the defacing, injuring, or damaging of a

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59 memorial or historic property; deleting a provision  
60 requiring a court to order restitution for such a  
61 violation; repealing s. 806.135, F.S., relating to  
62 destroying or demolishing a memorial or historic  
63 property; amending s. 810.02, F.S.; deleting  
64 provisions reclassifying specified burglary offenses  
65 committed during a riot or an aggravated riot and  
66 facilitated by conditions arising from the riot;  
67 deleting the definition of the term "conditions  
68 arising from the riot"; deleting a provision requiring  
69 a person arrested for such a violation to be held in  
70 custody until first appearance; amending s. 812.014,  
71 F.S.; deleting provisions reclassifying specified  
72 theft offenses committed during a riot or an  
73 aggravated riot and facilitated by conditions arising  
74 from the riot; deleting the definition of the term  
75 "conditions arising from the riot"; deleting  
76 provisions requiring a person arrested for such a  
77 violation to be held in custody until first  
78 appearance; repealing s. 836.115, F.S., relating to  
79 cyberintimidation by publication; amending s. 870.01,  
80 F.S.; revising provisions relating to affrays and  
81 riots; providing criminal penalties for inciting or  
82 encouraging a riot; deleting criminal penalties  
83 relating to aggravated rioting; deleting criminal  
84 penalties relating to inciting a riot and aggravated  
85 inciting a riot; deleting a provision requiring  
86 certain persons arrested for specified violations to  
87 be held in custody until first appearance; amending s.

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88 870.02, F.S.; deleting a provision requiring that  
89 persons arrested for unlawful assembly be held in  
90 custody until first appearance; reviving, reenacting,  
91 and amending s. 870.03, F.S., relating to riots and  
92 routs; making a technical change; repealing s. 870.07,  
93 F.S., relating to an affirmative defense in a civil  
94 action and parties convicted of rioting; amending s.  
95 872.02, F.S.; deleting a provision increasing the  
96 offense severity ranking of specified offenses  
97 involving graves and tombs for the purposes of the  
98 Criminal Punishment Code if committed in furtherance  
99 of a riot or an aggravated riot; amending s. 921.0022,  
100 F.S.; conforming provisions to changes made by the  
101 act; providing an effective date.

102  
103 Be It Enacted by the Legislature of the State of Florida:

104  
105 Section 1. Section 166.241, Florida Statutes, is amended to  
106 read:

107 166.241 Fiscal years, budgets, ~~appeal of municipal law~~  
108 ~~enforcement agency budget~~, and budget amendments.—

109 (1) Each municipality shall establish a fiscal year  
110 beginning October 1 of each year and ending September 30 of the  
111 following year.

112 (2) The governing body of each municipality shall adopt a  
113 budget each fiscal year. The budget must be adopted by ordinance  
114 or resolution unless otherwise specified in the respective  
115 municipality's charter. The amount available from taxation and  
116 other sources, including balances brought forward from prior

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117 fiscal years, must equal the total appropriations for  
118 expenditures and reserves. At a minimum, the adopted budget must  
119 show for each fund, as required by law and sound financial  
120 practices, budgeted revenues and expenditures by organizational  
121 unit which are at least at the level of detail required for the  
122 annual financial report under s. 218.32(1). The adopted budget  
123 must regulate expenditures of the municipality, and an officer  
124 of a municipal government may not expend or contract for  
125 expenditures in any fiscal year except pursuant to the adopted  
126 budget.

127 (3) The tentative budget must be posted on the  
128 municipality's official website at least 2 days before the  
129 budget hearing, held pursuant to s. 200.065 or other law, to  
130 consider such budget and must remain on the website for at least  
131 45 days. The final adopted budget must be posted on the  
132 municipality's official website within 30 days after adoption  
133 and must remain on the website for at least 2 years. If the  
134 municipality does not operate an official website, the  
135 municipality must, within a reasonable period of time as  
136 established by the county or counties in which the municipality  
137 is located, transmit the tentative budget and final budget to  
138 the manager or administrator of such county or counties who  
139 shall post the budgets on the county's website.

140 ~~(4) (a) If the tentative budget of a municipality contains a~~  
141 ~~funding reduction to the operating budget of the municipal law~~  
142 ~~enforcement agency, the state attorney for the judicial circuit~~  
143 ~~in which the municipality is located, or a member of the~~  
144 ~~governing body who objects to the funding reduction, may file an~~  
145 ~~appeal by petition to the Administration Commission within 30~~

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146 ~~days after the day the tentative budget is posted to the~~  
147 ~~official website of the municipality under subsection (3). The~~  
148 ~~petition must set forth the tentative budget proposed by the~~  
149 ~~municipality, in the form and manner prescribed by the Executive~~  
150 ~~Office of the Governor and approved by the Administration~~  
151 ~~Commission, the operating budget of the municipal law~~  
152 ~~enforcement agency as approved by the municipality for the~~  
153 ~~previous year, and state the reasons or grounds for the appeal.~~  
154 ~~The petition shall be filed with the Executive Office of the~~  
155 ~~Governor and a copy served upon the governing body of the~~  
156 ~~municipality or to the clerk of the circuit court of the county~~  
157 ~~in which the municipality is located.~~

158 ~~(b) The governing body of the municipality has 5 working~~  
159 ~~days after service of a copy of the petition to file a reply~~  
160 ~~with the Executive Office of the Governor and shall serve a copy~~  
161 ~~of such reply to the petitioner.~~

162 ~~(5) Upon receipt of the petition, the Executive Office of~~  
163 ~~the Governor shall provide for a budget hearing at which the~~  
164 ~~matters presented in the petition and the reply shall be~~  
165 ~~considered. A report of the findings and recommendations of the~~  
166 ~~Executive Office of the Governor thereon shall be promptly~~  
167 ~~submitted to the Administration Commission, which, within 30~~  
168 ~~days, shall approve the action of the governing body of the~~  
169 ~~municipality or amend or modify the budget as to each separate~~  
170 ~~item within the operating budget of the municipal law~~  
171 ~~enforcement agency. The budget as approved, amended, or modified~~  
172 ~~by the Administration Commission shall be final.~~

173 ~~(4)-(6)~~ By each October 15, the municipal budget officer  
174 shall electronically submit the following information regarding

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175 the final budget and the municipality's economic status to the  
176 Office of Economic and Demographic Research in the format  
177 specified by the office:

178 (a) Government spending per resident, including, at a  
179 minimum, the spending per resident for the previous 5 fiscal  
180 years.

181 (b) Government debt per resident, including, at a minimum,  
182 the debt per resident for the previous 5 fiscal years.

183 (c) Average municipal employee salary.

184 (d) Median income within the municipality.

185 (e) Number of special taxing districts wholly or partially  
186 within the municipality.

187 (f) Percent of budget spent on salaries and benefits for  
188 municipal employees.

189 (g) Annual municipal expenditures providing for the  
190 financing, acquisition, construction, reconstruction, or  
191 rehabilitation of housing that is affordable, as that term is  
192 defined in s. 420.0004. The reported expenditures must indicate  
193 the source of such funds as "federal," "state," "local," or  
194 "other," as applicable. This information must be included in the  
195 submission due by October 15, 2020, and each annual submission  
196 thereafter.

197 (5)~~(7)~~ The governing body of each municipality at any time  
198 within a fiscal year or within 60 days following the end of the  
199 fiscal year may amend a budget for that year as follows:

200 (a) Appropriations for expenditures within a fund may be  
201 decreased or increased by motion recorded in the minutes if the  
202 total appropriations of the fund is not changed.

203 (b) The governing body may establish procedures by which

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204 the designated budget officer may authorize budget amendments if  
205 the total appropriations of the fund is not changed.

206 (c) If a budget amendment is required for a purpose not  
207 specifically authorized in paragraph (a) or paragraph (b), the  
208 budget amendment must be adopted in the same manner as the  
209 original budget unless otherwise specified in the municipality's  
210 charter.

211 (6)~~(8)~~ If the governing body of a municipality amends the  
212 budget pursuant to paragraph (5)(c) ~~paragraph (7)(e)~~, the  
213 adopted amendment must be posted on the official website of the  
214 municipality within 5 days after adoption and must remain on the  
215 website for at least 2 years. If the municipality does not  
216 operate an official website, the municipality must, within a  
217 reasonable period of time as established by the county or  
218 counties in which the municipality is located, transmit the  
219 adopted amendment to the manager or administrator of such county  
220 or counties who shall post the adopted amendment on the county's  
221 website.

222 Section 2. Section 316.2045, Florida Statutes, is amended  
223 to read:

224 316.2045 Obstruction of public streets, highways, and  
225 roads.—

226 (1)(a) A person may not willfully obstruct the free,  
227 convenient, and normal use of a public street, highway, or road  
228 by:

229 1. Impeding, hindering, stifling, retarding, or restraining  
230 traffic or passage thereon;

231 2. Standing on or approaching motor vehicles ~~remaining~~ in  
232 the street, highway, or road; or



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233 3. Endangering the safe movement of vehicles or pedestrians  
234 traveling thereon.

235 (b) A person who violates paragraph (a) shall be cited for  
236 a pedestrian violation, punishable as provided in chapter 318.

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

239 (2) It is unlawful, without proper authorization or a  
240 lawful permit, for any person or persons willfully to obstruct  
241 the free, convenient, and normal use of any public street,  
242 highway, or road by any of the means specified in subsection (1)  
243 in order to solicit. Any person who violates this subsection  
244 commits a misdemeanor of the second degree, punishable as  
245 provided in s. 775.082 or s. 775.083. Organizations qualified  
246 under s. 501(c) (3) of the Internal Revenue Code and registered  
247 pursuant to chapter 496, or persons or organizations acting on  
248 their behalf, are exempted from this subsection for activities  
249 on streets or roads not maintained by the state. Permits for the  
250 use of any portion of a state-maintained road or right-of-way  
251 shall be required only for those purposes and in the manner set  
252 out in s. 337.406.

253 (3) Permits for the use of any street, road, or right-of-  
254 way not maintained by the state may be issued by the appropriate  
255 local government. An organization that is qualified under s.  
256 501(c) (3) of the Internal Revenue Code and registered under  
257 chapter 496, or a person or an organization acting on behalf of  
258 that organization, is exempt from local requirements for a  
259 permit issued under this subsection for charitable solicitation  
260 activities on or along streets or roads that are not maintained  
261 by the state under the following conditions:

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262       (a) The organization, or the person or organization acting  
263 on behalf of the organization, must provide all of the following  
264 to the local government:

265       1. No fewer than 14 calendar days before the proposed  
266 solicitation, the name and address of the person or organization  
267 that will perform the solicitation and the name and address of  
268 the organization that will receive funds from the solicitation.

269       2. For review and comment, a plan for the safety of all  
270 persons participating in the solicitation, as well as the  
271 motoring public, at the locations where the solicitation will  
272 take place.

273       3. Specific details of the location or locations of the  
274 proposed solicitation and the hours during which the  
275 solicitation activities will occur.

276       4. Proof of commercial general liability insurance against  
277 claims for bodily injury and property damage occurring on  
278 streets, roads, or rights-of-way or arising from the solicitor's  
279 activities or use of the streets, roads, or rights-of-way by the  
280 solicitor or the solicitor's agents, contractors, or employees.  
281 The insurance must have a limit of not less than \$1 million per  
282 occurrence for the general aggregate. The certificate of  
283 insurance must name the local government as an additional  
284 insured and must be filed with the local government no later  
285 than 72 hours before the date of the solicitation.

286       5. Proof of registration with the Department of Agriculture  
287 and Consumer Services pursuant to s. 496.405 or proof that the  
288 soliciting organization is exempt from the registration  
289 requirement.

290       (b) Organizations or persons meeting the requirements of

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291 subparagraphs (a)1.-5. may solicit for a period not to exceed 10  
292 cumulative days within 1 calendar year.

293 (c) All solicitation must occur during daylight hours only.

294 (d) Solicitation activities may not interfere with the safe  
295 and efficient movement of traffic and may not cause danger to  
296 the participants or the public.

297 (e) A person engaging in solicitation activities may not  
298 persist after solicitation has been denied, act in a demanding  
299 or harassing manner, or use any sound- or voice-amplifying  
300 apparatus or device.

301 (f) All persons participating in the solicitation must be  
302 at least 18 years of age and possess photo identification.

303 (g) Signage providing notice of the solicitation must be  
304 posted at least 500 feet before the site of the solicitation.

305 (h) The local government may stop solicitation activities  
306 if any conditions or requirements of this subsection are not  
307 met.

308 (4) This section may not be construed to inhibit political  
309 campaigning on the public right-of-way or to require a permit  
310 for such activity.

311 (5)~~(2)~~ Notwithstanding subsection (1), any commercial  
312 vehicle used solely for the purpose of collecting solid waste or  
313 recyclable or recovered materials may stop or stand on any  
314 public street, highway, or road for the sole purpose of  
315 collecting solid waste or recyclable or recovered materials.  
316 However, such solid waste or recyclable or recovered materials  
317 collection vehicle shall show or display amber flashing hazard  
318 lights at all times that it is engaged in stopping or standing  
319 for the purpose of collecting solid waste or recyclable or

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320 recovered materials. Local governments may establish reasonable  
321 regulations governing the standing and stopping of such  
322 commercial vehicles, provided that such regulations are applied  
323 uniformly and without regard to the ownership of the vehicles.

324 Section 3. Section 768.28, Florida Statutes, is amended to  
325 read:

326 768.28 Waiver of sovereign immunity in tort actions;  
327 recovery limits; ~~civil liability for damages caused during a~~  
328 ~~riot~~; limitation on attorney fees; statute of limitations;  
329 exclusions; indemnification; risk management programs.—

330 (1) In accordance with s. 13, Art. X of the State  
331 Constitution, the state, for itself and for its agencies or  
332 subdivisions, hereby waives sovereign immunity for liability for  
333 torts, but only to the extent specified in this act. Actions at  
334 law against the state or any of its agencies or subdivisions to  
335 recover damages in tort for money damages against the state or  
336 its agencies or subdivisions for injury or loss of property,  
337 personal injury, or death caused by the negligent or wrongful  
338 act or omission of any employee of the agency or subdivision  
339 while acting within the scope of the employee's office or  
340 employment under circumstances in which the state or such agency  
341 or subdivision, if a private person, would be liable to the  
342 claimant, in accordance with the general laws of this state, may  
343 be prosecuted subject to the limitations specified in this act.  
344 Any such action may be brought in the county where the property  
345 in litigation is located or, if the affected agency or  
346 subdivision has an office in such county for the transaction of  
347 its customary business, where the cause of action accrued.  
348 However, any such action against a state university board of

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349 trustees shall be brought in the county in which that  
350 university's main campus is located or in the county in which  
351 the cause of action accrued if the university maintains therein  
352 a substantial presence for the transaction of its customary  
353 business.

354 (2) As used in this act, "state agencies or subdivisions"  
355 include the executive departments, the Legislature, the judicial  
356 branch (including public defenders), and the independent  
357 establishments of the state, including state university boards  
358 of trustees; counties and municipalities; and corporations  
359 primarily acting as instrumentalities or agencies of the state,  
360 counties, or municipalities, including the Florida Space  
361 Authority.

362 (3) Except for a municipality and the Florida Space  
363 Authority, the affected agency or subdivision may, at its  
364 discretion, request the assistance of the Department of  
365 Financial Services in the consideration, adjustment, and  
366 settlement of any claim under this act.

367 (4) Subject to the provisions of this section, any state  
368 agency or subdivision shall have the right to appeal any award,  
369 compromise, settlement, or determination to the court of  
370 appropriate jurisdiction.

371 (5) ~~(a)~~ The state and its agencies and subdivisions shall be  
372 liable for tort claims in the same manner and to the same extent  
373 as a private individual under like circumstances, but liability  
374 shall not include punitive damages or interest for the period  
375 before judgment. Neither the state nor its agencies or  
376 subdivisions shall be liable to pay a claim or a judgment by any  
377 one person which exceeds the sum of \$200,000 or any claim or

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378 judgment, or portions thereof, which, when totaled with all  
379 other claims or judgments paid by the state or its agencies or  
380 subdivisions arising out of the same incident or occurrence,  
381 exceeds the sum of \$300,000. However, a judgment or judgments  
382 may be claimed and rendered in excess of these amounts and may  
383 be settled and paid pursuant to this act up to \$200,000 or  
384 \$300,000, as the case may be; and that portion of the judgment  
385 that exceeds these amounts may be reported to the Legislature,  
386 but may be paid in part or in whole only by further act of the  
387 Legislature. Notwithstanding the limited waiver of sovereign  
388 immunity provided herein, the state or an agency or subdivision  
389 thereof may agree, within the limits of insurance coverage  
390 provided, to settle a claim made or a judgment rendered against  
391 it without further action by the Legislature, but the state or  
392 agency or subdivision thereof shall not be deemed to have waived  
393 any defense of sovereign immunity or to have increased the  
394 limits of its liability as a result of its obtaining insurance  
395 coverage for tortious acts in excess of the \$200,000 or \$300,000  
396 waiver provided above. The limitations of liability set forth in  
397 this subsection shall apply to the state and its agencies and  
398 subdivisions whether or not the state or its agencies or  
399 subdivisions possessed sovereign immunity before July 1, 1974.

400 ~~(b) A municipality has a duty to allow the municipal law~~  
401 ~~enforcement agency to respond appropriately to protect persons~~  
402 ~~and property during a riot or an unlawful assembly based on the~~  
403 ~~availability of adequate equipment to its municipal law~~  
404 ~~enforcement officers and relevant state and federal laws. If the~~  
405 ~~governing body of a municipality or a person authorized by the~~  
406 ~~governing body of the municipality breaches that duty, the~~

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407 ~~municipality is civilly liable for any damages, including~~  
408 ~~damages arising from personal injury, wrongful death, or~~  
409 ~~property damages proximately caused by the municipality's breach~~  
410 ~~of duty. The sovereign immunity recovery limits in paragraph (a)~~  
411 ~~do not apply to an action under this paragraph.~~

412 (6) (a) An action may not be instituted on a claim against  
413 the state or one of its agencies or subdivisions unless the  
414 claimant presents the claim in writing to the appropriate  
415 agency, and also, except as to any claim against a municipality,  
416 county, or the Florida Space Authority, presents such claim in  
417 writing to the Department of Financial Services, within 3 years  
418 after such claim accrues and the Department of Financial  
419 Services or the appropriate agency denies the claim in writing;  
420 except that, if:

421 1. Such claim is for contribution pursuant to s. 768.31, it  
422 must be so presented within 6 months after the judgment against  
423 the tortfeasor seeking contribution has become final by lapse of  
424 time for appeal or after appellate review or, if there is no  
425 such judgment, within 6 months after the tortfeasor seeking  
426 contribution has either discharged the common liability by  
427 payment or agreed, while the action is pending against her or  
428 him, to discharge the common liability; or

429 2. Such action is for wrongful death, the claimant must  
430 present the claim in writing to the Department of Financial  
431 Services within 2 years after the claim accrues.

432 (b) For purposes of this section, the requirements of  
433 notice to the agency and denial of the claim pursuant to  
434 paragraph (a) are conditions precedent to maintaining an action  
435 but shall not be deemed to be elements of the cause of action

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436 and shall not affect the date on which the cause of action  
437 accrues.

438 (c) The claimant shall also provide to the agency the  
439 claimant's date and place of birth and social security number if  
440 the claimant is an individual, or a federal identification  
441 number if the claimant is not an individual. The claimant shall  
442 also state the case style, tribunal, the nature and amount of  
443 all adjudicated penalties, fines, fees, victim restitution fund,  
444 and other judgments in excess of \$200, whether imposed by a  
445 civil, criminal, or administrative tribunal, owed by the  
446 claimant to the state, its agency, officer or subdivision. If  
447 there exists no prior adjudicated unpaid claim in excess of  
448 \$200, the claimant shall so state.

449 (d) For purposes of this section, complete, accurate, and  
450 timely compliance with the requirements of paragraph (c) shall  
451 occur prior to settlement payment, close of discovery or  
452 commencement of trial, whichever is sooner; provided the ability  
453 to plead setoff is not precluded by the delay. This setoff shall  
454 apply only against that part of the settlement or judgment  
455 payable to the claimant, minus claimant's reasonable attorney's  
456 fees and costs. Incomplete or inaccurate disclosure of unpaid  
457 adjudicated claims due the state, its agency, officer, or  
458 subdivision, may be excused by the court upon a showing by the  
459 preponderance of the evidence of the claimant's lack of  
460 knowledge of an adjudicated claim and reasonable inquiry by, or  
461 on behalf of, the claimant to obtain the information from public  
462 records. Unless the appropriate agency had actual notice of the  
463 information required to be disclosed by paragraph (c) in time to  
464 assert a setoff, an unexcused failure to disclose shall, upon



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465 hearing and order of court, cause the claimant to be liable for  
466 double the original undisclosed judgment and, upon further  
467 motion, the court shall enter judgment for the agency in that  
468 amount. Except as provided otherwise in this subsection, the  
469 failure of the Department of Financial Services or the  
470 appropriate agency to make final disposition of a claim within 6  
471 months after it is filed shall be deemed a final denial of the  
472 claim for purposes of this section. For purposes of this  
473 subsection, in medical malpractice actions and in wrongful death  
474 actions, the failure of the Department of Financial Services or  
475 the appropriate agency to make final disposition of a claim  
476 within 90 days after it is filed shall be deemed a final denial  
477 of the claim. The statute of limitations for medical malpractice  
478 actions and wrongful death actions is tolled for the period of  
479 time taken by the Department of Financial Services or the  
480 appropriate agency to deny the claim. The provisions of this  
481 subsection do not apply to such claims as may be asserted by  
482 counterclaim pursuant to s. 768.14.

483 (7) In actions brought pursuant to this section, process  
484 shall be served upon the head of the agency concerned and also,  
485 except as to a defendant municipality, county, or the Florida  
486 Space Authority, upon the Department of Financial Services; and  
487 the department or the agency concerned shall have 30 days within  
488 which to plead thereto.

489 (8) No attorney may charge, demand, receive, or collect,  
490 for services rendered, fees in excess of 25 percent of any  
491 judgment or settlement.

492 (9) (a) An officer, employee, or agent of the state or of  
493 any of its subdivisions may not be held personally liable in

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494 tort or named as a party defendant in any action for any injury  
495 or damage suffered as a result of any act, event, or omission of  
496 action in the scope of her or his employment or function, unless  
497 such officer, employee, or agent acted in bad faith or with  
498 malicious purpose or in a manner exhibiting wanton and willful  
499 disregard of human rights, safety, or property. However, such  
500 officer, employee, or agent shall be considered an adverse  
501 witness in a tort action for any injury or damage suffered as a  
502 result of any act, event, or omission of action in the scope of  
503 her or his employment or function. The exclusive remedy for  
504 injury or damage suffered as a result of an act, event, or  
505 omission of an officer, employee, or agent of the state or any  
506 of its subdivisions or constitutional officers is by action  
507 against the governmental entity, or the head of such entity in  
508 her or his official capacity, or the constitutional officer of  
509 which the officer, employee, or agent is an employee, unless  
510 such act or omission was committed in bad faith or with  
511 malicious purpose or in a manner exhibiting wanton and willful  
512 disregard of human rights, safety, or property. The state or its  
513 subdivisions are not liable in tort for the acts or omissions of  
514 an officer, employee, or agent committed while acting outside  
515 the course and scope of her or his employment or committed in  
516 bad faith or with malicious purpose or in a manner exhibiting  
517 wanton and willful disregard of human rights, safety, or  
518 property.

519 (b) As used in this subsection, the term:

520 1. "Employee" includes any volunteer firefighter.

521 2. "Officer, employee, or agent" includes, but is not  
522 limited to, any health care provider when providing services

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523 pursuant to s. 766.1115; any nonprofit independent college or  
524 university located and chartered in this state which owns or  
525 operates an accredited medical school, and its employees or  
526 agents, when providing patient services pursuant to paragraph  
527 (10) (f); any public defender or her or his employee or agent,  
528 including an assistant public defender or an investigator; and  
529 any member of a Child Protection Team, as defined in s.  
530 39.01(13), when carrying out her or his duties as a team member  
531 under the control, direction, and supervision of the state or  
532 any of its agencies or subdivisions.

533 (c) For purposes of the waiver of sovereign immunity only,  
534 a member of the Florida National Guard is not acting within the  
535 scope of state employment when performing duty under the  
536 provisions of Title 10 or Title 32 of the United States Code or  
537 other applicable federal law; and neither the state nor any  
538 individual may be named in any action under this chapter arising  
539 from the performance of such federal duty.

540 (d) The employing agency of a law enforcement officer as  
541 defined in s. 943.10 is not liable for injury, death, or  
542 property damage effected or caused by a person fleeing from a  
543 law enforcement officer in a motor vehicle if:

544 1. The pursuit is conducted in a manner that does not  
545 involve conduct by the officer which is so reckless or wanting  
546 in care as to constitute disregard of human life, human rights,  
547 safety, or the property of another;

548 2. At the time the law enforcement officer initiates the  
549 pursuit, the officer reasonably believes that the person fleeing  
550 has committed a forcible felony as defined in s. 776.08; and

551 3. The pursuit is conducted by the officer pursuant to a

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552 written policy governing high-speed pursuit adopted by the  
553 employing agency. The policy must contain specific procedures  
554 concerning the proper method to initiate and terminate high-  
555 speed pursuit. The law enforcement officer must have received  
556 instructional training from the employing agency on the written  
557 policy governing high-speed pursuit.

558 (10) (a) Health care providers or vendors, or any of their  
559 employees or agents, that have contractually agreed to act as  
560 agents of the Department of Corrections to provide health care  
561 services to inmates of the state correctional system shall be  
562 considered agents of the State of Florida, Department of  
563 Corrections, for the purposes of this section, while acting  
564 within the scope of and pursuant to guidelines established in  
565 said contract or by rule. The contracts shall provide for the  
566 indemnification of the state by the agent for any liabilities  
567 incurred up to the limits set out in this chapter.

568 (b) This subsection shall not be construed as designating  
569 persons providing contracted health care services to inmates as  
570 employees or agents of the state for the purposes of chapter  
571 440.

572 (c) For purposes of this section, regional poison control  
573 centers created in accordance with s. 395.1027 and coordinated  
574 and supervised under the Division of Children's Medical Services  
575 Prevention and Intervention of the Department of Health, or any  
576 of their employees or agents, shall be considered agents of the  
577 State of Florida, Department of Health. Any contracts with  
578 poison control centers must provide, to the extent permitted by  
579 law, for the indemnification of the state by the agency for any  
580 liabilities incurred up to the limits set out in this chapter.

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581 (d) For the purposes of this section, operators,  
582 dispatchers, and providers of security for rail services and  
583 rail facility maintenance providers in the South Florida Rail  
584 Corridor, or any of their employees or agents, performing such  
585 services under contract with and on behalf of the South Florida  
586 Regional Transportation Authority or the Department of  
587 Transportation shall be considered agents of the state while  
588 acting within the scope of and pursuant to guidelines  
589 established in said contract or by rule.

590 (e) For purposes of this section, a professional firm that  
591 provides monitoring and inspection services of the work required  
592 for state roadway, bridge, or other transportation facility  
593 construction projects, or any of the firm's employees performing  
594 such services, shall be considered agents of the Department of  
595 Transportation while acting within the scope of the firm's  
596 contract with the Department of Transportation to ensure that  
597 the project is constructed in conformity with the project's  
598 plans, specifications, and contract provisions. Any contract  
599 between the professional firm and the state, to the extent  
600 permitted by law, shall provide for the indemnification of the  
601 department for any liability, including reasonable attorney's  
602 fees, incurred up to the limits set out in this chapter to the  
603 extent caused by the negligence of the firm or its employees.  
604 This paragraph shall not be construed as designating persons who  
605 provide monitoring and inspection services as employees or  
606 agents of the state for purposes of chapter 440. This paragraph  
607 is not applicable to the professional firm or its employees if  
608 involved in an accident while operating a motor vehicle. This  
609 paragraph is not applicable to a firm engaged by the Department

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610 of Transportation for the design or construction of a state  
611 roadway, bridge, or other transportation facility construction  
612 project or to its employees, agents, or subcontractors.

613 (f) For purposes of this section, any nonprofit independent  
614 college or university located and chartered in this state which  
615 owns or operates an accredited medical school, or any of its  
616 employees or agents, and which has agreed in an affiliation  
617 agreement or other contract to provide, or permit its employees  
618 or agents to provide, patient services as agents of a teaching  
619 hospital, is considered an agent of the teaching hospital while  
620 acting within the scope of and pursuant to guidelines  
621 established in the affiliation agreement or other contract. To  
622 the extent allowed by law, the contract must provide for the  
623 indemnification of the teaching hospital, up to the limits set  
624 out in this chapter, by the agent for any liability incurred  
625 which was caused by the negligence of the college or university  
626 or its employees or agents. The contract must also provide that  
627 those limited portions of the college, university, or medical  
628 school which are directly providing services pursuant to the  
629 contract and which are considered an agent of the teaching  
630 hospital for purposes of this section are deemed to be acting on  
631 behalf of a public agency as defined in s. 119.011(2).

632 1. For purposes of this paragraph, the term:

633 a. "Employee or agent" means an officer, employee, agent,  
634 or servant of a nonprofit independent college or university  
635 located and chartered in this state which owns or operates an  
636 accredited medical school, including, but not limited to, the  
637 faculty of the medical school, any health care practitioner or  
638 licensee as defined in s. 456.001 for which the college or

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639 university is vicariously liable, and the staff or  
640 administrators of the medical school.

641 b. "Patient services" mean:

642 (I) Comprehensive health care services as defined in s.  
643 641.19, including any related administrative service, provided  
644 to patients in a teaching hospital;

645 (II) Training and supervision of interns, residents, and  
646 fellows providing patient services in a teaching hospital; or

647 (III) Training and supervision of medical students in a  
648 teaching hospital.

649 c. "Teaching hospital" means a teaching hospital as defined  
650 in s. 408.07 which is owned or operated by the state, a county  
651 or municipality, a public health trust, a special taxing  
652 district, a governmental entity having health care  
653 responsibilities, or a not-for-profit entity that operates such  
654 facility as an agent of the state, or a political subdivision of  
655 the state, under a lease or other contract.

656 2. The teaching hospital or the medical school, or its  
657 employees or agents, must provide notice to each patient, or the  
658 patient's legal representative, that the college or university  
659 that owns or operates the medical school and the employees or  
660 agents of that college or university are acting as agents of the  
661 teaching hospital and that the exclusive remedy for injury or  
662 damage suffered as the result of any act or omission of the  
663 teaching hospital, the college or university that owns or  
664 operates the medical school, or the employees or agents of the  
665 college or university, while acting within the scope of duties  
666 pursuant to the affiliation agreement or other contract with a  
667 teaching hospital, is by commencement of an action pursuant to

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668 the provisions of this section. This notice requirement may be  
669 met by posting the notice in a place conspicuous to all persons.

670 3. This paragraph does not designate any employee providing  
671 contracted patient services in a teaching hospital as an  
672 employee or agent of the state for purposes of chapter 440.

673 (g) For the purposes of this section, the executive  
674 director of the Board of Nursing, when serving as the state  
675 administrator of the Nurse Licensure Compact pursuant to s.  
676 464.0095, and any administrator, officer, executive director,  
677 employee, or representative of the Interstate Commission of  
678 Nurse Licensure Compact Administrators, when acting within the  
679 scope of their employment, duties, or responsibilities in this  
680 state, are considered agents of the state. The commission shall  
681 pay any claims or judgments pursuant to this section and may  
682 maintain insurance coverage to pay any such claims or judgments.

683 (11) (a) Providers or vendors, or any of their employees or  
684 agents, that have contractually agreed to act on behalf of the  
685 state as agents of the Department of Juvenile Justice to provide  
686 services to children in need of services, families in need of  
687 services, or juvenile offenders are, solely with respect to such  
688 services, agents of the state for purposes of this section while  
689 acting within the scope of and pursuant to guidelines  
690 established in the contract or by rule. A contract must provide  
691 for the indemnification of the state by the agent for any  
692 liabilities incurred up to the limits set out in this chapter.

693 (b) This subsection does not designate a person who  
694 provides contracted services to juvenile offenders as an  
695 employee or agent of the state for purposes of chapter 440.

696 (12) (a) A health care practitioner, as defined in s.



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697 456.001(4), who has contractually agreed to act as an agent of a  
698 state university board of trustees to provide medical services  
699 to a student athlete for participation in or as a result of  
700 intercollegiate athletics, to include team practices, training,  
701 and competitions, shall be considered an agent of the respective  
702 state university board of trustees, for the purposes of this  
703 section, while acting within the scope of and pursuant to  
704 guidelines established in that contract. The contracts shall  
705 provide for the indemnification of the state by the agent for  
706 any liabilities incurred up to the limits set out in this  
707 chapter.

708 (b) This subsection shall not be construed as designating  
709 persons providing contracted health care services to athletes as  
710 employees or agents of a state university board of trustees for  
711 the purposes of chapter 440.

712 (13) Laws allowing the state or its agencies or  
713 subdivisions to buy insurance are still in force and effect and  
714 are not restricted in any way by the terms of this act.

715 (14) Every claim against the state or one of its agencies  
716 or subdivisions for damages for a negligent or wrongful act or  
717 omission pursuant to this section shall be forever barred unless  
718 the civil action is commenced by filing a complaint in the court  
719 of appropriate jurisdiction within 4 years after such claim  
720 accrues; except that an action for contribution must be  
721 commenced within the limitations provided in s. 768.31(4), and  
722 an action for damages arising from medical malpractice or  
723 wrongful death must be commenced within the limitations for such  
724 actions in s. 95.11(4).

725 (15) No action may be brought against the state or any of

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726 its agencies or subdivisions by anyone who unlawfully  
727 participates in a riot, unlawful assembly, public demonstration,  
728 mob violence, or civil disobedience if the claim arises out of  
729 such riot, unlawful assembly, public demonstration, mob  
730 violence, or civil disobedience. Nothing in this act shall  
731 abridge traditional immunities pertaining to statements made in  
732 court.

733 (16) (a) The state and its agencies and subdivisions are  
734 authorized to be self-insured, to enter into risk management  
735 programs, or to purchase liability insurance for whatever  
736 coverage they may choose, or to have any combination thereof, in  
737 anticipation of any claim, judgment, and claims bill which they  
738 may be liable to pay pursuant to this section. Agencies or  
739 subdivisions, and sheriffs, that are subject to homogeneous  
740 risks may purchase insurance jointly or may join together as  
741 self-insurers to provide other means of protection against tort  
742 claims, any charter provisions or laws to the contrary  
743 notwithstanding.

744 (b) Claims files maintained by any risk management program  
745 administered by the state, its agencies, and its subdivisions  
746 are confidential and exempt from the provisions of s. 119.07(1)  
747 and s. 24(a), Art. I of the State Constitution until termination  
748 of all litigation and settlement of all claims arising out of  
749 the same incident, although portions of the claims files may  
750 remain exempt, as otherwise provided by law. Claims files  
751 records may be released to other governmental agencies upon  
752 written request and demonstration of need; such records held by  
753 the receiving agency remain confidential and exempt as provided  
754 for in this paragraph.

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755 (c) Portions of meetings and proceedings conducted pursuant  
756 to any risk management program administered by the state, its  
757 agencies, or its subdivisions, which relate solely to the  
758 evaluation of claims filed with the risk management program or  
759 which relate solely to offers of compromise of claims filed with  
760 the risk management program are exempt from the provisions of s.  
761 286.011 and s. 24(b), Art. I of the State Constitution. Until  
762 termination of all litigation and settlement of all claims  
763 arising out of the same incident, persons privy to discussions  
764 pertinent to the evaluation of a filed claim shall not be  
765 subject to subpoena in any administrative or civil proceeding  
766 with regard to the content of those discussions.

767 (d) Minutes of the meetings and proceedings of any risk  
768 management program administered by the state, its agencies, or  
769 its subdivisions, which relate solely to the evaluation of  
770 claims filed with the risk management program or which relate  
771 solely to offers of compromise of claims filed with the risk  
772 management program are exempt from the provisions of s.  
773 119.07(1) and s. 24(a), Art. I of the State Constitution until  
774 termination of all litigation and settlement of all claims  
775 arising out of the same incident.

776 (17) This section, as amended by chapter 81-317, Laws of  
777 Florida, shall apply only to causes of actions which accrue on  
778 or after October 1, 1981.

779 (18) No provision of this section, or of any other section  
780 of the Florida Statutes, whether read separately or in  
781 conjunction with any other provision, shall be construed to  
782 waive the immunity of the state or any of its agencies from suit  
783 in federal court, as such immunity is guaranteed by the Eleventh

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784 Amendment to the Constitution of the United States, unless such  
785 waiver is explicitly and definitely stated to be a waiver of the  
786 immunity of the state and its agencies from suit in federal  
787 court. This subsection shall not be construed to mean that the  
788 state has at any time previously waived, by implication, its  
789 immunity, or that of any of its agencies, from suit in federal  
790 court through any statute in existence prior to June 24, 1984.

791 (19) Neither the state nor any agency or subdivision of the  
792 state waives any defense of sovereign immunity, or increases the  
793 limits of its liability, upon entering into a contractual  
794 relationship with another agency or subdivision of the state.  
795 Such a contract must not contain any provision that requires one  
796 party to indemnify or insure the other party for the other  
797 party's negligence or to assume any liability for the other  
798 party's negligence. This does not preclude a party from  
799 requiring a nongovernmental entity to provide such  
800 indemnification or insurance. The restrictions of this  
801 subsection do not prevent a regional water supply authority from  
802 indemnifying and assuming the liabilities of its member  
803 governments for obligations arising from past acts or omissions  
804 at or with property acquired from a member government by the  
805 authority and arising from the acts or omissions of the  
806 authority in performing activities contemplated by an interlocal  
807 agreement. Such indemnification may not be considered to  
808 increase or otherwise waive the limits of liability to third-  
809 party claimants established by this section.

810 (20) Every municipality, and any agency thereof, is  
811 authorized to undertake to indemnify those employees that are  
812 exposed to personal liability pursuant to the Clean Air Act

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813 Amendments of 1990, 42 U.S.C.A. ss. 7401 et seq., and all rules  
814 and regulations adopted to implement that act, for acts  
815 performed within the course and scope of their employment with  
816 the municipality or its agency, including but not limited to  
817 indemnification pertaining to the holding, transfer, or  
818 disposition of allowances allocated to the municipality's or its  
819 agency's electric generating units, and the monitoring,  
820 submission, certification, and compliance with permits, permit  
821 applications, records, compliance plans, and reports for those  
822 units, when such acts are performed within the course and scope  
823 of their employment with the municipality or its agency. The  
824 authority to indemnify under this section covers every act by an  
825 employee when such act is performed within the course and scope  
826 of her or his employment with the municipality or its agency,  
827 but does not cover any act of willful misconduct or any  
828 intentional or knowing violation of any law by the employee. The  
829 authority to indemnify under this section includes, but is not  
830 limited to, the authority to pay any fine and provide legal  
831 representation in any action.

832 Section 4. Subsections (2) and (3) of section 784.011,  
833 Florida Statutes, are amended to read:

834 784.011 Assault.—

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

838 ~~(3) A person who assaults another person in furtherance of~~  
839 ~~a riot or an aggravated riot prohibited under s. 870.01 commits~~  
840 ~~a misdemeanor of the first degree, punishable as provided in s.~~  
841 ~~775.082 or s. 775.083.~~

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842 Section 5. Subsection (3) of section 784.021, Florida  
 843 Statutes, is amended to read:

844 784.021 Aggravated assault.—

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

850 Section 6. Subsections (1) and (3) of section 784.03,  
 851 Florida Statutes, are amended to read:

852 784.03 Battery; felony battery.—

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

- 854 1. Actually and intentionally touches or strikes another
- 855 person against the will of the other; or
- 856 2. Intentionally causes bodily harm to another person.

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

860 ~~(3) A person who commits a battery in furtherance of a riot~~  
 861 ~~or an aggravated riot prohibited under s. 870.01 commits a~~  
 862 ~~felony of the third degree, punishable as provided in s.~~  
 863 ~~775.082, s. 775.083, or 775.084.~~

864 Section 7. Subsection (3) of section 784.045, Florida  
 865 Statutes, is amended to read:

866 784.045 Aggravated battery.—

867 ~~(3) For the purposes of sentencing under chapter 921, a~~  
 868 ~~violation of this section committed by a person acting in~~  
 869 ~~furtherance of a riot or an aggravated riot prohibited under s.~~  
 870 ~~870.01 is ranked one level above the ranking under s. 921.0022~~

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871 ~~for the offense committed.~~

872 Section 8. Section 784.0495, Florida Statutes, is repealed.

873 Section 9. Subsections (2) and (4) of section 784.07,

874 Florida Statutes, are amended to read:

875 784.07 Assault or battery of law enforcement officers,  
876 firefighters, emergency medical care providers, public transit  
877 employees or agents, or other specified officers;  
878 reclassification of offenses; minimum sentences.-

879 (2) Whenever any person is charged with knowingly  
880 committing an assault or battery upon a law enforcement officer,  
881 a firefighter, an emergency medical care provider, a railroad  
882 special officer, a traffic accident investigation officer as  
883 described in s. 316.640, a nonsworn law enforcement agency  
884 employee who is certified as an agency inspector, a blood  
885 alcohol analyst, or a breath test operator while such employee  
886 is in uniform and engaged in processing, testing, evaluating,  
887 analyzing, or transporting a person who is detained or under  
888 arrest for DUI, a law enforcement explorer, a traffic infraction  
889 enforcement officer as described in s. 316.640, a parking  
890 enforcement specialist as defined in s. 316.640, a person  
891 licensed as a security officer as defined in s. 493.6101 and  
892 wearing a uniform that bears at least one patch or emblem that  
893 is visible at all times that clearly identifies the employing  
894 agency and that clearly identifies the person as a licensed  
895 security officer, or a security officer employed by the board of  
896 trustees of a community college, while the officer, firefighter,  
897 emergency medical care provider, railroad special officer,  
898 traffic accident investigation officer, traffic infraction  
899 enforcement officer, inspector, analyst, operator, law

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900 enforcement explorer, parking enforcement specialist, public  
901 transit employee or agent, or security officer is engaged in the  
902 lawful performance of his or her duties, the offense for which  
903 the person is charged shall be reclassified as follows:

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

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

912 (c) In the case of aggravated assault, from a felony of the  
913 third degree to a felony of the second degree. Notwithstanding  
914 any other provision of law, any person convicted of aggravated  
915 assault upon a law enforcement officer shall be sentenced to a  
916 minimum term of imprisonment of 3 years.

917 (d) In the case of aggravated battery, from a felony of the  
918 second degree to a felony of the first degree. Notwithstanding  
919 any other provision of law, any person convicted of aggravated  
920 battery of a law enforcement officer shall be sentenced to a  
921 minimum term of imprisonment of 5 years.

922 ~~(4) For purposes of sentencing under chapter 921, a felony  
923 violation of this section committed by a person acting in  
924 furtherance of a riot or an aggravated riot prohibited under s.  
925 870.01 is ranked one level above the ranking under s. 921.0022  
926 for the offense committed.~~

927 Section 10. Subsections (3) and (9) of section 806.13,  
928 Florida Statutes, are amended to read:



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929           806.13 Criminal mischief; penalties; penalty for minor.-  
 930           ~~(3) Any person who, without the consent of the owner~~  
 931 ~~thereof, willfully and maliciously defaces, injures, or~~  
 932 ~~otherwise damages by any means a memorial or historic property,~~  
 933 ~~as defined in s. 806.135(1), and the value of the damage to the~~  
 934 ~~memorial or historic property is greater than \$200, commits a~~  
 935 ~~felony of the third degree, punishable as provided in s.~~  
 936 ~~775.082, s. 775.083, or s. 775.084. A court shall order any~~  
 937 ~~person convicted of violating this subsection to pay~~  
 938 ~~restitution, which shall include the full cost of repair or~~  
 939 ~~replacement of such memorial or historic property.~~

940           (8)~~(9)~~ A minor whose driver license or driving privilege is  
 941 revoked, suspended, or withheld under subsection (7) ~~(8)~~ may  
 942 elect to reduce the period of revocation, suspension, or  
 943 withholding by performing community service at the rate of 1 day  
 944 for each hour of community service performed. In addition, if  
 945 the court determines that due to a family hardship, the minor's  
 946 driver license or driving privilege is necessary for employment  
 947 or medical purposes of the minor or a member of the minor's  
 948 family, the court shall order the minor to perform community  
 949 service and reduce the period of revocation, suspension, or  
 950 withholding at the rate of 1 day for each hour of community  
 951 service performed. As used in this subsection, the term  
 952 "community service" means cleaning graffiti from public  
 953 property.

954           Section 11. Section 806.135, Florida Statutes, is repealed.  
 955           Section 12. Subsections (3) and (4) of section 810.02,  
 956 Florida Statutes, are amended to read:  
 957           810.02 Burglary.-

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958 (3) Burglary is a felony of the second degree, punishable  
959 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
960 course of committing the offense, the offender does not make an  
961 assault or battery and is not and does not become armed with a  
962 dangerous weapon or explosive, and the offender enters or  
963 remains in a:

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

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

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

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

972 (e) Authorized emergency vehicle, as defined in s. 316.003;  
973 or

974 (f) Structure or conveyance when the offense intended to be  
975 committed therein is theft of a controlled substance as defined  
976 in s. 893.02. Notwithstanding any other law, separate judgments  
977 and sentences for burglary with the intent to commit theft of a  
978 controlled substance under this paragraph and for any applicable  
979 possession of controlled substance offense under s. 893.13 or  
980 trafficking in controlled substance offense under s. 893.135 may  
981 be imposed when all such offenses involve the same amount or  
982 amounts of a controlled substance.

983  
984 However, if the burglary is committed ~~during a riot or an~~  
985 ~~aggravated riot prohibited under s. 870.01 and the perpetration~~  
986 ~~of the burglary is facilitated by conditions arising from the~~

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987 ~~riot, or~~ within a county that is subject to a state of emergency  
988 declared by the Governor under chapter 252 after the declaration  
989 of emergency is made and the perpetration of the burglary is  
990 facilitated by conditions arising from the emergency, the  
991 burglary is a felony of the first degree, punishable as provided  
992 in s. 775.082, s. 775.083, or s. 775.084. As used in this  
993 subsection, the term ~~"conditions arising from the riot"~~ means  
994 ~~civil unrest, power outages, curfews, or a reduction in the~~  
995 ~~presence of or response time for first responders or homeland~~  
996 ~~security personnel and the term~~ "conditions arising from the  
997 emergency" means civil unrest, power outages, curfews, voluntary  
998 or mandatory evacuations, or a reduction in the presence of or  
999 response time for first responders or homeland security  
1000 personnel. A person arrested for committing a burglary ~~during a~~  
1001 ~~riot or an aggravated riot or~~ within a county that is subject to  
1002 such a state of emergency may not be released until the person  
1003 appears before a committing magistrate at a first appearance  
1004 hearing. For purposes of sentencing under chapter 921, a felony  
1005 offense that is reclassified under this subsection is ranked one  
1006 level above the ranking under s. 921.0022 or s. 921.0023 of the  
1007 offense committed.

1008 (4) Burglary is a felony of the third degree, punishable as  
1009 provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
1010 course of committing the offense, the offender does not make an  
1011 assault or battery and is not and does not become armed with a  
1012 dangerous weapon or explosive, and the offender enters or  
1013 remains in a:

1014 (a) Structure, and there is not another person in the  
1015 structure at the time the offender enters or remains; or

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1016 (b) Conveyance, and there is not another person in the  
1017 conveyance at the time the offender enters or remains.

1018  
1019 However, if the burglary is committed ~~during a riot or an~~  
1020 ~~aggravated riot prohibited under s. 870.01 and the perpetration~~  
1021 ~~of the burglary is facilitated by conditions arising from the~~  
1022 ~~riot; or~~ within a county that is subject to a state of emergency  
1023 declared by the Governor under chapter 252 after the declaration  
1024 of emergency is made and the perpetration of the burglary is  
1025 facilitated by conditions arising from the emergency, the  
1026 burglary is a felony of the second degree, punishable as  
1027 provided in s. 775.082, s. 775.083, or s. 775.084. As used in  
1028 this subsection, the term ~~terms~~ "conditions arising from the  
1029 ~~riot~~" and "conditions arising from the emergency" has ~~have~~ the  
1030 same meaning ~~meanings~~ as provided in subsection (3). A person  
1031 arrested for committing a burglary ~~during a riot or an~~  
1032 ~~aggravated riot or~~ within a county that is subject to such a  
1033 state of emergency may not be released until the person appears  
1034 before a committing magistrate at a first appearance hearing.  
1035 For purposes of sentencing under chapter 921, a felony offense  
1036 that is reclassified under this subsection is ranked one level  
1037 above the ranking under s. 921.0022 or s. 921.0023 of the  
1038 offense committed.

1039 Section 13. Paragraphs (b) and (c) of subsection (2) of  
1040 section 812.014, Florida Statutes, are amended to read:

1041 812.014 Theft.—

1042 (2)

1043 (b)1. If the property stolen is valued at \$20,000 or more,  
1044 but less than \$100,000;

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1045           2. The property stolen is cargo valued at less than \$50,000  
1046 that has entered the stream of interstate or intrastate commerce  
1047 from the shipper's loading platform to the consignee's receiving  
1048 dock;

1049           3. The property stolen is emergency medical equipment,  
1050 valued at \$300 or more, that is taken from a facility licensed  
1051 under chapter 395 or from an aircraft or vehicle permitted under  
1052 chapter 401; or

1053           4. The property stolen is law enforcement equipment, valued  
1054 at \$300 or more, that is taken from an authorized emergency  
1055 vehicle, as defined in s. 316.003,

1056  
1057 the offender commits grand theft in the second degree,  
1058 punishable as a felony of the second degree, as provided in s.  
1059 775.082, s. 775.083, or s. 775.084. Emergency medical equipment  
1060 means mechanical or electronic apparatus used to provide  
1061 emergency services and care as defined in s. 395.002(9) or to  
1062 treat medical emergencies. Law enforcement equipment means any  
1063 property, device, or apparatus used by any law enforcement  
1064 officer as defined in s. 943.10 in the officer's official  
1065 business. However, if the property is stolen ~~during a riot or an~~  
1066 ~~aggravated riot prohibited under s. 870.01 and the perpetration~~  
1067 ~~of the theft is facilitated by conditions arising from the riot,~~  
1068 ~~or~~ within a county that is subject to a state of emergency  
1069 declared by the Governor under chapter 252, the theft is  
1070 committed after the declaration of emergency is made, and the  
1071 perpetration of the theft is facilitated by conditions arising  
1072 from the emergency, the theft is a felony of the first degree,  
1073 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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1074 As used in this paragraph, the term ~~"conditions arising from the~~  
1075 ~~riot"~~ means civil unrest, power outages, curfews, or a reduction  
1076 ~~in the presence of or response time for first responders or~~  
1077 ~~homeland security personnel and the term "conditions arising~~  
1078 from the emergency" means civil unrest, power outages, curfews,  
1079 voluntary or mandatory evacuations, or a reduction in the  
1080 presence of or response time for first responders or homeland  
1081 security personnel. ~~A person arrested for committing a theft~~  
1082 ~~during a riot or an aggravated riot or within a county that is~~  
1083 ~~subject to a state of emergency may not be released until the~~  
1084 ~~person appears before a committing magistrate at a first~~  
1085 ~~appearance hearing.~~ For purposes of sentencing under chapter  
1086 921, a felony offense that is reclassified under this paragraph  
1087 is ranked one level above the ranking under s. 921.0022 or s.  
1088 921.0023 of the offense committed.

1089 (c) It is grand theft of the third degree and a felony of  
1090 the third degree, punishable as provided in s. 775.082, s.  
1091 775.083, or s. 775.084, if the property stolen is:

- 1092 1. Valued at \$750 or more, but less than \$5,000.
- 1093 2. Valued at \$5,000 or more, but less than \$10,000.
- 1094 3. Valued at \$10,000 or more, but less than \$20,000.
- 1095 4. A will, codicil, or other testamentary instrument.
- 1096 5. A firearm.
- 1097 6. A motor vehicle, except as provided in paragraph (a).
- 1098 7. Any commercially farmed animal, including any animal of  
1099 the equine, avian, bovine, or swine class or other grazing  
1100 animal; a bee colony of a registered beekeeper; and aquaculture  
1101 species raised at a certified aquaculture facility. If the  
1102 property stolen is a commercially farmed animal, including an

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1103 animal of the equine, avian, bovine, or swine class or other  
1104 grazing animal; a bee colony of a registered beekeeper; or an  
1105 aquaculture species raised at a certified aquaculture facility,  
1106 a \$10,000 fine shall be imposed.

1107 8. Any fire extinguisher that, at the time of the taking,  
1108 was installed in any building for the purpose of fire prevention  
1109 and control. This subparagraph does not apply to a fire  
1110 extinguisher taken from the inventory at a point-of-sale  
1111 business.

1112 9. Any amount of citrus fruit consisting of 2,000 or more  
1113 individual pieces of fruit.

1114 10. Taken from a designated construction site identified by  
1115 the posting of a sign as provided for in s. 810.09(2)(d).

1116 11. Any stop sign.

1117 12. Anhydrous ammonia.

1118 13. Any amount of a controlled substance as defined in s.  
1119 893.02. Notwithstanding any other law, separate judgments and  
1120 sentences for theft of a controlled substance under this  
1121 subparagraph and for any applicable possession of controlled  
1122 substance offense under s. 893.13 or trafficking in controlled  
1123 substance offense under s. 893.135 may be imposed when all such  
1124 offenses involve the same amount or amounts of a controlled  
1125 substance.

1126  
1127 However, if the property is stolen ~~during a riot or an~~  
1128 ~~aggravated riot prohibited under s. 870.01 and the perpetration~~  
1129 ~~of the theft is facilitated by conditions arising from the riot,~~  
1130 ~~or~~ within a county that is subject to a state of emergency  
1131 declared by the Governor under chapter 252, the property is

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1132 stolen after the declaration of emergency is made, and the  
1133 perpetration of the theft is facilitated by conditions arising  
1134 from the emergency, the offender commits a felony of the second  
1135 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1136 775.084, if the property is valued at \$5,000 or more, but less  
1137 than \$10,000, as provided under subparagraph 2., or if the  
1138 property is valued at \$10,000 or more, but less than \$20,000, as  
1139 provided under subparagraph 3. As used in this paragraph, the  
1140 term ~~terms "conditions arising from a riot" and "conditions~~  
1141 ~~arising from the emergency"~~ has ~~have~~ the same meaning ~~meanings~~  
1142 as provided in paragraph (b). ~~A person arrested for committing a~~  
1143 ~~theft during a riot or an aggravated riot or within a county~~  
1144 ~~that is subject to a state of emergency may not be released~~  
1145 ~~until the person appears before a committing magistrate at a~~  
1146 ~~first appearance hearing.~~ For purposes of sentencing under  
1147 chapter 921, a felony offense that is reclassified under this  
1148 paragraph is ranked one level above the ranking under s.  
1149 921.0022 or s. 921.0023 of the offense committed.

1150 Section 14. Section 836.115, Florida Statutes, is repealed.

1151 Section 15. Section 870.01, Florida Statutes, is amended to  
1152 read:

1153 870.01 Affrays and riots.—

1154 (1) ~~A person commits an affray if he or she engages, by~~  
1155 ~~mutual consent, in fighting with another person in a public~~  
1156 ~~place to the terror of the people.~~ A person who commits an  
1157 affray commits a misdemeanor of the first degree, punishable as  
1158 provided in s. 775.082 or s. 775.083.

1159 (2) A person who commits a riot, or who incites or  
1160 encourages a riot, ~~if he or she willfully participates in a~~



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1161 ~~violent public disturbance involving an assembly of three or~~  
1162 ~~more persons, acting with a common intent to assist each other~~  
1163 ~~in violent and disorderly conduct, resulting in:~~

1164 ~~(a) Injury to another person;~~

1165 ~~(b) Damage to property; or~~

1166 ~~(c) Imminent danger of injury to another person or damage~~  
1167 ~~to property.~~

1168

1169 ~~A person who commits a riot~~ commits a felony of the third  
1170 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~  
1171 ~~775.084.~~

1172 ~~(3) A person commits aggravated rioting if, in the course~~  
1173 ~~of committing a riot, he or she:~~

1174 ~~(a) Participates with 25 or more other persons;~~

1175 ~~(b) Causes great bodily harm to a person not participating~~  
1176 ~~in the riot;~~

1177 ~~(c) Causes property damage in excess of \$5,000;~~

1178 ~~(d) Displays, uses, threatens to use, or attempts to use a~~  
1179 ~~deadly weapon; or~~

1180 ~~(e) By force, or threat of force, endangers the safe~~  
1181 ~~movement of a vehicle traveling on a public street, highway, or~~  
1182 ~~road.~~

1183

1184 ~~A person who commits aggravated rioting~~ commits a felony of the  
1185 ~~second degree, punishable as provided in s. 775.082, s. 775.083,~~  
1186 ~~or s. 775.084.~~

1187 ~~(4) A person commits inciting a riot if he or she willfully~~  
1188 ~~incites another person to participate in a riot, resulting in a~~  
1189 ~~riot or imminent danger of a riot. A person who commits inciting~~

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1190 ~~a riot commits a felony of the third degree, punishable as~~  
1191 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

1192 ~~(5) A person commits aggravated inciting a riot if he or~~  
1193 ~~she:~~

1194 ~~(a) Incites a riot resulting in great bodily harm to~~  
1195 ~~another person not participating in the riot;~~

1196 ~~(b) Incites a riot resulting in property damage in excess~~  
1197 ~~of \$5,000; or~~

1198 ~~(c) Supplies a deadly weapon to another person or teaches~~  
1199 ~~another person to prepare a deadly weapon with intent that the~~  
1200 ~~deadly weapon be used in a riot for an unlawful purpose.~~

1201  
1202 ~~A person who commits aggravated inciting a riot commits a felony~~  
1203 ~~of the second degree, punishable as provided in s. 775.082, s.~~  
1204 ~~775.083, or s. 775.084.~~

1205 ~~(6) Except for a violation of subsection (1), a person~~  
1206 ~~arrested for a violation of this section shall be held in~~  
1207 ~~custody until brought before the court for admittance to bail in~~  
1208 ~~accordance with chapter 903.~~

1209 ~~(7) This section does not prohibit constitutionally~~  
1210 ~~protected activity such as a peaceful protest.~~

1211 Section 16. Section 870.02, Florida Statutes, is amended to  
1212 read:

1213 870.02 Unlawful assemblies.—

1214 ~~(1)~~ If three or more persons meet together to commit a  
1215 breach of the peace, or to do any other unlawful act, each of  
1216 them commits a misdemeanor of the second degree, punishable as  
1217 provided in s. 775.082 or s. 775.083.

1218 ~~(2) A person arrested for a violation of this section shall~~

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1219 ~~be held in custody until brought before the court for admittance~~  
 1220 ~~to bail in accordance with chapter 903.~~

1221 Section 17. Notwithstanding the April 19, 2021, repeal of  
 1222 section 870.03, Florida Statutes, that section is revived,  
 1223 reenacted, and amended to read:

1224 870.03 Riots and routs.—If any persons unlawfully assembled  
 1225 demolish, pull down or destroy, or begin to demolish, pull down  
 1226 or destroy, any dwelling house or other building, or any ship or  
 1227 vessel, each such person commits ~~of them shall be guilty of a~~  
 1228 felony of the third degree, punishable as provided in s.  
 1229 775.082, s. 775.083, or s. 775.084.

1230 Section 18. Section 870.07, Florida Statutes, is repealed.

1231 Section 19. Subsections (3) and (7) of section 872.02,  
 1232 Florida Statutes, are amended to read:

1233 872.02 Injuring or removing tomb or monument; disturbing  
 1234 contents of grave or tomb; penalties.—

1235 ~~(3) For purposes of sentencing under chapter 921, a~~  
 1236 ~~violation of this section committed by a person in furtherance~~  
 1237 ~~of a riot or an aggravated riot prohibited under s. 870.01 is~~  
 1238 ~~ranked one level above the ranking under s. 921.0022 or s.~~  
 1239 ~~921.0023 for the offense committed.~~

1240 ~~(6)(7)~~ If a legally authorized person refuses to sign a  
 1241 written authorization, as provided in paragraph (5) (a) ~~(6) (a)~~,  
 1242 or if a legally authorized person objects, as provided in  
 1243 paragraph (5) (b) ~~(6) (b)~~, a public hearing shall be held before  
 1244 the county commission of the county where the cemetery is  
 1245 located, or the city council, if the cemetery is located in a  
 1246 municipality, and the county commission or the city council  
 1247 shall have the authority to grant a request for relocation of

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1248 the contents of such graves or tombs.

1249 Section 20. Paragraphs (b), (c), and (d) of subsection (3)  
 1250 of section 921.0022, Florida Statutes, are amended to read:

1251 921.0022 Criminal Punishment Code; offense severity ranking  
 1252 chart.—

1253 (3) OFFENSE SEVERITY RANKING CHART

1254 (b) LEVEL 2

1255

Florida  
 Statute

Felony  
 Degree

Description

1256

379.2431  
 (1) (e) 3.

3rd

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

1257

379.2431  
 (1) (e) 4.

3rd

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

1258

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.

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1259

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

1260

590.28 (1) 3rd Intentional burning of lands.

1261

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

1262

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

1263

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

1264

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

1265

~~806.13 (3)~~ 3rd ~~Criminal mischief.~~

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1266  
1267  
1268  
1269  
1270  
1271

810.061 (2)

3rd

~~damage of \$200 or more  
to a memorial or  
historic property.~~

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

810.09 (2) (e)

3rd

Trespassing on posted  
commercial horticulture  
property.

812.014 (2) (c) 1.

3rd

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

812.014 (2) (d)

3rd

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

812.015 (7)

3rd

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

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1272	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
1273	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
1274	817.52 (3)	3rd	Failure to redeliver hired vehicle.
1275	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
1276	817.60 (5)	3rd	Dealing in credit cards of another.
1277	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
1278	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.

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1279	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
1280	831.01	3rd	Forgery.
1281	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
1282	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
1283	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
1284	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
1285	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
	832.05 (3) (a)	3rd	Cashing or depositing



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1286			item with intent to defraud.
1287	843.08	3rd	False personation.
1288	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.
1289	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
1290	(c) LEVEL 3		
1291	Florida Statute	Felony Degree	Description
1292	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
1293	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.

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1294

316.193(2)(b) 3rd Felony DUI, 3rd conviction.

1295

316.1935(2) 3rd Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

1296

319.30(4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

1297

319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

1298

319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

1299

319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

1300

327.35(2)(b) 3rd Felony BUI.

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1301

328.05 (2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

1302

328.07 (4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

1303

376.302 (5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

1304

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.

1305

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379.2431  
(1) (e) 6.

3rd

Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

1306

379.2431  
(1) (e) 7.

3rd

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

1307

400.9935 (4) (a)  
or (b)

3rd

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

1308

400.9935 (4) (e)

3rd

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

1309

440.1051 (3)

3rd

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

1310

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1311

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

1312

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

1313

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

1314

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

1315

697.08 3rd Equity skimming.

1316

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.

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1317

806.10 (2) 3rd Interferes with or assaults firefighter in performance of duty.

1318

810.09 (2) (c) 3rd Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

1319

812.014 (2) (c) 2. 3rd Grand theft; \$5,000 or more but less than \$10,000.

1320

812.0145 (2) (c) 3rd Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

1321

812.015 (8) (b) 3rd Retail theft with intent to sell; conspires with others.

1322

812.081 (2) 3rd Theft of a trade secret.

1323

815.04 (5) (b) 2nd Computer offense devised to defraud or obtain property.

1324

817.034 (4) (a) 3. 3rd Engages in scheme to defraud (Florida

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			Communications Fraud Act), property valued at less than \$20,000.
1325	817.233	3rd	Burning to defraud insurer.
1326	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1327	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
1328	817.236	3rd	Filing a false motor vehicle insurance application.
1329	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
1330	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
1331	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or

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1332  
1333  
1334  
1335  
1336  
1337  
1338  
1339

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



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1340

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).

1341

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.

1342

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.

893.13(4)(c) 3rd Use or hire of minor;

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1343

deliver to minor other  
controlled substances.

893.13(6)(a)

3rd

Possession of any  
controlled substance other  
than felony possession of  
cannabis.

1344

893.13(7)(a)8.

3rd

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

1345

893.13(7)(a)9.

3rd

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

1346

893.13(7)(a)10.

3rd

Affix false or forged label  
to package of controlled  
substance.

1347

893.13(7)(a)11.

3rd

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

1348

893.13(8)(a)1.

3rd

Knowingly assist a patient,

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1349	893.13(8)(a)2.	3rd	<p>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.</p>
1350	893.13(8)(a)3.	3rd	<p>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.</p>
1351	893.13(8)(a)4.	3rd	<p>Knowingly write a prescription for a controlled substance for a fictitious person.</p> <p>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.</p>

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1352

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

1353

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

1354

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

1355

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

1356

(d) LEVEL 4

1357

1358

Florida Statute	Felony Degree	Description
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1359

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.
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1360

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

1361

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

1362

517.07(1) 3rd Failure to register securities.

1363

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

1364

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

1365

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

1366

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1367	784.075	3rd	Battery on detention or commitment facility staff.
1368	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
1369	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
1370	784.081 (3)	3rd	Battery on specified official or employee.
1371	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
1372	784.083 (3)	3rd	Battery on code inspector.
1373	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

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1374	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
1375	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1376	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
1377	787.07	3rd	Human smuggling.
1378	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school

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1379

property.

790.115 (2) (c)

3rd

Possessing firearm on school property.

1380

800.04 (7) (c)

3rd

Lewd or lascivious exhibition; offender less than 18 years.

1381

~~806.135~~

2nd

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

1382

810.02 (4) (a)

3rd

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

1383

810.02 (4) (b)

3rd

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

1384

810.06

3rd

Burglary; possession of tools.

1385

810.08 (2) (c)

3rd

Trespass on property,



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1386

armed with firearm or  
dangerous weapon.

812.014 (2) (c) 3.

3rd

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

1387

812.014  
(2) (c) 4.-10.

3rd

Grand theft, 3rd degree;  
specified items.

1388

812.0195 (2)

3rd

Dealing in stolen  
property by use of the  
Internet; property  
stolen \$300 or more.

1389

817.505 (4) (a)

3rd

Patient brokering.

1390

817.563 (1)

3rd

Sell or deliver  
substance other than  
controlled substance  
agreed upon, excluding  
s. 893.03(5) drugs.

1391

817.568 (2) (a)

3rd

Fraudulent use of  
personal identification  
information.

1392

817.625 (2) (a)

3rd

Fraudulent use of  
scanning device,

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1393

skimming device, or  
reencoder.

817.625 (2) (c)

3rd

Possess, sell, or  
deliver skimming device.

1394

828.125 (1)

2nd

Kill, maim, or cause  
great bodily harm or  
permanent breeding  
disability to any  
registered horse or  
cattle.

1395

837.02 (1)

3rd

Perjury in official  
proceedings.

1396

837.021 (1)

3rd

Make contradictory  
statements in official  
proceedings.

1397

838.022

3rd

Official misconduct.

1398

839.13 (2) (a)

3rd

Falsifying records of an  
individual in the care  
and custody of a state  
agency.

1399

839.13 (2) (c)

3rd

Falsifying records of  
the Department of

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			Children and Families.
1400	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
1401	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
1402	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
1403	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
1404	<del>870.01(3)</del>	2nd	<del>Aggravated rioting.</del>
1405	<del>870.01(5)</del>	2nd	<del>Aggravated inciting a riot.</del>
1406	874.05 (1) (a)	3rd	Encouraging or

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1407			recruiting another to join a criminal gang.
	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
1408	914.14(2)	3rd	Witnesses accepting bribes.
1409	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
1410	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1411	916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
1412	918.12	3rd	Tampering with jurors.
1413	934.215	3rd	Use of two-way

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communications device to facilitate commission of a crime.

1414

944.47 (1) (a) 6.

3rd

Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

1415

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.

1416

1417

Section 21. This act shall take effect upon becoming a law.