

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Caruso offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (6) of section
403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.—

(6) PENALTIES; ENFORCEMENT.—

(a) 1. Except as provided in subparagraph 2., any person
 who dumps litter in violation of subsection (4) in an amount not
 exceeding 15 pounds in weight or 27 cubic feet in volume and not
 for commercial purposes commits a noncriminal infraction,
 punishable by a civil penalty of \$150, from which \$50 shall be
 deposited into the Solid Waste Management Trust Fund to be used
 for the solid waste management grant program pursuant to s.

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17 403.7095.

18 2.a. If a person violates subparagraph 1. by intentionally
19 dumping litter onto private property for the purpose of
20 intimidating or threatening the owner, resident, or invitee of
21 such property, the person commits a misdemeanor of the first
22 degree, punishable as provided in s. 775.082 or s. 775.083.

23 b. If a person violates subparagraph 1. by intentionally
24 dumping litter onto private property for the purpose of
25 intimidating the owner, resident, or invitee of such property
26 and such litter contains a credible threat, the person commits a
27 felony of the third degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084. For purposes of this
29 subparagraph, the term "credible threat" has the same meaning as
30 in s. 784.048(1).

31 c. If the penalty for a violation of this subparagraph is
32 reclassified under s. 775.085, such a violation is considered a
33 hate crime for purposes of the reporting requirements of s.
34 877.19.

35
36 In addition, the court may require a person who violates this
37 subsection ~~the violator~~ to pick up litter or perform other labor
38 commensurate with the offense committed.

39 Section 2. Section 784.0493, Florida Statutes, is created
40 to read:

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41 784.0493 Harassment or intimidation based on religious or
42 ethnic heritage.-

43 (1) As used in this section, the terms "credible threat"
44 and "harass" have the same meaning as in s. 784.048(1).

45 (2) A person may not willfully and maliciously harass or
46 intimidate another person based on the person's wearing or
47 displaying of any indicia relating to any religious or ethnic
48 heritage.

49 (3) A person who violates subsection (2) commits a
50 misdemeanor of the first degree, punishable as provided in s.
51 775.082 or s. 775.083.

52 (4) A person who violates subsection (2), and in the
53 course of committing the violation makes a credible threat to
54 the person who is the subject of the harassment or intimidation,
55 commits a felony of the third degree, punishable as provided in
56 s. 775.082, s. 775.083, or s. 775.084.

57 (5) A violation of this section is considered a hate crime
58 for purposes of the reporting requirements of s. 877.19.

59 Section 3. Subsections (6) through (10) of section 806.13,
60 Florida Statutes, are renumbered as subsections (7) through
61 (11), respectively, and a new subsection (6) is added to that
62 section, to read:

63 806.13 Criminal mischief; penalties; penalty for minor.-

64 (6) A person may not knowingly and intentionally display
65 or project, using any medium, an image onto a building,

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66 structure, or other property without the written consent of the
67 owner of the building, structure, or property. For purposes of
68 this subsection, the term "image" means a visual representation
69 or likeness of a person or object, including text, graphics,
70 logos, other artwork, or any combination thereof.

71 (a) A person who violates this subsection commits a
72 misdemeanor of the first degree, punishable as provided in s.
73 775.082 or s. 775.083.

74 (b) A person who violates this subsection by displaying or
75 projecting an image that contains a credible threat, as that
76 term is defined in s. 784.048(1), commits a felony of the third
77 degree, punishable as provided in s. 775.082, s. 775.083, or s.
78 775.084.

79 (c) If the penalty for a violation of this subsection is
80 reclassified under s. 775.085, such a violation is considered a
81 hate crime for purposes of the reporting requirements of s.
82 877.19.

83 (10)-(9) A minor whose driver license or driving privilege
84 is revoked, suspended, or withheld under subsection (9)-(8) may
85 elect to reduce the period of revocation, suspension, or
86 withholding by performing community service at the rate of 1 day
87 for each hour of community service performed. In addition, if
88 the court determines that due to a family hardship, the minor's
89 driver license or driving privilege is necessary for employment
90 or medical purposes of the minor or a member of the minor's

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91 family, the court shall order the minor to perform community
92 service and reduce the period of revocation, suspension, or
93 withholding at the rate of 1 day for each hour of community
94 service performed. As used in this subsection, the term
95 "community service" means cleaning graffiti from public
96 property.

97 Section 4. Section 810.098, Florida Statutes, is created
98 to read:

99 810.098 Trespass for the purpose of threatening or
100 intimidating another person.-

101 (1)(a) Whoever, without being authorized, licensed, or
102 invited, willfully enters the campus of a state university or
103 Florida College System institution for the purpose of
104 threatening or intimidating another person, and is warned by the
105 state university or Florida College System institution to depart
106 and refuses to do so, commits a misdemeanor of the first degree,
107 punishable as provided in s. 775.082 or s. 775.083.

108 (b) If the penalty for a violation of this subsection is
109 reclassified under s. 775.085, such a violation is considered a
110 hate crime for purposes of the reporting requirements of s.
111 877.19.

112 (2) As used in this section, the terms "Florida College
113 System institution" and "state university" have the same meaning
114 as in s. 1000.21(3) and (6), respectively.

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115 Section 5. Subsection (1) of section 871.01, Florida
116 Statutes, is amended to read:

117 871.01 Disturbing schools and religious and other
118 assemblies.—

119 (1)(a) Whoever willfully and maliciously interrupts or
120 disturbs any school or any assembly of people met for the
121 worship of God, any assembly of people met for the purpose of
122 acknowledging the death of an individual, or for any other
123 lawful purpose commits a misdemeanor of the first ~~second~~ degree,
124 punishable as provided in s. 775.082 or s. 775.083.

125 (b) If a person commits a violation of paragraph (a) and
126 in doing so makes a credible threat, as that term is defined in
127 s. 784.048(1), he or she commits a felony of the third degree,
128 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

129 (c) If the penalty for a violation of this subsection is
130 reclassified under s. 775.085, such a violation is considered a
131 hate crime for purposes of the reporting requirements of s.
132 877.19.

133 Section 6. This act shall take effect upon becoming a law.
134

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136 **T I T L E A M E N D M E N T**

137 Remove everything before the enacting clause and insert:

138 An act relating to public nuisances; amending s.

139 403.413, F.S.; prohibiting a person from distributing

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140 onto private property any material for the purpose of
141 intimidating or threatening the owner, resident, or
142 invitee of such property; providing criminal
143 penalties; prohibiting a person from distributing onto
144 private property any material which contains a
145 credible threat to the owner, resident, or invitee of
146 such property; providing criminal penalties; providing
147 a definition; creating s. 784.0493, F.S.; providing
148 definitions; prohibiting a person from willfully and
149 maliciously harassing, threatening, or intimidating
150 another person based on the person's wearing or
151 displaying of any indicia relating to any religious or
152 ethnic heritage; providing criminal penalties;
153 requiring that violations be reported as hate crimes;
154 amending s. 806.13, F.S.; prohibiting the display or
155 projection of images onto a building, structure, or
156 property without permission; providing a definition;
157 providing criminal penalties; providing construction;
158 creating s. 810.098, F.S.; prohibiting a person who
159 willfully enters the campus of a state university or
160 Florida College System institution for the purpose of
161 threatening or intimidating another person from
162 remaining on such campus after being warned to depart;
163 providing criminal penalties; providing construction;
164 providing definitions; amending s. 871.01, F.S.;

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Bill No. CS/HB 269 (2023)

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165 | prohibiting interference with certain assemblies;
166 | providing a criminal penalty; providing construction;
167 | providing an effective date.