

1 A bill to be entitled
2 An act relating to public nuisances; amending s.
3 403.413, F.S.; prohibiting the distribution of certain
4 materials that leads to littering; providing for
5 reclassification of certain offenses; providing
6 criminal penalties; requiring that certain violations
7 be reported as hate crimes; amending s. 784.048, F.S.;
8 prohibiting stalking of certain individuals; providing
9 criminal penalties; requiring that violations be
10 reported as hate crimes; amending s. 806.13, F.S.;
11 prohibiting willful and malicious defacement, injury,
12 or damage to certain property; removing a minimum
13 damage requirement for a violation; providing
14 construction; prohibiting the projection of certain
15 images onto buildings or other property without
16 permission; providing criminal penalties; requiring
17 that certain violations be reported as hate crimes;
18 amending s. 871.01, F.S.; prohibiting interference
19 with certain assemblies; providing enhanced criminal
20 penalties for persons who commit violations while
21 evidencing religious or ethnic animus; requiring that
22 certain violations be reported as hate crimes;
23 providing an effective date.

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

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Section 1. Paragraphs (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. 403.7095.

2.a Except as provided in sub-subparagraph b., a person who distributes pamphlets, flyers, or other materials, whether for commercial or noncommercial purposes, in a public place, including outside a private residence, and such materials discarded by recipients, leads to littering, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

b. If a violation of sub-subparagraph a. involves material that evidences religious or ethnic animus, including content described in s. 806.13(2)(b), the offense is reclassified as a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A violation of this sub-

51 subparagraph shall be considered a hate crime for purposes of
52 the reporting requirements of s. 877.19.

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

57 Section 2. Subsection (9) of section 784.048, Florida
58 Statutes, is renumbered as subsection (10), and a new subsection
59 (9) is added to that section, to read:

60 784.048 Stalking; definitions; penalties.—

61 (9) A person who willfully follows, harasses, or
62 interferes with another person's quiet enjoyment based on the
63 person's wearing of religious-based garments or garments
64 commonly associated with a particular religious or ethnic group
65 or any other indicia of any religious or ethnic heritage commits
66 the offense of aggravated stalking, a felony of the third
67 degree, punishable as provided in s. 775.082, s. 775.083, or s.
68 775.084. A violation of this subsection shall be considered a
69 hate crime for purposes of the reporting requirements of s.
70 877.19.

71 Section 3. Subsections (6) through (10) of section 806.13,
72 Florida Statutes, are renumbered as subsections (7) through
73 (11), respectively, subsection (2) and present subsection (9) of
74 that section are amended, and a new subsection (6) is added to
75 that section, to read:

76 | 806.13 Criminal mischief; penalties; penalty for minor.—

77 | (2) (a) Any person who willfully and maliciously defaces,
78 | injures, or damages by any means:

79 | 1. Any church, synagogue, mosque, or other place of
80 | worship, or any religious article contained therein;

81 | 2. Any religious cemetery or gravesite; any grave marker
82 | with a religious symbol; or any memorial, plaque, statue, or
83 | museum with any indicia of any religious or ethnic heritage,
84 | including any Holocaust Memorial;

85 | 3. Any school or community center with any indicia of any
86 | religious or ethnic heritage; or

87 | 4. Any willful and malicious defacement, injury, or damage
88 | to public or private property that evidences religious or ethnic
89 | animus,

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91 | commits a felony of the third degree, punishable as provided in
92 | s. 775.082, s. 775.083, or s. 775.084, ~~if the damage to the~~
93 | ~~property is greater than \$200.~~

94 | (b) A violation of this subsection includes any physical
95 | manifestations of anti-Semitism directed toward a Jewish or non-
96 | Jewish individual or his or her property or toward Jewish
97 | community institutions or religious facilities, Jewish
98 | cemeteries, or Jewish gravesites. Such expression includes the
99 | use of a Nazi symbol such as a swastika.

100 | (c) A violation of this subsection shall be considered a

101 hate crime for purposes of the reporting requirements of s.
 102 877.19.

103 (6) A person who projects an image outdoors onto a
 104 publicly or privately owned building or other property, without
 105 written consent of the owner of the building or other property,
 106 commits:

107 (a) Except as provided in paragraph (b), a misdemeanor of
 108 the first degree, punishable as provided in s. 775.082 or s.
 109 775.083.

110 (b) If the image projected evidences religious or ethnic
 111 animus, including content described in paragraph (2)(b), a
 112 felony of the third degree, punishable as provided in s.
 113 775.082, s. 775.083, or s. 775.084. A violation of this
 114 paragraph shall be considered a hate crime for purposes of the
 115 reporting requirements of s. 877.19.

116 (10)-(9) A minor whose driver license or driving privilege
 117 is revoked, suspended, or withheld under subsection (9)-(8) may
 118 elect to reduce the period of revocation, suspension, or
 119 withholding by performing community service at the rate of 1 day
 120 for each hour of community service performed. In addition, if
 121 the court determines that due to a family hardship, the minor's
 122 driver license or driving privilege is necessary for employment
 123 or medical purposes of the minor or a member of the minor's
 124 family, the court shall order the minor to perform community
 125 service and reduce the period of revocation, suspension, or

126 withholding at the rate of 1 day for each hour of community
 127 service performed. As used in this subsection, the term
 128 "community service" means cleaning graffiti from public
 129 property.

130 Section 4. Subsection (1) of section 871.01, Florida
 131 Statutes, is amended to read:

132 871.01 Disturbing schools and religious and other
 133 assemblies.—

134 (1) Whoever willfully interrupts or disturbs any school or
 135 any assembly of people met for the worship of God, any assembly
 136 of people for the purpose of acknowledging the death of an
 137 individual, or for any other lawful purpose commits:

138 (a) Except as provided in paragraph (b), a misdemeanor of
 139 the second degree, punishable as provided in s. 775.082 or s.
 140 775.083.

141 (b) If a person who violates this subsection evidences
 142 religious or ethnic animus, including content described in s.
 143 806.13(2)(b), during the commission of the offense the offense
 144 is reclassified as a felony of the third degree, punishable as
 145 provided in s. 775.082, s. 775.083, or s. 775.084. A violation
 146 of this paragraph shall be considered a hate crime for purposes
 147 of the reporting requirements of s. 877.19.

148 Section 5. This act shall take effect October 1, 2023.