

1 A bill to be entitled
2 An act relating to public nuisances; amending s.
3 403.413, F.S.; prohibiting a person from distributing
4 onto private residential property any material that
5 evidences religious or ethnic animus for the purpose
6 of intimidating or threatening the owner or resident
7 of such property; providing criminal penalties;
8 requiring that certain violations be reported as hate
9 crimes; creating s. 784.0493, F.S.; providing a
10 definition; prohibiting a person from willfully and
11 maliciously harassing, threatening, or intimidating
12 another person based on the person's wearing or
13 displaying of any indicia relating to any religious or
14 ethnic heritage; providing criminal penalties;
15 requiring that violations be reported as hate crimes;
16 amending s. 806.13, F.S.; prohibiting willful and
17 malicious defacement, injury, or damage to certain
18 property; removing a minimum damage requirement for a
19 violation; providing construction; requiring that
20 violations be reported as hate crimes; providing a
21 definition; prohibiting the display or projection of
22 images onto a building, structure, or property without
23 permission; providing a definition; providing criminal
24 penalties; providing construction; requiring that
25 certain violations be reported as hate crimes;

26 creating s. 810.098, F.S.; prohibiting a person who
 27 willfully enters the campus of a state university or
 28 Florida College System institution for the purpose of
 29 threatening or intimidating another person from
 30 remaining on such campus after being warned to depart;
 31 providing criminal penalties; providing construction;
 32 requiring that certain violations be reported as a
 33 hate crime; providing definitions; amending s. 871.01,
 34 F.S.; prohibiting interference with certain
 35 assemblies; providing construction; requiring that
 36 certain violations be reported as hate crimes;
 37 providing an effective date.

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

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41 Section 1. Paragraph (a) of subsection (6) of section
 42 403.413, Florida Statutes, is amended to read:

43 403.413 Florida Litter Law.—

44 (6) PENALTIES; ENFORCEMENT.—

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

51 for the solid waste management grant program pursuant to s.
52 403.7095.

53 2. If a person violates subparagraph 1. by intentionally
54 dumping litter onto private residential property that evidences
55 religious or ethnic animus for the purpose of intimidating or
56 threatening the owner or resident of such property, the person
57 commits a felony of the third degree, punishable as provided in
58 s. 775.082, s. 775.083, or s. 775.084. A violation of this
59 subparagraph shall be considered a hate crime for purposes of
60 the reporting requirements of s. 877.19.

61
62 In addition, the court may require a person who violates this
63 subsection ~~the violator~~ to pick up litter or perform other labor
64 commensurate with the offense committed.

65 Section 2. Section 784.0493, Florida Statutes, is created
66 to read:

67 784.0493 Harassment or intimidation based on religious or
68 ethnic heritage.-

69 (1) As used in this section, the term "harass" has the
70 same meaning as in s. 784.048(1).

71 (2) A person may not willfully and maliciously harass,
72 threaten, or intimidate another person based on the person's
73 wearing or displaying of any indicia relating to any religious
74 or ethnic heritage.

75 (3) A person who violates this section commits a felony of

76 | the third degree, punishable as provided in s. 775.082, s.
 77 | 775.083, or s. 775.084.

78 | (4) A violation of this section is considered a hate crime
 79 | for purposes of the reporting requirements of s. 877.19.

80 | Section 3. Subsections (6) through (10) of section 806.13,
 81 | Florida Statutes, are renumbered as subsections (7) through
 82 | (11), respectively, subsection (2) and present subsection (9) of
 83 | that section are amended, and a new subsection (6) is added to
 84 | that section, to read:

85 | 806.13 Criminal mischief; penalties; penalty for minor.-

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

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

90 | 2. Any cemetery, grave, or memorial as defined in s.
 91 | 806.135, which the person knows, or reasonably should have
 92 | known, is associated with a particular religious or ethnic
 93 | heritage; or

94 | 3. Any school, or community center as defined in s.
 95 | 893.13(1)(c), which the person knows, or reasonably should have
 96 | known, is associated with a particular religious or ethnic
 97 | heritage,

98 |
 99 | commits a felony of the third degree, punishable as provided in
 100 | s. 775.082, s. 775.083, or s. 775.084, ~~if the damage to the~~

101 ~~property is greater than \$200.~~

102 (b) A violation of this subsection is considered a hate
103 crime for purposes of the reporting requirements of s. 877.19.

104 (c) For purposes of this subsection, the term "school"
105 means the grounds or facility of any early learning,
106 prekindergarten, kindergarten, elementary school, middle school,
107 junior high school, secondary school, career center, or
108 postsecondary school, whether public or private.

109 (6) A person may not knowingly and intentionally display
110 or project, using any medium, an image onto a building,
111 structure, or other property without the written consent of the
112 owner of the building, structure, or property. For purposes of
113 this subsection, the term "image" means a visual representation
114 or likeness of a person or object, including text, graphics,
115 logos, other artwork, or any combination thereof.

116 (a) A person who violates this subsection commits a
117 misdemeanor of the first degree, punishable as provided in s.
118 775.082 or s. 775.083.

119 (b) If a person displays or projects an image that
120 evidences religious or ethnic animus, including anti-Semitism as
121 described in s. 1000.05(8), during the commission of an offense
122 under this subsection, it is prima facie evidence that such
123 person has evidenced prejudice in the commission of the offense
124 for the purpose of reclassifying the penalty under s. 775.085.

125 (c) If the penalty for a violation of this subsection is

126 reclassified under s. 775.085, such a violation is considered a
 127 hate crime for purposes of the reporting requirements of s.
 128 877.19.

129 (10)~~(9)~~ A minor whose driver license or driving privilege
 130 is revoked, suspended, or withheld under subsection (9)~~(8)~~ may
 131 elect to reduce the period of revocation, suspension, or
 132 withholding by performing community service at the rate of 1 day
 133 for each hour of community service performed. In addition, if
 134 the court determines that due to a family hardship, the minor's
 135 driver license or driving privilege is necessary for employment
 136 or medical purposes of the minor or a member of the minor's
 137 family, the court shall order the minor to perform community
 138 service and reduce the period of revocation, suspension, or
 139 withholding at the rate of 1 day for each hour of community
 140 service performed. As used in this subsection, the term
 141 "community service" means cleaning graffiti from public
 142 property.

143 Section 4. Section 810.098, Florida Statutes, is created
 144 to read:

145 810.098 Trespass for the purpose of threatening or
 146 intimidating another person.-

147 (1)(a) Whoever, without being authorized, licensed, or
 148 invited, willfully enters the campus of a state university or
 149 Florida College System institution for the purpose of
 150 threatening or intimidating another person, and is warned by the

151 state university or Florida College System institution to depart
152 and refuses to do so, commits a misdemeanor of the first degree,
153 punishable as provided in s. 775.082 or s. 775.083.

154 (b) If a person evidences religious or ethnic animus,
155 including anti-Semitism as described in s. 1000.05(8), during
156 the commission of an offense under this subsection, it is prima
157 facie evidence that such person has evidenced prejudice in the
158 commission of the offense for the purpose of reclassifying the
159 penalty under s. 775.085.

160 (c) If the penalty for a violation of this subsection is
161 reclassified under s. 775.085, such a violation is considered a
162 hate crime for purposes of the reporting requirements of s.
163 877.19.

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

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

169 871.01 Disturbing schools and religious and other
170 assemblies.—

171 (1)(a) Whoever willfully and maliciously interrupts or
172 disturbs any school or any assembly of people met for the
173 worship of God, any assembly of people met for the purpose of
174 acknowledging the death of an individual, or for any other
175 lawful purpose commits a misdemeanor of the first ~~second~~ degree,

176 punishable as provided in s. 775.082 or s. 775.083.

177 (b) If a person evidences religious or ethnic animus,
178 including anti-Semitism as described in s. 1000.05(8), during
179 the commission of an offense under this subsection, it is prima
180 facie evidence that such person has evidenced prejudice in the
181 commission of the offense for the purpose of reclassifying the
182 penalty under s. 775.085.

183 (c) If the penalty for a violation of this subsection is
184 reclassified under s. 775.085, such a violation is considered a
185 hate crime for purposes of the reporting requirements of s.
186 877.19.

187 Section 6. This act shall take effect October 1, 2023.