



529702

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2023	.	
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The Committee on Criminal Justice (Calatayud) recommended the following:

**Senate Amendment (with title amendment)**

Delete 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



529702

11 exceeding 15 pounds in weight or 27 cubic feet in volume and not  
12 for commercial purposes commits a noncriminal infraction,  
13 punishable by a civil penalty of \$150, from which \$50 shall be  
14 deposited into the Solid Waste Management Trust Fund to be used  
15 for the solid waste management grant program pursuant to s.  
16 403.7095. In addition, the court may require the violator to  
17 pick up litter or perform other labor commensurate with the  
18 offense committed.

19 2. If a person violates subparagraph 1. by intentionally  
20 dumping onto private property litter that evidences religious or  
21 ethnic animus toward an owner or invitee of such property, the  
22 person commits a felony of the third degree, punishable as  
23 provided in s. 775.082, s. 775.083, or s. 775.084. As used in  
24 this subparagraph, the term "animus" includes intent to  
25 intimidate or threaten or intent to do harm. A violation of this  
26 subparagraph shall be reported pursuant to s. 877.19.

27 Section 2. Section 784.0493, Florida Statutes, is created  
28 to read:

29 784.0493 Harassment or intimidation based on religious or  
30 ethnic heritage.—

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

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

37 (3) A person who violates this section commits a felony of  
38 the third degree, punishable as provided in s. 775.082, s.  
39 775.083, or s. 775.084.



529702

40 (4) A violation of this section shall be reported pursuant  
41 to s. 877.19.

42 Section 3. Present subsections (6) through (10) of section  
43 806.13, Florida Statutes, are redesignated as subsections (7)  
44 through (11), respectively, a new subsection (6) is added to  
45 that section, and subsection (2) and present subsection (9) of  
46 that section are amended, to read:

47 806.13 Criminal mischief; penalties; penalty for minor.—

48 (2) (a) Any person who willfully and maliciously defaces,  
49 injures, or damages by any means:

50 1. Any church, synagogue, mosque, or other place of  
51 worship, or any religious article contained therein;

52 2. Any cemetery, grave, or memorial as defined in s.  
53 806.135 which the person knows, or reasonably should have known,  
54 is associated with a particular religious or ethnic heritage; or

55 3. Any school or community center as defined in s.  
56 893.13(1)(c) which the person knows, or reasonably should have  
57 known, is associated with a particular religious or ethnic  
58 heritage,

59  
60 commits a felony of the third degree, punishable as provided in  
61 s. 775.082, s. 775.083, or s. 775.084, ~~if the damage to the~~  
62 ~~property is greater than \$200.~~

63 (b) A violation of this subsection shall be reported  
64 pursuant to s. 877.19.

65 (c) For purposes of this subsection, the term "school"  
66 means the grounds or facility of any early learning center,  
67 prekindergarten, kindergarten, elementary school, middle school,  
68 junior high school, secondary school, career center, or



529702

69 postsecondary school, whether public or private.

70 (6) A person may not knowingly and intentionally display or  
71 project, using any medium, an image onto a building, structure,  
72 or other property without the written consent of the owner of  
73 the building, structure, or property. For purposes of this  
74 subsection, the term "image" means a visual representation or  
75 likeness of a person or object, including text, graphics, logos,  
76 other artwork, or any combination thereof.

77 (a) A person who violates this subsection commits a  
78 misdemeanor of the first degree, punishable as provided in s.  
79 775.082 or s. 775.083.

80 (b) If a person displays or projects an image that  
81 evidences religious or ethnic animus during the commission of an  
82 offense under this subsection, it is prima facie evidence that  
83 such person has evidenced prejudice in the commission of the  
84 offense for the purpose of reclassifying the penalty under s.  
85 775.085. As used in this paragraph, the term "animus" includes  
86 intent to intimidate or threaten or intent to do harm.

87 (c) If the penalty for a violation of this subsection is  
88 reclassified under s. 775.085, such a violation shall be  
89 reported pursuant to s. 877.19.

90 (10) ~~(9)~~ A minor whose driver license or driving privilege  
91 is revoked, suspended, or withheld under subsection (9) ~~(8)~~ may  
92 elect to reduce the period of revocation, suspension, or  
93 withholding by performing community service at the rate of 1 day  
94 for each hour of community service performed. In addition, if  
95 the court determines that due to a family hardship, the minor's  
96 driver license or driving privilege is necessary for employment  
97 or medical purposes of the minor or a member of the minor's



529702

98 family, the court shall order the minor to perform community  
99 service and reduce the period of revocation, suspension, or  
100 withholding at the rate of 1 day for each hour of community  
101 service performed. As used in this subsection, the term  
102 "community service" means cleaning graffiti from public  
103 property.

104 Section 4. Section 810.098, Florida Statutes, is created to  
105 read:

106 810.098 Trespass for the purpose of threatening or  
107 intimidating another person.—

108 (1) (a) Whoever, without being authorized, licensed, or  
109 invited, willfully enters the campus of a state university or  
110 Florida College System institution for the purpose of  
111 threatening or intimidating another person, and is warned by the  
112 state university or Florida College System institution to depart  
113 and refuses to do so, commits a misdemeanor of the first degree,  
114 punishable as provided in s. 775.082 or s. 775.083.

115 (b) If a person evidences religious or ethnic animus during  
116 the commission of an offense under this subsection, it is prima  
117 facie evidence that such person has evidenced prejudice in the  
118 commission of the offense for the purpose of reclassifying the  
119 penalty under s. 775.085.

120 (c) If the penalty for a violation of this subsection is  
121 reclassified under s. 775.085, such a violation shall be  
122 reported pursuant to s. 877.19.

123 (2) As used in this section, the term:

124 (a) "Animus" includes intent to intimidate or threaten or  
125 intent to do harm.

126 (b) "Florida College System institution" has the same



529702

127 meaning as in s. 1000.21(3).

128 (c) "State university" has the same meaning as in s.  
129 1000.21(6).

130 Section 5. 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)(a) Whoever willfully and maliciously interrupts or  
135 disturbs any school or any assembly of people met for the  
136 worship of God, any assembly of people met for the purpose of  
137 acknowledging the death of an individual, or any assembly of  
138 people met for any other lawful purpose commits a misdemeanor of  
139 the first ~~second~~ degree, punishable as provided in s. 775.082 or  
140 s. 775.083.

141 (b) If a person evidences religious or ethnic animus during  
142 the commission of an offense under this subsection, it is prima  
143 facie evidence that such person has evidenced prejudice in the  
144 commission of the offense for the purpose of reclassifying the  
145 penalty under s. 775.085. As used in this paragraph, the term  
146 "animus" includes intent to intimidate or threaten or intent to  
147 do harm.

148 (c) If the penalty for a violation of this subsection is  
149 reclassified under s. 775.085, such a violation shall be  
150 reported pursuant to s. 877.19.

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

152  
153 ===== T I T L E A M E N D M E N T =====

154 And the title is amended as follows:

155 Delete everything before the enacting clause



529702

156 and insert:

157                   A bill to be entitled  
158           An act relating to public nuisances; amending s.  
159           403.413, F.S.; prohibiting a person from intentionally  
160           dumping onto private property litter that evidences  
161           religious or ethnic animus toward an owner or invitee  
162           of such property; defining the term "animus";  
163           providing criminal penalties; requiring that certain  
164           violations be reported pursuant to specified  
165           provisions; creating s. 784.0493, F.S.; defining the  
166           term "harass"; prohibiting a person from willfully and  
167           maliciously harassing, threatening, or intimidating  
168           another person based on the person's wearing or  
169           displaying of any indicia relating to any religious or  
170           ethnic heritage; providing criminal penalties;  
171           requiring that certain violations be reported pursuant  
172           to specified provisions; amending s. 806.13, F.S.;  
173           prohibiting willful and malicious defacement, injury,  
174           or damage to certain property; providing criminal  
175           penalties; removing a minimum damage requirement for a  
176           violation; requiring that certain violations be  
177           reported pursuant to specified provisions; defining  
178           the term "school"; prohibiting the knowing and  
179           intentional display or projection of certain images  
180           onto a building, structure, or property without  
181           permission; defining the term "image"; providing  
182           criminal penalties; providing construction; defining  
183           the term "animus"; requiring that certain violations  
184           be reported pursuant to specified provisions; creating



529702

185 s. 810.098, F.S.; prohibiting a person who willfully  
186 enters the campus of a state university or Florida  
187 College System institution for the purpose of  
188 threatening or intimidating another person from  
189 remaining on such campus after being warned to depart;  
190 providing criminal penalties; providing construction;  
191 requiring that certain violations be reported pursuant  
192 to specified provisions; defining terms; amending s.  
193 871.01, F.S.; prohibiting the willful and malicious  
194 interruption or disruption of certain assemblies;  
195 providing criminal penalties; providing construction;  
196 defining the term "animus"; requiring that certain  
197 violations be reported pursuant to specified  
198 provisions; providing an effective date.