

By Senator Calatayud

38-00915A-23

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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 which 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 the stalking of certain individuals based  
9       on their wearing of certain garments; providing  
10      criminal penalties; requiring that violations be  
11      reported as hate crimes; amending s. 806.13, F.S.;  
12      prohibiting willful and malicious defacement of or  
13      injury or damage to certain religious property;  
14      removing a minimum damage requirement for a violation;  
15      providing construction; prohibiting the projection of  
16      certain images onto buildings or other property  
17      without the written consent of the owner; providing  
18      criminal penalties; requiring that certain violations  
19      be reported as hate crimes; amending s. 871.01, F.S.;  
20      prohibiting the willful interference with assemblies  
21      of people meeting for the purpose of acknowledging the  
22      death of an individual; providing enhanced criminal  
23      penalties for persons who commit violations while  
24      evidencing religious or ethnic intimidation, threat,  
25      or intent to harm; requiring that certain violations  
26      be reported as hate crimes; providing an effective  
27      date.

28  
29   Be It Enacted by the Legislature of the State of Florida:

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30  
31 Section 1. Paragraph (a) of subsection (6) of section  
32 403.413, Florida Statutes, is amended to read:

33 403.413 Florida Litter Law.—

34 (6) PENALTIES; ENFORCEMENT.—

35 (a) 1. Except as provided in subparagraph 2., any person who  
36 dumps litter in violation of subsection (4) in an amount not  
37 exceeding 15 pounds in weight or 27 cubic feet in volume and not  
38 for commercial purposes commits a noncriminal infraction,  
39 punishable by a civil penalty of \$150, from which \$50 shall be  
40 deposited into the Solid Waste Management Trust Fund to be used  
41 for the solid waste management grant program pursuant to s.  
42 403.7095.

43 2.a. Except as provided in sub-subparagraph b., a person  
44 who distributes pamphlets, flyers, or other materials, whether  
45 for commercial or noncommercial purposes, in a public place,  
46 including outside a private residence, and such materials  
47 discarded by recipients, leads to littering, commits a  
48 misdemeanor of the first degree, punishable as provided in s.  
49 775.082 or s. 775.083.

50 b. If a violation of sub-subparagraph a. involves material  
51 that evidences religious or ethnic intimidation, threat, or  
52 intent to harm, including content described in s. 806.13(2)(b),  
53 the offense is reclassified as a felony of the third degree,  
54 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
55 A violation of this sub-subparagraph shall be considered a hate  
56 crime for purposes of the reporting requirements of s. 877.19.

57  
58 In addition, the court may require a person who violates this

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59 subsection ~~the violator~~ to pick up litter or perform other labor  
60 commensurate with the offense committed.

61 Section 2. Present subsection (9) of section 784.048,  
62 Florida Statutes, is redesignated as subsection (10), and a new  
63 subsection (9) is added to that section, to read:

64 784.048 Stalking; definitions; penalties.—

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

74 Section 3. Present subsections (6) through (10) of section  
75 806.13, Florida Statutes, are redesignated as subsections (7)  
76 through (11), respectively, a new subsection (6) is added to  
77 that section, and subsection (2) and present subsection (9) of  
78 that section are amended, to read:

79 806.13 Criminal mischief; penalties; penalty for minor.—

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

82 1. Any church, synagogue, mosque, or other place of  
83 worship, or any religious article contained therein;7

84 2. Any religious cemetery, gravesite, or grave marker,  
85 including, but not limited to, any Holocaust memorial or any  
86 plaque, statue, or museum with any indication of religious or  
87 ethnic heritage;

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88 3. Any school or community center with any indicia of any  
89 religious or ethnic heritage; or

90 4. Any public or private property in a manner that  
91 evidences religious or ethnic intimidation, threat, or intent to  
92 harm,

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

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

103 (c) A violation of this subsection shall be considered a  
104 hate crime for purposes of the reporting requirements of s.  
105 877.19.

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

110 (a) Except as provided in paragraph (b), a misdemeanor of  
111 the first degree, punishable as provided in s. 775.082 or s.  
112 775.083.

113 (b) If the image projected evidences religious or ethnic  
114 intimidation, threat, or intent to harm, including content  
115 described in paragraph (2)(b), a felony of the third degree,  
116 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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117 A violation of this paragraph shall be considered a hate crime  
 118 for purposes of the reporting requirements of s. 877.19.

119 (10)~~(9)~~ A minor whose driver license or driving privilege  
 120 is revoked, suspended, or withheld under subsection (9) ~~(8)~~ may  
 121 elect to reduce the period of revocation, suspension, or  
 122 withholding by performing community service at the rate of 1 day  
 123 for each hour of community service performed. In addition, if  
 124 the court determines that due to a family hardship, the minor's  
 125 driver license or driving privilege is necessary for employment  
 126 or medical purposes of the minor or a member of the minor's  
 127 family, the court shall order the minor to perform community  
 128 service and reduce the period of revocation, suspension, or  
 129 withholding at the rate of 1 day for each hour of community  
 130 service performed. As used in this subsection, the term  
 131 "community service" means cleaning graffiti from public  
 132 property.

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

135 871.01 Disturbing schools and religious and other  
 136 assemblies.—

137 (1) Whoever willfully interrupts or disturbs any school or  
 138 any assembly of people meeting to ~~met for the~~ worship, meeting  
 139 for the purpose of acknowledging the death of an individual, of  
 140 ~~God~~ or meeting for any other lawful purpose commits:

141 (a) Except as provided in paragraph (b), a misdemeanor of  
 142 the second degree, punishable as provided in s. 775.082 or s.  
 143 775.083.

144 (b) If a person who violates this subsection evidences  
 145 religious or ethnic intimidation, threat, or intent to harm,

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146 including content described in s. 806.13(2)(b), during the  
147 commission of the offense, the offense is reclassified as a  
148 felony of the third degree, punishable as provided in s.  
149 775.082, s. 775.083, or s. 775.084. A violation of this  
150 paragraph shall be considered a hate crime for purposes of the  
151 reporting requirements of s. 877.19.

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