

By the Committee on Criminal Justice; and Senators Calatayud, Perry, Gruters, Rodriguez, and Avila

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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 a person from intentionally
4 dumping onto private property litter that evidences
5 religious or ethnic animus toward an owner or invitee
6 of such property; defining the term "animus";
7 providing criminal penalties; requiring that certain
8 violations be reported pursuant to specified
9 provisions; creating s. 784.0493, F.S.; defining the
10 term "harass"; 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 certain violations be reported pursuant
16 to specified provisions; amending s. 806.13, F.S.;
17 prohibiting willful and malicious defacement, injury,
18 or damage to certain property; providing criminal
19 penalties; removing a minimum damage requirement for a
20 violation; requiring that certain violations be
21 reported pursuant to specified provisions; defining
22 the term "school"; prohibiting the knowing and
23 intentional display or projection of certain images
24 onto a building, structure, or property without
25 permission; defining the term "image"; providing
26 criminal penalties; providing construction; defining
27 the term "animus"; requiring that certain violations
28 be reported pursuant to specified provisions; creating
29 s. 810.098, F.S.; prohibiting a person who willfully

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30 enters the campus of a state university or Florida
31 College System institution for the purpose of
32 threatening or intimidating another person from
33 remaining on such campus after being warned to depart;
34 providing criminal penalties; providing construction;
35 requiring that certain violations be reported pursuant
36 to specified provisions; defining terms; amending s.
37 871.01, F.S.; prohibiting the willful and malicious
38 interruption or disruption of certain assemblies;
39 providing criminal penalties; providing construction;
40 defining the term "animus"; requiring that certain
41 violations be reported pursuant to specified
42 provisions; providing an effective date.

43

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

45

46 Section 1. Paragraph (a) of subsection (6) of section
47 403.413, Florida Statutes, is amended to read:

48 403.413 Florida Litter Law.—

49 (6) PENALTIES; ENFORCEMENT.—

50 (a) 1. Except as provided in subparagraph 2., any person who
51 dumps litter in violation of subsection (4) in an amount not
52 exceeding 15 pounds in weight or 27 cubic feet in volume and not
53 for commercial purposes commits a noncriminal infraction,
54 punishable by a civil penalty of \$150, from which \$50 shall be
55 deposited into the Solid Waste Management Trust Fund to be used
56 for the solid waste management grant program pursuant to s.
57 403.7095. In addition, the court may require the violator to
58 pick up litter or perform other labor commensurate with the

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59 offense committed.

60 2. If a person violates subparagraph 1. by intentionally
61 dumping onto private property litter that evidences religious or
62 ethnic animus toward an owner or invitee of such property, the
63 person commits a felony of the third degree, punishable as
64 provided in s. 775.082, s. 775.083, or s. 775.084. As used in
65 this subparagraph, the term "animus" includes intent to
66 intimidate or threaten or intent to do harm. A violation of this
67 subparagraph shall be reported pursuant to s. 877.19.

68 Section 2. Section 784.0493, Florida Statutes, is created
69 to read:

70 784.0493 Harassment or intimidation based on religious or
71 ethnic heritage.-

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

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

78 (3) A person who violates this section commits a felony of
79 the third degree, punishable as provided in s. 775.082, s.
80 775.083, or s. 775.084.

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

83 Section 3. Present subsections (6) through (10) of section
84 806.13, Florida Statutes, are redesignated as subsections (7)
85 through (11), respectively, a new subsection (6) is added to
86 that section, and subsection (2) and present subsection (9) of
87 that section are amended, to read:

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88 806.13 Criminal mischief; penalties; penalty for minor.—

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

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

93 2. Any cemetery, grave, or memorial as defined in s.
94 806.135 which the person knows, or reasonably should have known,
95 is associated with a particular religious or ethnic heritage; or

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

100
101 commits a felony of the third degree, punishable as provided in
102 s. 775.082, s. 775.083, or s. 775.084, ~~if the damage to the~~
103 ~~property is greater than \$200.~~

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

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

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

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117 other artwork, or any combination thereof.

118 (a) A person who violates this subsection commits a
119 misdemeanor of the first degree, punishable as provided in s.
120 775.082 or s. 775.083.

121 (b) If a person displays or projects an image that
122 evidences religious or ethnic animus during the commission of an
123 offense under this subsection, it is prima facie evidence that
124 such person has evidenced prejudice in the commission of the
125 offense for the purpose of reclassifying the penalty under s.
126 775.085. As used in this paragraph, the term "animus" includes
127 intent to intimidate or threaten or intent to do harm.

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

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

145 Section 4. Section 810.098, Florida Statutes, is created to

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146 read:

147 810.098 Trespass for the purpose of threatening or
148 intimidating another person.-

149 (1) (a) Whoever, without being authorized, licensed, or
150 invited, willfully enters the campus of a state university or
151 Florida College System institution for the purpose of
152 threatening or intimidating another person, and is warned by the
153 state university or Florida College System institution to depart
154 and refuses to do so, commits a misdemeanor of the first degree,
155 punishable as provided in s. 775.082 or s. 775.083.

156 (b) If a person evidences religious or ethnic animus during
157 the commission of an offense under this subsection, it is prima
158 facie evidence that such person has evidenced prejudice in the
159 commission of the offense for the purpose of reclassifying the
160 penalty under s. 775.085.

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

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

165 (a) "Animus" includes intent to intimidate or threaten or
166 intent to do harm.

167 (b) "Florida College System institution" has the same
168 meaning as in s. 1000.21(3).

169 (c) "State university" has the same meaning as in s.
170 1000.21(6).

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

173 871.01 Disturbing schools and religious and other
174 assemblies.-

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175 (1) (a) Whoever willfully and maliciously interrupts or
176 disturbs any school or any assembly of people met for the
177 worship of God, any assembly of people met for the purpose of
178 acknowledging the death of an individual, or any assembly of
179 people met for any other lawful purpose commits a misdemeanor of
180 the first ~~second~~ degree, punishable as provided in s. 775.082 or
181 s. 775.083.

182 (b) If a person evidences religious or ethnic animus during
183 the commission of an offense under this subsection, it is prima
184 facie evidence that such person has evidenced prejudice in the
185 commission of the offense for the purpose of reclassifying the
186 penalty under s. 775.085. As used in this paragraph, the term
187 "animus" includes intent to intimidate or threaten or intent to
188 do harm.

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

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