

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 269 — Public Nuisances

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Caruso, Fine, and others (CS/SB 994 by Criminal Justice Committee and Senators Calatayud, Perry, Gruters, Rodriguez, and Avila)

The bill (Chapter 2023-24, L.O.F.) amends s. 403.413, F.S., to provide that it is first degree misdemeanor to intentionally dump litter onto private property for the purpose of intimidating or threatening the owner, resident, or invitee of such property. However, if such litter contains a credible threat, the violation is a third degree felony.

A “credible threat” has the same meaning as in s. 784.048(1), F.S., which defines the term as a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat.

The bill also creates s. 784.0493, F.S., which provides that it is a first degree misdemeanor to willfully and maliciously harass or intimidate another person based on the person’s wearing or displaying of any indicia relating to any religious or ethnic heritage. However, if the violator, in the course of committing the violation, makes a credible threat to the person who is the subject of the harassment or intimidation, the violation is a third degree felony. The bill defines the term “harass.”

The bill also amends s. 806.13, F.S., to provide that it is a first degree misdemeanor to knowingly and intentionally display or project, using any medium, an image onto a building, structure, or other property without the written consent of the owner of the building, structure, or property. However, if the image contains a credible threat, the violation is a third degree felony. The bill defines the term “image.”

The bill also creates s. 810.098, F.S., which provides that it is a first degree misdemeanor for a person, without being authorized, licensed, or invited to willfully enter the campus of a state university or Florida College System institution for the purpose of threatening or intimidating another person, and is warned by the state university or Florida College System institution to depart and refuses to do so. The bill defines the terms “Florida College System institution” and “state university.”

The bill also amends s. 871.01(1), F.S., relating to willfully disturbing a school or assembly of people met for worship of God or any other lawful purpose to:

- Require that a violation of s. 871.01(1), F.S., be both willful and malicious;

- Prohibit a person from willfully and maliciously interrupting or disturbing any school or assembly of people met for the worship of God, any assembly met for the purpose of acknowledging the death of an individual, or any other lawful purpose;
- Increase the penalty for a violation of s. 871.01(1), F.S., from a second degree misdemeanor to a first degree misdemeanor; and
- Provide that a violation of s. 871.01(1), F.S., is a third degree felony if the violator in committing the violation makes a credible threat.

Finally, the bill requires that a violation of any provision of the bill that is reclassified under s. 775.085, F.S., be reported as a hate crime for the purposes of the reporting requirements of s. 877.91, F.S.

These provisions became law upon approval by the Governor on May 1, 2023.

Vote: Senate 40-0; House 112-0