



343996

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/12/2021	.	
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The Committee on Appropriations (Farmer) recommended the following:

Senate Amendment (with title amendment)

Delete lines 316 - 1040

and insert:

a riot or an aggravated riot commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Subsection (2) of section 784.021, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

784.021 Aggravated assault.—



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11 (2) A person who ~~Whoever~~ commits an aggravated assault
12 commits shall be guilty of a felony of the third degree,
13 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

14 (3) For the purposes of sentencing under chapter 921, a
15 violation of this section committed by a person acting in
16 furtherance of a riot or an aggravated riot is ranked one level
17 above the ranking under s. 921.0022 for the offense committed.

18 Section 6. Section 784.03, Florida Statutes, is amended to
19 read:

20 784.03 Battery; felony battery.—

21 (1) (a) The offense of battery occurs when a person:

22 1. Actually and intentionally touches or strikes another
23 person against the will of the other; or

24 2. Intentionally causes bodily harm to another person.

25 (b) Except as provided in subsection (2) or subsection (3),
26 a person who commits battery commits a misdemeanor of the first
27 degree, punishable as provided in s. 775.082 or s. 775.083.

28 (2) A person who has one prior conviction for battery,
29 aggravated battery, or felony battery and who commits any second
30 or subsequent battery commits a felony of the third degree,
31 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
32 For purposes of this subsection, "conviction" means a
33 determination of guilt that is the result of a plea or a trial,
34 regardless of whether adjudication is withheld or a plea of nolo
35 contendere is entered.

36 (3) A person who commits a battery in furtherance of a riot
37 or an aggravated riot commits a felony of the third degree,
38 punishable as provided in s. 775.082, s. 775.083, or 775.084.

39 Section 7. Section 784.045, Florida Statutes, is amended to



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40 read:

41 784.045 Aggravated battery.—

42 (1) (a) A person commits aggravated battery who, in
43 committing battery:

44 1. Intentionally or knowingly causes great bodily harm,
45 permanent disability, or permanent disfigurement; or

46 2. Uses a deadly weapon.

47 (b) A person commits aggravated battery if the person who
48 was the victim of the battery was pregnant at the time of the
49 offense and the offender knew or should have known that the
50 victim was pregnant.

51 (2) A person who violates subsection (1) commits ~~Whoever~~
52 ~~commits aggravated battery shall be guilty of a felony of the~~
53 ~~second degree, punishable as provided in s. 775.082, s. 775.083,~~
54 ~~or s. 775.084.~~

55 (3) For the purposes of sentencing under chapter 921, a
56 violation of this section committed by a person acting in
57 furtherance of a riot or an aggravated riot is ranked one level
58 above the ranking under s. 921.0022 for the offense committed.

59 Section 8. Section 784.0495, Florida Statutes, is created
60 to read:

61 784.0495 Mob intimidation.—

62 (1) It is unlawful for a person, assembled with two or more
63 other persons and acting with a common intent, to use force or
64 threaten to use imminent force, to compel or induce, or attempt
65 to compel or induce, another person to do or refrain from doing
66 any act or to assume, abandon, or maintain a particular
67 viewpoint against his or her will.

68 (2) A person who violates subsection (1) commits a



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69 misdemeanor of the first degree, punishable as provided in s.
70 775.082 or s. 775.083.

71 (3) A person arrested for a violation of this section shall
72 be held in custody until brought before the court for admittance
73 to bail in accordance with chapter 903.

74 Section 9. Subsection (2) of section 784.07, Florida
75 Statutes, is amended and subsection (4) is added to that
76 section, to read:

77 784.07 Assault or battery of law enforcement officers,
78 firefighters, emergency medical care providers, public transit
79 employees or agents, or other specified officers;
80 reclassification of offenses; minimum sentences.—

81 (2) Whenever any person is charged with knowingly
82 committing an assault or battery upon a law enforcement officer,
83 a firefighter, an emergency medical care provider, a railroad
84 special officer, a traffic accident investigation officer as
85 described in s. 316.640, a nonsworn law enforcement agency
86 employee who is certified as an agency inspector, a blood
87 alcohol analyst, or a breath test operator while such employee
88 is in uniform and engaged in processing, testing, evaluating,
89 analyzing, or transporting a person who is detained or under
90 arrest for DUI, a law enforcement explorer, a traffic infraction
91 enforcement officer as described in s. 316.640, a parking
92 enforcement specialist as defined in s. 316.640, a person
93 licensed as a security officer as defined in s. 493.6101 and
94 wearing a uniform that bears at least one patch or emblem that
95 is visible at all times that clearly identifies the employing
96 agency and that clearly identifies the person as a licensed
97 security officer, or a security officer employed by the board of



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98 trustees of a community college, while the officer, firefighter,
99 emergency medical care provider, railroad special officer,
100 traffic accident investigation officer, traffic infraction
101 enforcement officer, inspector, analyst, operator, law
102 enforcement explorer, parking enforcement specialist, public
103 transit employee or agent, or security officer is engaged in the
104 lawful performance of his or her duties, the offense for which
105 the person is charged shall be reclassified as follows:

106 (a) In the case of assault, from a misdemeanor of the
107 second degree to a misdemeanor of the first degree.

108 (b) In the case of battery, from a misdemeanor of the first
109 degree to a felony of the third degree. Notwithstanding any
110 other provision of law, a person convicted of battery upon a law
111 enforcement officer committed in furtherance of a riot or an
112 aggravated riot shall be sentenced to a minimum term of
113 imprisonment of 6 months.

114 (c) In the case of aggravated assault, from a felony of the
115 third degree to a felony of the second degree. Notwithstanding
116 any other provision of law, any person convicted of aggravated
117 assault upon a law enforcement officer shall be sentenced to a
118 minimum term of imprisonment of 3 years.

119 (d) In the case of aggravated battery, from a felony of the
120 second degree to a felony of the first degree. Notwithstanding
121 any other provision of law, any person convicted of aggravated
122 battery of a law enforcement officer shall be sentenced to a
123 minimum term of imprisonment of 5 years.

124 (4) For purposes of sentencing under chapter 921, a felony
125 violation of this section committed by a person acting in
126 furtherance of a riot or an aggravated riot is ranked one level



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127 above the ranking under s. 921.0022 for the offense committed.

128 Section 10. Subsections (3) through (9) of section 806.13,
129 Florida Statutes, are renumbered as subsections (4) through
130 (10), respectively, a new subsection (3) is added to that
131 section, and present subsection (8) of that section is amended,
132 to read:

133 806.13 Criminal mischief; penalties; penalty for minor.—

134 (3) Any person who, without the consent of the owner
135 thereof, willfully and maliciously defaces, injures, or
136 otherwise damages by any means a memorial or historic property,
137 as defined in s. 806.135(1), and the value of the damage to the
138 memorial or historic property is greater than \$200, commits a
139 felony of the third degree, punishable as provided in s.
140 775.082, s. 775.083, or s. 775.084. A court shall order any
141 person convicted of violating this subsection to pay
142 restitution, which shall include the full cost of repair or
143 replacement of such memorial or historic property.

144 (9)~~(8)~~ A minor whose driver license or driving privilege is
145 revoked, suspended, or withheld under subsection (8)~~(7)~~ may
146 elect to reduce the period of revocation, suspension, or
147 withholding by performing community service at the rate of 1 day
148 for each hour of community service performed. In addition, if
149 the court determines that due to a family hardship, the minor's
150 driver license or driving privilege is necessary for employment
151 or medical purposes of the minor or a member of the minor's
152 family, the court shall order the minor to perform community
153 service and reduce the period of revocation, suspension, or
154 withholding at the rate of 1 day for each hour of community
155 service performed. As used in this subsection, the term



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156 "community service" means cleaning graffiti from public
157 property.

158 Section 11. Section 806.135, Florida Statutes, is created
159 to read:

160 806.135 Destroying or demolishing a memorial or historic
161 property.—

162 (1) As used in this section, the term:

163 (a) "Historic property" means any building, structure,
164 site, or object that has been officially designated as a
165 historic building, historic structure, historic site, or
166 historic object through a federal, state, or local designation
167 program.

168 (b) "Memorial" means a plaque, statue, marker, flag,
169 banner, cenotaph, religious symbol, painting, seal, tombstone,
170 structure name, or display that is constructed and located with
171 the intent of being permanently displayed or perpetually
172 maintained; is dedicated to a historical person, an entity, an
173 event, or a series of events; and honors or recounts the
174 military service of any past or present United States Armed
175 Forces military personnel, or the past or present public service
176 of a resident of the geographical area comprising the state or
177 the United States. The term includes, but is not limited to, the
178 following memorials established under chapter 265:

- 179 1. Florida Women's Hall of Fame.
180 2. Florida Medal of Honor Wall.
181 3. Florida Veterans' Hall of Fame.
182 4. POW-MIA Chair of Honor Memorial.
183 5. Florida Veterans' Walk of Honor and Florida Veterans'
184 Memorial Garden.



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185 6. Florida Law Enforcement Officers' Hall of Fame.

186 7. Florida Holocaust Memorial.

187 8. Florida Slavery Memorial.

188 9. Any other memorial located within the Capitol Complex,
189 including, but not limited to, Waller Park.

190 (2) It is unlawful for any person to willfully and
191 maliciously destroy or demolish any memorial or historic
192 property, or willfully and maliciously pull down a memorial or
193 historic property, unless authorized by the owner of the
194 memorial or historic property. A person who violates this
195 section commits a felony of the second degree, punishable as
196 provided in s. 775.082, s. 775.083, or s. 775.084.

197 (3) A court shall order any person convicted of violating
198 this section to pay restitution, which shall include the full
199 cost of repair or replacement of such memorial or historic
200 property.

201 Section 12. Subsections (3) and (4) of section 810.02,
202 Florida Statutes, are amended to read:

203 810.02 Burglary.—

204 (3) Burglary is a felony of the second degree, punishable
205 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
206 course of committing the offense, the offender does not make an
207 assault or battery and is not and does not become armed with a
208 dangerous weapon or explosive, and the offender enters or
209 remains in a:

210 (a) Dwelling, and there is another person in the dwelling
211 at the time the offender enters or remains;

212 (b) Dwelling, and there is not another person in the
213 dwelling at the time the offender enters or remains;



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214 (c) Structure, and there is another person in the structure
215 at the time the offender enters or remains;

216 (d) Conveyance, and there is another person in the
217 conveyance at the time the offender enters or remains;

218 (e) Authorized emergency vehicle, as defined in s. 316.003;
219 or

220 (f) Structure or conveyance when the offense intended to be
221 committed therein is theft of a controlled substance as defined
222 in s. 893.02. Notwithstanding any other law, separate judgments
223 and sentences for burglary with the intent to commit theft of a
224 controlled substance under this paragraph and for any applicable
225 possession of controlled substance offense under s. 893.13 or
226 trafficking in controlled substance offense under s. 893.135 may
227 be imposed when all such offenses involve the same amount or
228 amounts of a controlled substance.

229
230 However, if the burglary is committed during a riot or an
231 aggravated riot and the perpetration of the burglary is
232 facilitated by conditions arising from the riot; or within a
233 county that is subject to a state of emergency declared by the
234 Governor under chapter 252 after the declaration of emergency is
235 made and the perpetration of the burglary is facilitated by
236 conditions arising from the emergency, the burglary is a felony
237 of the first degree, punishable as provided in s. 775.082, s.
238 775.083, or s. 775.084. As used in this subsection, the term
239 "conditions arising from the riot" means civil unrest, power
240 outages, curfews, or a reduction in the presence of or response
241 time for first responders or homeland security personnel and the
242 term "conditions arising from the emergency" means civil unrest,



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243 power outages, curfews, voluntary or mandatory evacuations, or a
244 reduction in the presence of or response time for first
245 responders or homeland security personnel. A person arrested for
246 committing a burglary during a riot or an aggravated riot or
247 within a county that is subject to such a state of emergency may
248 not be released until the person appears before a committing
249 magistrate at a first appearance hearing. For purposes of
250 sentencing under chapter 921, a felony offense that is
251 reclassified under this subsection is ranked one level above the
252 ranking under s. 921.0022 or s. 921.0023 of the offense
253 committed.

254 (4) Burglary is a felony of the third degree, punishable as
255 provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
256 course of committing the offense, the offender does not make an
257 assault or battery and is not and does not become armed with a
258 dangerous weapon or explosive, and the offender enters or
259 remains in a:

260 (a) Structure, and there is not another person in the
261 structure at the time the offender enters or remains; or

262 (b) Conveyance, and there is not another person in the
263 conveyance at the time the offender enters or remains.

264

265 However, if the burglary is committed during a riot or an
266 aggravated riot and the perpetration of the burglary is
267 facilitated by conditions arising from the riot; or within a
268 county that is subject to a state of emergency declared by the
269 Governor under chapter 252 after the declaration of emergency is
270 made and the perpetration of the burglary is facilitated by
271 conditions arising from the emergency, the burglary is a felony



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272 of the second degree, punishable as provided in s. 775.082, s.
273 775.083, or s. 775.084. As used in this subsection, the terms
274 "conditions arising from the riot" and ~~term~~ "conditions arising
275 from the emergency" have the same meanings as provided in
276 subsection (3) ~~means civil unrest, power outages, curfews,~~
277 ~~voluntary or mandatory evacuations, or a reduction in the~~
278 ~~presence of or response time for first responders or homeland~~
279 ~~security personnel.~~ A person arrested for committing a burglary
280 during a riot or an aggravated riot or within a county that is
281 subject to such a state of emergency may not be released until
282 the person appears before a committing magistrate at a first
283 appearance hearing. For purposes of sentencing under chapter
284 921, a felony offense that is reclassified under this subsection
285 is ranked one level above the ranking under s. 921.0022 or s.
286 921.0023 of the offense committed.

287 Section 13. Paragraphs (b) and (c) of subsection (2) of
288 section 812.014, Florida Statutes, are amended to read:

289 812.014 Theft.—

290 (2)

291 (b)1. If the property stolen is valued at \$20,000 or more,
292 but less than \$100,000;

293 2. The property stolen is cargo valued at less than \$50,000
294 that has entered the stream of interstate or intrastate commerce
295 from the shipper's loading platform to the consignee's receiving
296 dock;

297 3. The property stolen is emergency medical equipment,
298 valued at \$300 or more, that is taken from a facility licensed
299 under chapter 395 or from an aircraft or vehicle permitted under
300 chapter 401; or



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301 4. The property stolen is law enforcement equipment, valued
302 at \$300 or more, that is taken from an authorized emergency
303 vehicle, as defined in s. 316.003,
304
305 the offender commits grand theft in the second degree,
306 punishable as a felony of the second degree, as provided in s.
307 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
308 means mechanical or electronic apparatus used to provide
309 emergency services and care as defined in s. 395.002(9) or to
310 treat medical emergencies. Law enforcement equipment means any
311 property, device, or apparatus used by any law enforcement
312 officer as defined in s. 943.10 in the officer's official
313 business. However, if the property is stolen during a riot or an
314 aggravated riot and the perpetration of the theft is facilitated
315 by conditions arising from the riot; or within a county that is
316 subject to a state of emergency declared by the Governor under
317 chapter 252, the theft is committed after the declaration of
318 emergency is made, and the perpetration of the theft is
319 facilitated by conditions arising from the emergency, the theft
320 is a felony of the first degree, punishable as provided in s.
321 775.082, s. 775.083, or s. 775.084. As used in this paragraph,
322 the term "conditions arising from the riot" means civil unrest,
323 power outages, curfews, or a reduction in the presence of or
324 response time for first responders or homeland security
325 personnel and the term "conditions arising from the emergency"
326 means civil unrest, power outages, curfews, voluntary or
327 mandatory evacuations, or a reduction in the presence of or
328 response time for first responders or homeland security
329 personnel. A person arrested for committing a theft during a



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330 riot or an aggravated riot or within a county that is subject to
331 a state of emergency may not be released until the person
332 appears before a committing magistrate at a first appearance
333 hearing. For purposes of sentencing under chapter 921, a felony
334 offense that is reclassified under this paragraph is ranked one
335 level above the ranking under s. 921.0022 or s. 921.0023 of the
336 offense committed.

337 (c) It is grand theft of the third degree and a felony of
338 the third degree, punishable as provided in s. 775.082, s.
339 775.083, or s. 775.084, if the property stolen is:

- 340 1. Valued at \$750 or more, but less than \$5,000.
- 341 2. Valued at \$5,000 or more, but less than \$10,000.
- 342 3. Valued at \$10,000 or more, but less than \$20,000.
- 343 4. A will, codicil, or other testamentary instrument.
- 344 5. A firearm.
- 345 6. A motor vehicle, except as provided in paragraph (a).
- 346 7. Any commercially farmed animal, including any animal of
347 the equine, avian, bovine, or swine class or other grazing
348 animal; a bee colony of a registered beekeeper; and aquaculture
349 species raised at a certified aquaculture facility. If the
350 property stolen is a commercially farmed animal, including an
351 animal of the equine, avian, bovine, or swine class or other
352 grazing animal; a bee colony of a registered beekeeper; or an
353 aquaculture species raised at a certified aquaculture facility,
354 a \$10,000 fine shall be imposed.

355 8. Any fire extinguisher that, at the time of the taking,
356 was installed in any building for the purpose of fire prevention
357 and control. This subparagraph does not apply to a fire
358 extinguisher taken from the inventory at a point-of-sale



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359 business.

360 9. Any amount of citrus fruit consisting of 2,000 or more
361 individual pieces of fruit.

362 10. Taken from a designated construction site identified by
363 the posting of a sign as provided for in s. 810.09(2)(d).

364 11. Any stop sign.

365 12. Anhydrous ammonia.

366 13. Any amount of a controlled substance as defined in s.
367 893.02. Notwithstanding any other law, separate judgments and
368 sentences for theft of a controlled substance under this
369 subparagraph and for any applicable possession of controlled
370 substance offense under s. 893.13 or trafficking in controlled
371 substance offense under s. 893.135 may be imposed when all such
372 offenses involve the same amount or amounts of a controlled
373 substance.

374
375 However, if the property is stolen during a riot or an
376 aggravated riot and the perpetration of the theft is facilitated
377 by conditions arising from the riot; or within a county that is
378 subject to a state of emergency declared by the Governor under
379 chapter 252, the property is stolen after the declaration of
380 emergency is made, and the perpetration of the theft is
381 facilitated by conditions arising from the emergency, the
382 offender commits a felony of the second degree, punishable as
383 provided in s. 775.082, s. 775.083, or s. 775.084, if the
384 property is valued at \$5,000 or more, but less than \$10,000, as
385 provided under subparagraph 2., or if the property is valued at
386 \$10,000 or more, but less than \$20,000, as provided under
387 subparagraph 3. As used in this paragraph, the terms "conditions



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388 arising from a riot” and term “conditions arising from the
389 emergency” have the same meanings as provided in paragraph (b).
390 A person arrested for committing a theft during a riot or an
391 aggravated riot or within a county that is subject to a state of
392 emergency may not be released until the person appears before a
393 committing magistrate at a first appearance hearing means civil
394 unrest, power outages, curfews, voluntary or mandatory
395 evacuations, or a reduction in the presence of or the response
396 time for first responders or homeland security personnel. For
397 purposes of sentencing under chapter 921, a felony offense that
398 is reclassified under this paragraph is ranked one level above
399 the ranking under s. 921.0022 or s. 921.0023 of the offense
400 committed.

401 Section 14. Section 836.115, Florida Statutes, is created
402 to read:

403 836.115 Cyberintimidation by publication.—

404 (1) As used in this section, the term:

405 (a) “Electronically publish” means to disseminate, post, or
406 otherwise disclose information to an Internet site or forum.

407 (b) “Harass” has the same meaning as provided in s.
408 817.568(1)(c).

409 (c) “Personal identification information” has the same
410 meaning as provided in s. 817.568(1)(f).

411 (2) It is unlawful for a person to electronically publish
412 another person’s personal identification information with the
413 intent to, or with the intent that a third party will use the
414 information to:

415 (a) Incite violence or commit a crime against the person;

416 or



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417 (b) Threaten or harass the person, placing such person in
418 reasonable fear of bodily harm.

419
420 A person who violates this subsection commits a misdemeanor of a
421 first degree, punishable as provided in s. 775.082 or s.
422 775.083.

423 Section 15. Section 870.02, Florida Statutes, is amended to
424 read:

425 870.02 Unlawful assemblies.—

426 (1) If three or more persons meet together to commit a
427 breach of the peace, or to do any other unlawful act, each of
428 them commits ~~shall be guilty of~~ a misdemeanor of the second
429 degree, punishable as provided in s. 775.082 or s. 775.083.

430 (2) A person arrested for a violation of this section shall
431 be held in custody until brought before the court for admittance
432 to bail in accordance with chapter 903.

433 Section 16. Section 870.03, Florida Statutes, is repealed.

434 Section 17. Section 870.07, Florida Statutes, is created to
435 read:

436 870.07 Affirmative defense in civil action; party convicted
437 of riot.—

438 (1) In a civil action for damages for personal injury,
439 wrongful death, or property damage, it is an affirmative defense
440 that such action arose from an injury or damage sustained by a
441 participant acting in furtherance of a riot. The affirmative
442 defense authorized by this section shall be established by
443 evidence that the participant has been convicted of a riot or an
444 aggravated riot, or by proof of the commission of such crime by
445 a preponderance of the evidence.



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446 (2) In a civil action in which a defendant raises an
447 affirmative defense under this section, the court must, on
448 motion by the defendant, stay the action during the pendency of
449 a criminal action that forms the basis for the defense, unless
450 the court finds that a conviction in the criminal action would
451 not form a valid defense under this section.

452 Section 18. Subsections (3) through (6) of section 872.02,
453 Florida Statutes, are renumbered as subsections (4) through (7),
454 respectively, a new subsection (3) is added to that section,
455 subsections (1) and (2) of that section are republished, and
456 present subsection (6) of that section is amended, to read:

457 872.02 Injuring or removing tomb or monument; disturbing
458 contents of grave or tomb; penalties.—

459 (1) A person commits a felony of the third degree,
460 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
461 if he or she:

462 (a) Willfully and knowingly destroys, mutilates, defaces,
463 injures, or removes any tomb, monument, gravestone, burial
464 mound, earthen or shell monument containing human skeletal
465 remains or associated burial artifacts, or other structure or
466 thing placed or designed for a memorial of the dead, or any
467 fence, railing, curb, or other thing intended for the protection
468 or ornamentation of any tomb, monument, gravestone, burial
469 mound, earthen or shell monument containing human skeletal
470 remains or associated burial artifacts, or other structure
471 before mentioned, or for any enclosure for the burial of the
472 dead; or

473 (b) Willfully destroys, mutilates, removes, cuts, breaks,
474 or injures any tree, shrub, or plant placed or being within any



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475 such enclosure, except for a person performing routine
476 maintenance and upkeep.

477 (2) A person who willfully and knowingly excavates,
478 exposes, moves, removes, or otherwise disturbs the contents of a
479 grave or tomb commits a felony of the second degree, punishable
480 as provided in s. 775.082, s. 775.083, or s. 775.084.

481 (3) For purposes of sentencing under chapter 921, a
482 violation of this section, committed by a person in furtherance
483 of a riot or an aggravated riot is ranked one level above the
484 ranking under s. 921.0022 or s. 921.0023 for the offense
485 committed.

486 (7)~~(6)~~ If a legally authorized person refuses to sign a
487 written authorization, as provided in paragraph (6) (a)~~(5) (a)~~, or
488 if a legally authorized person objects, as provided in paragraph
489 (6) (b) ~~(5) (b)~~, a public hearing shall be held before the county
490 commission of the county where the cemetery is located, or the
491 city council, if the cemetery is located in a municipality, and
492 the county commission or the city council shall have the
493 authority to grant a request for relocation of the contents of
494 such graves or tombs.

495 Section 19. Paragraphs (b), (c), and (d) of subsection (3)
496 of section 921.0022, Florida Statutes, are amended to read:

497 921.0022 Criminal Punishment Code; offense severity ranking
498 chart.-

499 (3) OFFENSE SEVERITY RANKING CHART

500 (b) LEVEL 2

501

502

Florida	Felony	Description
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	Statute	Degree	
503	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
504	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
505	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
506	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
507	590.28 (1)	3rd	Intentional burning of lands.
508	<u>784.03 (3)</u>	<u>3rd</u>	<u>Battery during a riot or an aggravated riot.</u>
509	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury



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or death.

510

787.04(1) 3rd In violation of court order,
take, entice, etc., minor
beyond state limits.

511

806.13(1)(b)3. 3rd Criminal mischief; damage
\$1,000 or more to public
communication or any other
public service.

512

513

514

515

806.13(3) 3rd Criminal mischief; damage of
\$200 or more to a memorial or
historic property.

516

810.061(2) 3rd Impairing or impeding telephone
or power to a dwelling;
facilitating or furthering
burglary.

517

810.09(2)(e) 3rd Trespassing on posted
commercial horticulture
property.

518

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$750
or more but less than \$5,000.



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519	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.
520	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
521	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
522	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
523	817.52 (3)	3rd	Failure to redeliver hired vehicle.
524	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
525	817.60 (5)	3rd	Dealing in credit cards of another.
526			



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527	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
528	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
529	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
530	831.01	3rd	Forgery.
531	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
532	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
533	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
534	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
	831.11	3rd	Bringing into the state forged



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bank bills, checks, drafts, or
notes.

535

832.05(3)(a) 3rd Cashing or depositing item with
intent to defraud.

536

843.08 3rd False personation.

537

893.13(2)(a)2. 3rd Purchase of any s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4) drugs
other than cannabis.

538

893.147(2) 3rd Manufacture or delivery of drug
paraphernalia.

539

540

541

542 (c) LEVEL 3

543

544

Florida Statute	Felony Degree	Description
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545

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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546	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
547	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
548	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
549	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
550	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
551	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
552	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
553	327.35 (2) (b)	3rd	Felony BUI.
554			



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- 555 328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
- 556 328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
- 557 376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
- 558 379.2431(1)(e)5. 3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
- 379.2431(1)(e)6. 3rd Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.



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559	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
560	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
561	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
562	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
563	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
564	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
565	624.401 (4) (b) 1.	3rd	Transacting insurance without a



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certificate of authority;
premium collected less than
\$20,000.

566

626.902(1)(a) & 3rd Representing an unauthorized
(b) insurer.

567

697.08 3rd Equity skimming.

568

790.15(3) 3rd Person directs another to
discharge firearm from a
vehicle.

569

806.10(1) 3rd Maliciously injure, destroy, or
interfere with vehicles or
equipment used in firefighting.

570

806.10(2) 3rd Interferes with or assaults
firefighter in performance of
duty.

571

810.09(2)(c) 3rd Trespass on property other than
structure or conveyance armed
with firearm or dangerous
weapon.

572

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but
less than \$10,000.

573



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574	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
575	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
576	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
577	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
578	817.233	3rd	Burning to defraud insurer.
579	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
580	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
581	817.236	3rd	Filing a false motor vehicle insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or



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fraudulent motor vehicle
insurance card.

582

817.413(2) 3rd Sale of used goods of \$1,000 or
more as new.

583

831.28(2)(a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument
with intent to defraud.

584

831.29 2nd Possession of instruments for
counterfeiting driver licenses
or identification cards.

585

838.021(3)(b) 3rd Threatens unlawful harm to
public servant.

586

843.19 2nd Injure, disable, or kill
police, fire, or SAR canine or
police horse.

587

860.15(3) 3rd Overcharging for repairs and
parts.

588

870.01(2) 3rd Riot; inciting or encouraging.

589

893.13(1)(a)2. 3rd Sell, manufacture, or deliver



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cannabis (or other s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4) drugs).

590

893.13(1)(d)2. 2nd Sell, manufacture, or deliver
s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4) drugs
within 1,000 feet of
university.

591

893.13(1)(f)2. 2nd Sell, manufacture, or deliver
s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4) drugs
within 1,000 feet of public
housing facility.

592

893.13(4)(c) 3rd Use or hire of minor; deliver
to minor other controlled
substances.

593

893.13(6)(a) 3rd Possession of any controlled
substance other than felony
possession of cannabis.



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594	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
595	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
596	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
597	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
598	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
599			



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600 893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to
assist a patient, other person,
or owner of an animal in
obtaining a controlled
substance.

601 893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.

602 893.13(8)(a)4. 3rd Write a prescription for a
controlled substance for a
patient, other person, or an
animal if the sole purpose of
writing the prescription is a
monetary benefit for the
practitioner.

603 918.13(1)(a) 3rd Alter, destroy, or conceal
investigation evidence.

604 944.47 3rd Introduce contraband to
(1)(a)1. & 2. correctional facility.

605 944.47(1)(c) 2nd Possess contraband while upon
the grounds of a correctional
institution.



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615	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
616	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
617	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
618	784.075	3rd	Battery on detention or commitment facility staff.
619	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
620	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
621	784.081 (3)	3rd	Battery on specified official or employee.
622	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
623	784.083 (3)	3rd	Battery on code inspector.
624			



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625	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
626	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
627	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
628	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
629	787.07	3rd	Human smuggling.
630	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.



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631	790.115 (2) (c)	3rd	Possessing firearm on school property.
632	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
633	<u>806.135</u>	<u>2nd</u>	<u>Destroying or demolishing a memorial or historic property.</u>
634			
635			
636			
637	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
638	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
639	810.06	3rd	Burglary; possession of tools.
640	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
641			



642	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
643	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
644	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
645	817.505 (4) (a)	3rd	Patient brokering.
646	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
647	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
648	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
649	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent



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breeding disability to any
registered horse or cattle.

650

837.02 (1) 3rd Perjury in official
proceedings.

651

837.021 (1) 3rd Make contradictory statements
in official proceedings.

652

838.022 3rd Official misconduct.

653

839.13 (2) (a) 3rd Falsifying records of an
individual in the care and
custody of a state agency.

654

839.13 (2) (c) 3rd Falsifying records of the
Department of Children and
Families.

655

843.021 3rd Possession of a concealed
handcuff key by a person in
custody.

656

843.025 3rd Deprive law enforcement,
correctional, or correctional
probation officer of means of
protection or communication.

657

843.15 (1) (a) 3rd Failure to appear while on bail



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666

918.12 3rd Tampering with jurors.

667

934.215 3rd Use of two-way communications device to facilitate commission of a crime.

668

944.47(1)(a)6. 3rd Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

669

951.22(1)(h), 3rd Intoxicating drug,
(j) & (k) instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

670

671

672 ===== T I T L E A M E N D M E N T =====

673 And the title is amended as follows:

674 Delete lines 74 - 84.