



484354

LEGISLATIVE ACTION

Senate

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House

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Senator Gibson moved the following:

Senate Amendment (with title amendment)

Delete lines 111 - 784

and insert:

enforcement agency which does not go toward neighborhood crime
intervention or other crime prevention programs, the state
attorney for the judicial circuit in which the municipality is
located, or a member of the governing body who objects to the
funding reduction, may file an appeal by petition to the
Administration Commission within 30 days after the day the
tentative budget is posted to the official website of the



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12 municipality under subsection (3). The petition must set forth
13 the tentative budget proposed by the municipality, in the form
14 and manner prescribed by the Executive Office of the Governor
15 and approved by the Administration Commission, the operating
16 budget of the municipal law enforcement agency as approved by
17 the municipality for the previous year, and state the reasons or
18 grounds for the appeal. The petition shall be filed with the
19 Executive Office of the Governor, and a copy served upon the
20 governing body of the municipality or to the clerk of the
21 circuit court of the county in which the municipality is
22 located.

23 (b) The governing body of the municipality has 5 working
24 days after service of a copy of the petition to file a reply
25 with the Executive Office of the Governor, and shall serve a
26 copy of such reply to the petitioner.

27 (5) Upon receipt of the petition, the Executive Office of
28 the Governor shall provide for a budget hearing at which the
29 matters presented in the petition and the reply shall be
30 considered. A report of the findings and recommendations of the
31 Executive Office of the Governor thereon shall be promptly
32 submitted to the Administration Commission, which, within 30
33 days, shall approve the action of the governing body of the
34 municipality or amend or modify the budget as to each separate
35 item within the operating budget of the municipal law
36 enforcement agency. The budget as approved, amended, or modified
37 by the Administration Commission shall be final.

38 (8)~~(6)~~ If the governing body of a municipality amends the
39 budget pursuant to paragraph (7) (c) ~~paragraph (5) (e)~~, the
40 adopted amendment must be posted on the official website of the



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41 municipality within 5 days after adoption and must remain on the
42 website for at least 2 years. If the municipality does not
43 operate an official website, the municipality must, within a
44 reasonable period of time as established by the county or
45 counties in which the municipality is located, transmit the
46 adopted amendment to the manager or administrator of such county
47 or counties who shall post the adopted amendment on the county's
48 website.

49 Section 2. Section 316.2045, Florida Statutes, is amended
50 to read:

51 316.2045 Obstruction of public streets, highways, and
52 roads.—

53 (1) (a) A ~~It is unlawful for any person may not or persons~~
54 willfully ~~to~~ obstruct the free, convenient, and normal use of a
55 any public street, highway, or road by:

56 1. Impeding, hindering, stifling, retarding, or restraining
57 traffic or passage thereon; ~~by~~

58 2. Standing on or remaining in the street, highway, or
59 road; or approaching motor vehicles thereon, or by

60 3. Endangering the safe movement of vehicles or pedestrians
61 traveling thereon.

62 (b) A ~~and any person or persons who violates paragraph~~
63 (a) violate the provisions of this subsection, upon conviction,
64 shall be cited for a pedestrian violation, punishable as
65 provided in chapter 318.

66 (c) This subsection does not prohibit a local governmental
67 entity from issuing a special event permit as authorized by law.

68 ~~(2) It is unlawful, without proper authorization or a~~
69 ~~lawful permit, for any person or persons willfully to obstruct~~



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70 ~~the free, convenient, and normal use of any public street,~~
71 ~~highway, or road by any of the means specified in subsection (1)~~
72 ~~in order to solicit. Any person who violates the provisions of~~
73 ~~this subsection is guilty of a misdemeanor of the second degree,~~
74 ~~punishable as provided in s. 775.082 or s. 775.083.~~

75 ~~Organizations qualified under s. 501(c)(3) of the Internal~~
76 ~~Revenue Code and registered pursuant to chapter 496, or persons~~
77 ~~or organizations acting on their behalf are exempted from the~~
78 ~~provisions of this subsection for activities on streets or roads~~
79 ~~not maintained by the state. Permits for the use of any portion~~
80 ~~of a state-maintained road or right-of-way shall be required~~
81 ~~only for those purposes and in the manner set out in s. 337.406.~~

82 ~~(3) Permits for the use of any street, road, or right-of-~~
83 ~~way not maintained by the state may be issued by the appropriate~~
84 ~~local government. An organization that is qualified under s.~~
85 ~~501(c)(3) of the Internal Revenue Code and registered under~~
86 ~~chapter 496, or a person or organization acting on behalf of~~
87 ~~that organization, is exempt from local requirements for a~~
88 ~~permit issued under this subsection for charitable solicitation~~
89 ~~activities on or along streets or roads that are not maintained~~
90 ~~by the state under the following conditions:~~

91 ~~(a) The organization, or the person or organization acting~~
92 ~~on behalf of the organization, must provide all of the following~~
93 ~~to the local government:~~

94 ~~1. No fewer than 14 calendar days prior to the proposed~~
95 ~~solicitation, the name and address of the person or organization~~
96 ~~that will perform the solicitation and the name and address of~~
97 ~~the organization that will receive funds from the solicitation.~~

98 ~~2. For review and comment, a plan for the safety of all~~



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99 ~~persons participating in the solicitation, as well as the~~
100 ~~motoring public, at the locations where the solicitation will~~
101 ~~take place.~~

102 ~~3. Specific details of the location or locations of the~~
103 ~~proposed solicitation and the hours during which the~~
104 ~~solicitation activities will occur.~~

105 ~~4. Proof of commercial general liability insurance against~~
106 ~~claims for bodily injury and property damage occurring on~~
107 ~~streets, roads, or rights-of-way or arising from the solicitor's~~
108 ~~activities or use of the streets, roads, or rights-of-way by the~~
109 ~~solicitor or the solicitor's agents, contractors, or employees.~~
110 ~~The insurance shall have a limit of not less than \$1 million per~~
111 ~~occurrence for the general aggregate. The certificate of~~
112 ~~insurance shall name the local government as an additional~~
113 ~~insured and shall be filed with the local government no later~~
114 ~~than 72 hours before the date of the solicitation.~~

115 ~~5. Proof of registration with the Department of Agriculture~~
116 ~~and Consumer Services pursuant to s. 496.405 or proof that the~~
117 ~~soliciting organization is exempt from the registration~~
118 ~~requirement.~~

119 ~~(b) Organizations or persons meeting the requirements of~~
120 ~~subparagraphs (a)1.-5. may solicit for a period not to exceed 10~~
121 ~~cumulative days within 1 calendar year.~~

122 ~~(c) All solicitation shall occur during daylight hours~~
123 ~~only.~~

124 ~~(d) Solicitation activities shall not interfere with the~~
125 ~~safe and efficient movement of traffic and shall not cause~~
126 ~~danger to the participants or the public.~~

127 ~~(e) No person engaging in solicitation activities shall~~



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128 ~~persist after solicitation has been denied, act in a demanding~~
129 ~~or harassing manner, or use any sound or voice-amplifying~~
130 ~~apparatus or device.~~

131 ~~(f) All persons participating in the solicitation shall be~~
132 ~~at least 18 years of age and shall possess picture~~
133 ~~identification.~~

134 ~~(g) Signage providing notice of the solicitation shall be~~
135 ~~posted at least 500 feet before the site of the solicitation.~~

136 ~~(h) The local government may stop solicitation activities~~
137 ~~if any conditions or requirements of this subsection are not~~
138 ~~met.~~

139 ~~(4) Nothing in this section shall be construed to inhibit~~
140 ~~political campaigning on the public right of way or to require a~~
141 ~~permit for such activity.~~

142 ~~(2)(5) Notwithstanding the provisions of subsection (1),~~
143 any commercial vehicle used solely for the purpose of collecting
144 solid waste or recyclable or recovered materials may stop or
145 stand on any public street, highway, or road for the sole
146 purpose of collecting solid waste or recyclable or recovered
147 materials. However, such solid waste or recyclable or recovered
148 materials collection vehicle shall show or display amber
149 flashing hazard lights at all times that it is engaged in
150 stopping or standing for the purpose of collecting solid waste
151 or recyclable or recovered materials. Local governments may
152 establish reasonable regulations governing the standing and
153 stopping of such commercial vehicles, provided that such
154 regulations are applied uniformly and without regard to the
155 ownership of the vehicles.

156 Section 3. Subsection (5) of section 768.28, Florida



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157 Statutes, is amended to read:

158 768.28 Waiver of sovereign immunity in tort actions;
159 recovery limits; civil liability for damages caused during a
160 riot; limitation on attorney fees; statute of limitations;
161 exclusions; indemnification; risk management programs.—

162 (5) (a) The state and its agencies and subdivisions shall be
163 liable for tort claims in the same manner and to the same extent
164 as a private individual under like circumstances, but liability
165 shall not include punitive damages or interest for the period
166 before judgment. Neither the state nor its agencies or
167 subdivisions shall be liable to pay a claim or a judgment by any
168 one person which exceeds the sum of \$200,000 or any claim or
169 judgment, or portions thereof, which, when totaled with all
170 other claims or judgments paid by the state or its agencies or
171 subdivisions arising out of the same incident or occurrence,
172 exceeds the sum of \$300,000. However, a judgment or judgments
173 may be claimed and rendered in excess of these amounts and may
174 be settled and paid pursuant to this act up to \$200,000 or
175 \$300,000, as the case may be; and that portion of the judgment
176 that exceeds these amounts may be reported to the Legislature,
177 but may be paid in part or in whole only by further act of the
178 Legislature. Notwithstanding the limited waiver of sovereign
179 immunity provided herein, the state or an agency or subdivision
180 thereof may agree, within the limits of insurance coverage
181 provided, to settle a claim made or a judgment rendered against
182 it without further action by the Legislature, but the state or
183 agency or subdivision thereof shall not be deemed to have waived
184 any defense of sovereign immunity or to have increased the
185 limits of its liability as a result of its obtaining insurance



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186 coverage for tortious acts in excess of the \$200,000 or \$300,000
187 waiver provided above. The limitations of liability set forth in
188 this subsection shall apply to the state and its agencies and
189 subdivisions whether or not the state or its agencies or
190 subdivisions possessed sovereign immunity before July 1, 1974.

191 (b) A municipality has a duty to allow the municipal law
192 enforcement agency, as long as it appropriately trains its law
193 enforcement officers on standards regarding use of force,
194 physical restraints, and deploying tear gas, to respond
195 appropriately to protect persons and property during a riot or
196 an unlawful assembly based on the availability of adequate
197 equipment to its municipal law enforcement officers and relevant
198 state and federal laws. If the governing body of a municipality
199 or a person authorized by the governing body of the municipality
200 breaches that duty, the municipality is civilly liable for any
201 damages including damages arising from personal injury, wrongful
202 death, or property damages proximately caused by the
203 municipality's breach of duty. The sovereign immunity recovery
204 limits in paragraph (a) do not apply to an action under this
205 paragraph.

206 Section 4. Subsection (2) of section 784.011, Florida
207 Statutes, is amended, and subsection (3) is added to that
208 section, to read:

209 784.011 Assault.—

210 (2) Except as provided in subsection (3), a person who
211 assaults another person ~~whoever~~ ~~commits an assault shall be~~
212 ~~guilty of~~ a misdemeanor of the second degree, punishable as
213 provided in s. 775.082 or s. 775.083.

214 (3) A person, regardless of race or ethnicity and who is



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215 clearly identified, who assaults another person in furtherance
216 of a riot or an aggravated riot prohibited under s. 870.01
217 commits a misdemeanor of the first degree, punishable as
218 provided in s. 775.082 or s. 775.083.

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

222 784.021 Aggravated assault.—

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

226 (3) For the purposes of sentencing under chapter 921, a
227 violation of this section committed by a person, regardless of
228 race or ethnicity and who is clearly identified, acting in
229 furtherance of a riot or an aggravated riot prohibited under s.
230 870.01 is ranked one level above the ranking under s. 921.0022
231 for the offense committed.

232 Section 6. Section 784.03, Florida Statutes, is amended to
233 read:

234 784.03 Battery; felony battery.—

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

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

238 2. Intentionally causes bodily harm to another person.

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

242 (2) A person who has one prior conviction for battery,
243 aggravated battery, or felony battery and who commits any second



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244 or subsequent battery commits a felony of the third degree,
245 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
246 For purposes of this subsection, "conviction" means a
247 determination of guilt that is the result of a plea or a trial,
248 regardless of whether adjudication is withheld or a plea of nolo
249 contendere is entered.

250 (3) A person, regardless of race or ethnicity and who is
251 clearly identified, who commits a battery in furtherance of a
252 riot or an aggravated riot prohibited under s. 870.01 commits a
253 felony of the third degree, punishable as provided in s.
254 775.082, s. 775.083, or s. 775.084.

255 Section 7. Section 784.045, Florida Statutes, is amended to
256 read:

257 784.045 Aggravated battery.—

258 (1) (a) A person commits aggravated battery who, in
259 committing battery:

260 1. Intentionally or knowingly causes great bodily harm,
261 permanent disability, or permanent disfigurement; or

262 2. Uses a deadly weapon.

263 (b) A person commits aggravated battery if the person who
264 was the victim of the battery was pregnant at the time of the
265 offense and the offender knew or should have known that the
266 victim was pregnant.

267 (2) A person who violates subsection (1) commits ~~whoever~~
268 ~~commits aggravated battery shall be guilty of a felony of the~~
269 second degree, punishable as provided in s. 775.082, s. 775.083,
270 or s. 775.084.

271 (3) For the purposes of sentencing under chapter 921, a
272 violation of this section committed by a person, regardless of



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273 race or ethnicity and who is clearly identified, acting in
274 furtherance of a riot or an aggravated riot prohibited under s.
275 870.01 is ranked one level above the ranking under s. 921.0022
276 for the offense committed.

277 Section 8. Section 784.0495, Florida Statutes, is created
278 to read:

279 784.0495 Mob intimidation.-

280 (1) It is unlawful for a person, regardless of race or
281 ethnicity and who is clearly identified, assembled with two or
282 more other persons and acting with a common intent, to use force
283 or threaten to use imminent force, to compel or induce, or
284 attempt to compel or induce, another person to do or refrain
285 from doing any act or to assume, abandon, or maintain a
286 particular viewpoint against his or her will.

287 (2) A person who violates subsection (1) commits a
288 misdemeanor of the first degree, punishable as provided in s.
289 775.082 or s. 775.083.

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

293 Section 9. Subsection (2) of section 784.07, Florida
294 Statutes, is amended, and subsection (4) is added to that
295 section, to read:

296 784.07 Assault or battery of law enforcement officers,
297 firefighters, emergency medical care providers, public transit
298 employees or agents, or other specified officers;
299 reclassification of offenses; minimum sentences.-

300 (2) Whenever any person is charged with knowingly
301 committing an assault or battery upon a law enforcement officer,



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302 a firefighter, an emergency medical care provider, a railroad
303 special officer, a traffic accident investigation officer as
304 described in s. 316.640, a nonsworn law enforcement agency
305 employee who is certified as an agency inspector, a blood
306 alcohol analyst, or a breath test operator while such employee
307 is in uniform and engaged in processing, testing, evaluating,
308 analyzing, or transporting a person who is detained or under
309 arrest for DUI, a law enforcement explorer, a traffic infraction
310 enforcement officer as described in s. 316.640, a parking
311 enforcement specialist as defined in s. 316.640, a person
312 licensed as a security officer as defined in s. 493.6101 and
313 wearing a uniform that bears at least one patch or emblem that
314 is visible at all times that clearly identifies the employing
315 agency and that clearly identifies the person as a licensed
316 security officer, or a security officer employed by the board of
317 trustees of a community college, while the officer, firefighter,
318 emergency medical care provider, railroad special officer,
319 traffic accident investigation officer, traffic infraction
320 enforcement officer, inspector, analyst, operator, law
321 enforcement explorer, parking enforcement specialist, public
322 transit employee or agent, or security officer is engaged in the
323 lawful performance of his or her duties, the offense for which
324 the person is charged shall be reclassified as follows:

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

327 (b) In the case of battery, from a misdemeanor of the first
328 degree to a felony of the third degree. Notwithstanding any
329 other provision of law, a person, regardless of race or
330 ethnicity and who is clearly identified, convicted of battery



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331 upon a law enforcement officer committed in furtherance of a
332 riot or an aggravated riot prohibited under s. 870.01 shall be
333 sentenced to a minimum term of imprisonment of 6 months.

334 (c) In the case of aggravated assault, from a felony of the
335 third degree to a felony of the second degree. Notwithstanding
336 any other provision of law, any person convicted of aggravated
337 assault upon a law enforcement officer shall be sentenced to a
338 minimum term of imprisonment of 3 years.

339 (d) In the case of aggravated battery, from a felony of the
340 second degree to a felony of the first degree. Notwithstanding
341 any other provision of law, any person convicted of aggravated
342 battery of a law enforcement officer shall be sentenced to a
343 minimum term of imprisonment of 5 years.

344 (4) For purposes of sentencing under chapter 921, a felony
345 violation of this section committed by a person, regardless of
346 race or ethnicity and who is clearly identified, acting in
347 furtherance of a riot or an aggravated riot prohibited under s.
348 870.01 is ranked one level above the ranking under s. 921.0022
349 for the offense committed.

350 Section 10. Subsections (3) through (9) of section 806.13,
351 Florida Statutes, are renumbered as subsections (4) through
352 (10), respectively, a new subsection (3) is added to that
353 section, and present subsection (8) of that section is amended,
354 to read:

355 806.13 Criminal mischief; penalties; penalty for minor.-

356 (3) Any person who, without the consent of the owner
357 thereof, willfully and maliciously defaces, injures, or
358 otherwise damages by any means a memorial or historic property,
359 as defined in s. 806.135(1), and the value of the damage to the



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360 memorial or historic property is greater than \$200, commits a
361 felony of the third degree, punishable as provided in s.
362 775.082, s. 775.083, or s. 775.084. A court shall order any
363 person convicted of violating this subsection to pay
364 restitution, which shall include the full cost of repair or
365 replacement of such memorial or historic property.

366 (9)-(8) A minor whose driver license or driving privilege is
367 revoked, suspended, or withheld under subsection (8)-(7) may
368 elect to reduce the period of revocation, suspension, or
369 withholding by performing community service at the rate of 1 day
370 for each hour of community service performed. In addition, if
371 the court determines that due to a family hardship, the minor's
372 driver license or driving privilege is necessary for employment
373 or medical purposes of the minor or a member of the minor's
374 family, the court shall order the minor to perform community
375 service and reduce the period of revocation, suspension, or
376 withholding at the rate of 1 day for each hour of community
377 service performed. As used in this subsection, the term
378 "community service" means cleaning graffiti from public
379 property.

380 Section 11. Section 806.135, Florida Statutes, is created
381 to read:

382 806.135 Destroying or demolishing a memorial or historic
383 property.-

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

385 (a) "Historic property" means any building, structure,
386 site, or object that has been officially designated as a
387 historic building, historic structure, historic site, or
388 historic object through a federal, state, or local designation



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389 program.

390 (b) "Memorial" means a plaque, statue, marker, flag,
391 banner, cenotaph, religious symbol, painting, seal, tombstone,
392 structure name, or display that is constructed and located with
393 the intent of being permanently displayed or perpetually
394 maintained; is dedicated to a historical person, an entity, an
395 event, or a series of events; and honors or recounts the
396 military service of any past or present United States Armed
397 Forces military personnel, or the past or present public service
398 of a resident of the geographical area comprising the state or
399 the United States. The term includes, but is not limited to, the
400 following memorials established under chapter 265:

- 401 1. Florida Women's Hall of Fame.
- 402 2. Florida Medal of Honor Wall.
- 403 3. Florida Veterans' Hall of Fame.
- 404 4. POW-MIA Chair of Honor Memorial.
- 405 5. Florida Veterans' Walk of Honor and Florida Veterans'
406 Memorial Garden.
- 407 6. Florida Law Enforcement Officers' Hall of Fame.
- 408 7. Florida Holocaust Memorial.
- 409 8. Florida Slavery Memorial.
- 410 9. Any other memorial located within the Capitol Complex,
411 including, but not limited to, Waller Park.

412 (2) It is unlawful for any person to willfully and
413 maliciously destroy or demolish any memorial or historic
414 property, or willfully and maliciously pull down a memorial or
415 historic property, unless authorized by the owner of the
416 memorial or historic property. A person who violates this
417 section commits a felony of the second degree, punishable as



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418 provided in s. 775.082, s. 775.083, or s. 775.084.

419 (3) A court shall order any person convicted of violating
420 this section to pay restitution, which shall include the full
421 cost of repair or replacement of such memorial or historic
422 property.

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

425 810.02 Burglary.—

426 (3) Burglary is a felony of the second degree, punishable
427 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
428 course of committing the offense, the offender does not make an
429 assault or battery and is not and does not become armed with a
430 dangerous weapon or explosive, and the offender enters or
431 remains in a:

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

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

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

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

440 (e) Authorized emergency vehicle, as defined in s. 316.003;
441 or

442 (f) Structure or conveyance when the offense intended to be
443 committed therein is theft of a controlled substance as defined
444 in s. 893.02. Notwithstanding any other law, separate judgments
445 and sentences for burglary with the intent to commit theft of a
446 controlled substance under this paragraph and for any applicable



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447 possession of controlled substance offense under s. 893.13 or
448 trafficking in controlled substance offense under s. 893.135 may
449 be imposed when all such offenses involve the same amount or
450 amounts of a controlled substance.

451
452 However, if the burglary is committed during a riot or an
453 aggravated riot prohibited under s. 870.01 and the perpetration
454 of the burglary is facilitated by conditions arising from the
455 riot; or within a county that is subject to a state of emergency
456 declared by the Governor under chapter 252 after the declaration
457 of emergency is made and the perpetration of the burglary is
458 facilitated by conditions arising from the emergency, the
459 burglary is a felony of the first degree, punishable as provided
460 in s. 775.082, s. 775.083, or s. 775.084. As used in this
461 subsection, the term "conditions arising from the riot" means
462 civil unrest, power outages, curfews, or a reduction in the
463 presence of or response time for first responders or homeland
464 security personnel and the term "conditions arising from the
465 emergency" means civil unrest, power outages, curfews, voluntary
466 or mandatory evacuations, or a reduction in the presence of or
467 response time for first responders or homeland security
468 personnel. A person, regardless of race or ethnicity and who is
469 clearly identified, arrested for committing a burglary during a
470 riot or an aggravated riot or within a county that is subject to
471 such a state of emergency may not be released until the person
472 appears before a committing magistrate at a first appearance
473 hearing. For purposes of sentencing under chapter 921, a felony
474 offense that is reclassified under this subsection is ranked one
475 level above the ranking under s. 921.0022 or s. 921.0023 of the



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476 offense committed.

477 (4) Burglary is a felony of the third degree, punishable as
478 provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
479 course of committing the offense, the offender does not make an
480 assault or battery and is not and does not become armed with a
481 dangerous weapon or explosive, and the offender enters or
482 remains in a:

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

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

487

488 However, if the burglary is committed during a riot or an
489 aggravated riot prohibited under s. 870.01 and the perpetration
490 of the burglary is facilitated by conditions arising from the
491 riot; or within a county that is subject to a state of emergency
492 declared by the Governor under chapter 252 after the declaration
493 of emergency is made and the perpetration of the burglary is
494 facilitated by conditions arising from the emergency, the
495 burglary is a felony of the second degree, punishable as
496 provided in s. 775.082, s. 775.083, or s. 775.084. As used in
497 this subsection, the terms "conditions arising from the riot"
498 and ~~term~~ "conditions arising from the emergency" have the same
499 meanings as provided in subsection (3) ~~means civil unrest, power~~
500 ~~outages, curfews, voluntary or mandatory evacuations, or a~~
501 ~~reduction in the presence of or response time for first~~
502 ~~responders or homeland security personnel.~~ A person, regardless
503 of race or ethnicity and who is clearly identified, arrested for
504 committing a burglary during a riot or an aggravated riot or



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505 within a county that is subject to such a state of emergency may
506 not be released until the person appears before a committing
507 magistrate at a first appearance hearing. For purposes of
508 sentencing under chapter 921, a felony offense that is
509 reclassified under this subsection is ranked one level above the
510 ranking under s. 921.0022 or s. 921.0023 of the offense
511 committed.

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

514 812.014 Theft.—

515 (2)

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

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

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

526 4. The property stolen is law enforcement equipment, valued
527 at \$300 or more, that is taken from an authorized emergency
528 vehicle, as defined in s. 316.003,

529
530 the offender commits grand theft in the second degree,
531 punishable as a felony of the second degree, as provided in s.
532 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
533 means mechanical or electronic apparatus used to provide



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534 emergency services and care as defined in s. 395.002(9) or to
535 treat medical emergencies. Law enforcement equipment means any
536 property, device, or apparatus used by any law enforcement
537 officer as defined in s. 943.10 in the officer's official
538 business. However, if the property is stolen during a riot or an
539 aggravated riot prohibited under s. 870.01 and the perpetration
540 of the theft is facilitated by conditions arising from the riot;
541 or within a county that is subject to a state of emergency
542 declared by the Governor under chapter 252, the theft is
543 committed after the declaration of emergency is made, and the
544 perpetration of the theft is facilitated by conditions arising
545 from the emergency, the theft is a felony of the first degree,
546 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
547 As used in this paragraph, the term "conditions arising from the
548 riot" means civil unrest, power outages, curfews, or a reduction
549 in the presence of or response time for first responders or
550 homeland security personnel and the term "conditions arising
551 from the emergency" means civil unrest, power outages, curfews,
552 voluntary or mandatory evacuations, or a reduction in the
553 presence of or response time for first responders or homeland
554 security personnel. A person, regardless of race or ethnicity
555 and who is clearly identified, arrested for committing a theft
556 during a riot or an aggravated riot or within a county that is
557 subject to a state of emergency may not be released until the
558 person appears before a committing magistrate at a first
559 appearance hearing. For purposes of sentencing under chapter
560 921, a felony offense that is reclassified under this paragraph
561 is ranked one level above the ranking under s. 921.0022 or s.
562 921.0023 of the offense committed.



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563 (c) It is grand theft of the third degree and a felony of
564 the third degree, punishable as provided in s. 775.082, s.
565 775.083, or s. 775.084, if the property stolen is:

- 566 1. Valued at \$750 or more, but less than \$5,000.
- 567 2. Valued at \$5,000 or more, but less than \$10,000.
- 568 3. Valued at \$10,000 or more, but less than \$20,000.
- 569 4. A will, codicil, or other testamentary instrument.
- 570 5. A firearm.
- 571 6. A motor vehicle, except as provided in paragraph (a).

572 7. Any commercially farmed animal, including any animal of
573 the equine, avian, bovine, or swine class or other grazing
574 animal; a bee colony of a registered beekeeper; and aquaculture
575 species raised at a certified aquaculture facility. If the
576 property stolen is a commercially farmed animal, including an
577 animal of the equine, avian, bovine, or swine class or other
578 grazing animal; a bee colony of a registered beekeeper; or an
579 aquaculture species raised at a certified aquaculture facility,
580 a \$10,000 fine shall be imposed.

581 8. Any fire extinguisher that, at the time of the taking,
582 was installed in any building for the purpose of fire prevention
583 and control. This subparagraph does not apply to a fire
584 extinguisher taken from the inventory at a point-of-sale
585 business.

586 9. Any amount of citrus fruit consisting of 2,000 or more
587 individual pieces of fruit.

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

590 11. Any stop sign.

591 12. Anhydrous ammonia.



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592 13. Any amount of a controlled substance as defined in s.
593 893.02. Notwithstanding any other law, separate judgments and
594 sentences for theft of a controlled substance under this
595 subparagraph and for any applicable possession of controlled
596 substance offense under s. 893.13 or trafficking in controlled
597 substance offense under s. 893.135 may be imposed when all such
598 offenses involve the same amount or amounts of a controlled
599 substance.

600
601 However, if the property is stolen during a riot or an
602 aggravated riot prohibited under s. 870.01 and the perpetration
603 of the theft is facilitated by conditions arising from the riot;
604 or within a county that is subject to a state of emergency
605 declared by the Governor under chapter 252, the property is
606 stolen after the declaration of emergency is made, and the
607 perpetration of the theft is facilitated by conditions arising
608 from the emergency, the offender commits a felony of the second
609 degree, punishable as provided in s. 775.082, s. 775.083, or s.
610 775.084, if the property is valued at \$5,000 or more, but less
611 than \$10,000, as provided under subparagraph 2., or if the
612 property is valued at \$10,000 or more, but less than \$20,000, as
613 provided under subparagraph 3. As used in this paragraph, the
614 terms "conditions arising from a riot" and ~~term~~ "conditions
615 arising from the emergency" have the same meanings as provided
616 in paragraph (b). A person, regardless of race or ethnicity and
617 who is clearly identified, arrested for committing a theft
618 during a riot or an aggravated riot or within a county that is
619 subject to a state of emergency may not be released until the
620 person appears before a committing magistrate at a first



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621 ~~appearance hearing means civil unrest, power outages, curfews,~~
622 ~~voluntary or mandatory evacuations, or a reduction in the~~
623 ~~presence of or the response time for first responders or~~
624 ~~homeland security personnel.~~ For purposes of sentencing under
625 chapter 921, a felony offense that is reclassified under this
626 paragraph is ranked one level above the ranking under s.
627 921.0022 or s. 921.0023 of the offense committed.

628 Section 14. Section 836.115, Florida Statutes, is created
629 to read:

630 836.115 Cyberintimidation by publication.-

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

632 (a) "Electronically publish" means to disseminate, post, or
633 otherwise disclose information to an Internet site or forum.

634 (b) "Harass" has the same meaning as provided in s.
635 817.568(1)(c).

636 (c) "Personal identification information" has the same
637 meaning as provided in s. 817.568(1)(f).

638 (2) It is unlawful for a person, regardless of race or
639 ethnicity and who is clearly identified, to electronically
640 publish another person's personal identification information
641 with the intent to, or with the intent that a third party will
642 use the information to:

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

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

647
648 A person who violates this subsection commits a misdemeanor of a
649 first degree, punishable as provided in s. 775.082 or s.



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650 775.083.

651 Section 15. Section 870.01, Florida Statutes, is amended to
652 read:

653 870.01 Affrays and riots.—

654 (1) A person commits an affray if he or she engages, by
655 mutual consent, in fighting with another person in a public
656 place to the terror of the people. A person who commits ~~All~~
657 persons guilty of an affray commits ~~shall be guilty of~~ a
658 misdemeanor of the first degree, punishable as provided in s.
659 775.082 or s. 775.083.

660 (2) A person, regardless of race or ethnicity and who is
661 clearly identified, commits a riot if he or she willfully
662 participates in a violent public disturbance involving an
663 assembly of three or more persons, acting with a common intent
664 to assist each other in violent and disorderly conduct,
665 resulting in:

666 (a) Injury to another person;

667 (b) Damage to property; or

668 (c) Imminent danger of injury to another person or damage
669 to property.

670
671 A person who commits ~~All persons guilty of~~ a riot ~~commits, or of~~
672 inciting or encouraging a riot, shall be guilty of a felony of
673 the third degree, punishable as provided in s. 775.082, s.
674 775.083, or s. 775.084.

675 (3) A person, regardless of race or ethnicity and who is
676 clearly identified, commits aggravated rioting if, in the course
677 of committing a riot, he or she:

678 (a) Participates with 25 or more other persons;



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679 (b) Causes great bodily harm to a person not participating
680 in the riot;

681 (c) Causes property damage in excess of \$5,000;

682 (d) Displays, uses, threatens to use, or attempts to use a
683 deadly weapon; or

684 (e) By force, or threat of force, endangers the safe
685 movement of a vehicle traveling on a public street, highway, or
686 road.

687
688 A person who commits aggravating rioting commits a felony of the
689 second degree, punishable as provided in s. 775.082, s. 775.083,
690 or s. 775.084.

691 (4) A person, regardless of race or ethnicity and who is
692 clearly identified, commits inciting a riot if he or she
693 willfully incites another person to participate in a riot,
694 resulting in a riot or imminent danger of a riot. A person who
695 commits inciting a riot commits a felony of the third degree,
696 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

697 (5) A person, regardless of race or ethnicity and who is
698 clearly identified, commits aggravated inciting a riot if he or
699

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

701 And the title is amended as follows:

702 Delete lines 45 - 79

703 and insert:

704 imprisonment for a certain person convicted of battery
705 on a law enforcement officer committed in furtherance
706 of a riot or an aggravated riot; increasing the
707 offense severity ranking of an assault or battery



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708 against specified persons for the purposes of the
709 Criminal Punishment Code if committed in furtherance
710 of a riot or an aggravated riot; amending s. 806.13,
711 F.S.; prohibiting defacing, injuring, or damaging a
712 memorial or historic property; providing a penalty;
713 requiring a court to order restitution for such a
714 violation; creating s. 806.135, F.S.; defining the
715 terms "historic property" and "memorial"; prohibiting
716 a person from destroying or demolishing a memorial or
717 historic property; providing a penalty; requiring a
718 court to order restitution for such a violation;
719 amending s. 810.02, F.S.; reclassifying specified
720 burglary offenses committed during a riot or an
721 aggravated riot and facilitated by conditions arising
722 from the riot; providing a definition; requiring a
723 person arrested for such a violation to be held in
724 custody until first appearance; amending s. 812.014,
725 F.S.; reclassifying specified theft offenses committed
726 during a riot or an aggravated riot and facilitated by
727 conditions arising from the riot; providing a
728 definition; requiring a certain person arrested for
729 such a violation to be held in custody until first
730 appearance; creating s. 836.115, F.S.; providing
731 definitions; prohibiting cyberintimidation by
732 publication; providing criminal penalties; amending s.
733 870.01, F.S.; prohibiting a person from fighting in a
734 public place; prohibiting a certain person from
735 willfully participating in a specified violent public
736 disturbance resulting in specified damage or injury;



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737 providing an increased penalty for rioting under
738 specified circumstances; prohibiting a certain person
739 from