



627558

LEGISLATIVE ACTION

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

1           **Senate Substitute for Amendment (343996) (with title**  
2 **amendment)**

3  
4           Delete lines 316 - 1040

5 and insert:

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

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



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11 784.021 Aggravated assault.-

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

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

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

21 784.03 Battery; felony battery.-

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

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

25 2. Intentionally causes bodily harm to another person.

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

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

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



40 Section 7. Section 784.045, Florida Statutes, is amended to  
41 read:

42 784.045 Aggravated battery.—

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

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

47 2. Uses a deadly weapon.

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

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

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

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

62 784.0495 Mob intimidation.—

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



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69           (2) A person who violates subsection (1) commits a  
70 misdemeanor of the first degree, punishable as provided in s.  
71 775.082 or s. 775.083.

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

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

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

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



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

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

109 (b) In the case of battery, from a misdemeanor of the first  
110 degree to a felony of the third degree. Notwithstanding any  
111 other provision of law, a person convicted of battery upon a law  
112 enforcement officer committed in furtherance of a riot shall be  
113 sentenced to a minimum term of 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 is ranked one level above the ranking



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127 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 and the  
231 perpetration of the burglary is facilitated by conditions  
232 arising from the riot; or within a county that is subject to a  
233 state of emergency declared by the Governor under chapter 252  
234 after the declaration of emergency is made and the perpetration  
235 of the burglary is facilitated by conditions arising from the  
236 emergency, the burglary is a felony of the first degree,  
237 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
238 As used in this subsection, the term "conditions arising from  
239 the riot" means civil unrest, power outages, curfews, or a  
240 reduction in the presence of or response time for first  
241 responders or homeland security personnel and the term  
242 "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 within a county that is  
247 subject to such a state of emergency may not be released until  
248 the person appears before a committing magistrate at a first  
249 appearance hearing. For purposes of sentencing under chapter  
250 921, a felony offense that is reclassified under this subsection  
251 is ranked one level above the ranking under s. 921.0022 or s.  
252 921.0023 of the offense committed.

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

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

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

263  
264 However, if the burglary is committed during a riot and the  
265 perpetration of the burglary is facilitated by conditions  
266 arising from the riot; or within a county that is subject to a  
267 state of emergency declared by the Governor under chapter 252  
268 after the declaration of emergency is made and the perpetration  
269 of the burglary is facilitated by conditions arising from the  
270 emergency, the burglary is a felony of the second degree,  
271 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



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

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

287 812.014 Theft.—

288 (2)

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

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

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

299 4. The property stolen is law enforcement equipment, valued  
300 at \$300 or more, that is taken from an authorized emergency



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301 vehicle, as defined in s. 316.003,  
302  
303 the offender commits grand theft in the second degree,  
304 punishable as a felony of the second degree, as provided in s.  
305 775.082, s. 775.083, or s. 775.084. Emergency medical equipment  
306 means mechanical or electronic apparatus used to provide  
307 emergency services and care as defined in s. 395.002(9) or to  
308 treat medical emergencies. Law enforcement equipment means any  
309 property, device, or apparatus used by any law enforcement  
310 officer as defined in s. 943.10 in the officer's official  
311 business. However, if the property is stolen during a riot and  
312 the perpetration of the theft is facilitated by conditions  
313 arising from the riot; or within a county that is subject to a  
314 state of emergency declared by the Governor under chapter 252,  
315 the theft is committed after the declaration of emergency is  
316 made, and the perpetration of the theft is facilitated by  
317 conditions arising from the emergency, the theft is a felony of  
318 the first degree, punishable as provided in s. 775.082, s.  
319 775.083, or s. 775.084. As used in this paragraph, the term  
320 "conditions arising from the riot" means civil unrest, power  
321 outages, curfews, or a reduction in the presence of or response  
322 time for first responders or homeland security personnel and the  
323 term "conditions arising from the emergency" means civil unrest,  
324 power outages, curfews, voluntary or mandatory evacuations, or a  
325 reduction in the presence of or response time for first  
326 responders or homeland security personnel. A person arrested for  
327 committing a theft during a riot or within a county that is  
328 subject to a state of emergency may not be released until the  
329 person appears before a committing magistrate at a first



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330 appearance hearing. For purposes of sentencing under chapter  
331 921, a felony offense that is reclassified under this paragraph  
332 is ranked one level above the ranking under s. 921.0022 or s.  
333 921.0023 of the offense committed.

334 (c) It is grand theft of the third degree and a felony of  
335 the third degree, punishable as provided in s. 775.082, s.  
336 775.083, or s. 775.084, if the property stolen is:

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

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

357 9. Any amount of citrus fruit consisting of 2,000 or more  
358 individual pieces of fruit.



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

361 11. Any stop sign.

362 12. Anhydrous ammonia.

363 13. Any amount of a controlled substance as defined in s.  
364 893.02. Notwithstanding any other law, separate judgments and  
365 sentences for theft of a controlled substance under this  
366 subparagraph and for any applicable possession of controlled  
367 substance offense under s. 893.13 or trafficking in controlled  
368 substance offense under s. 893.135 may be imposed when all such  
369 offenses involve the same amount or amounts of a controlled  
370 substance.

371  
372 However, if the property is stolen during a riot and the  
373 perpetration of the theft is facilitated by conditions arising  
374 from the riot; or within a county that is subject to a state of  
375 emergency declared by the Governor under chapter 252, the  
376 property is stolen after the declaration of emergency is made,  
377 and the perpetration of the theft is facilitated by conditions  
378 arising from the emergency, the offender commits a felony of the  
379 second degree, punishable as provided in s. 775.082, s. 775.083,  
380 or s. 775.084, if the property is valued at \$5,000 or more, but  
381 less than \$10,000, as provided under subparagraph 2., or if the  
382 property is valued at \$10,000 or more, but less than \$20,000, as  
383 provided under subparagraph 3. As used in this paragraph, the  
384 terms "conditions arising from a riot" and ~~term~~ "conditions  
385 arising from the emergency" have the same meanings as provided  
386 in paragraph (b). A person arrested for committing a theft  
387 during a riot or within a county that is subject to a state of



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388 emergency may not be released until the person appears before a  
389 committing magistrate at a first appearance hearing ~~means civil~~  
390 ~~unrest, power outages, curfews, voluntary or mandatory~~  
391 ~~evacuations, or a reduction in the presence of or the response~~  
392 ~~time for first responders or homeland security personnel.~~ For  
393 purposes of sentencing under chapter 921, a felony offense that  
394 is reclassified under this paragraph is ranked one level above  
395 the ranking under s. 921.0022 or s. 921.0023 of the offense  
396 committed.

397 Section 14. Section 836.115, Florida Statutes, is created  
398 to read:

399 836.115 Cyberintimidation by publication.-

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

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

403 (b) "Harass" has the same meaning as provided in s.  
404 817.568(1)(c).

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

407 (2) It is unlawful for a person to electronically publish  
408 another person's personal identification information with the  
409 intent to, or with the intent that a third party will use the  
410 information to:

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

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

415  
416 A person who violates this subsection commits a misdemeanor of a



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417 first degree, punishable as provided in s. 775.082 or s.  
418 775.083.

419 Section 15. Section 870.02, Florida Statutes, is amended to  
420 read:

421 870.02 Unlawful assemblies.—

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

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

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

430 Section 17. Section 870.07, Florida Statutes, is created to  
431 read:

432 870.07 Affirmative defense in civil action; party convicted  
433 of riot.—

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

442 (2) In a civil action in which a defendant raises an  
443 affirmative defense under this section, the court must, on  
444 motion by the defendant, stay the action during the pendency of  
445 a criminal action that forms the basis for the defense, unless



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446 the court finds that a conviction in the criminal action would  
447 not form a valid defense under this section.

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

453 872.02 Injuring or removing tomb or monument; disturbing  
454 contents of grave or tomb; penalties.—

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

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

469 (b) Willfully destroys, mutilates, removes, cuts, breaks,  
470 or injures any tree, shrub, or plant placed or being within any  
471 such enclosure, except for a person performing routine  
472 maintenance and upkeep.

473 (2) A person who willfully and knowingly excavates,  
474 exposes, moves, removes, or otherwise disturbs the contents of a



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475 grave or tomb commits a felony of the second degree, punishable  
476 as provided in s. 775.082, s. 775.083, or s. 775.084.

477 (3) For purposes of sentencing under chapter 921, a  
478 violation of this section, committed by a person in furtherance  
479 of a riot is ranked one level above the ranking under s.  
480 921.0022 or s. 921.0023 for the offense committed.

481 (7)~~(6)~~ If a legally authorized person refuses to sign a  
482 written authorization, as provided in paragraph (6) (a)~~(5) (a)~~, or  
483 if a legally authorized person objects, as provided in paragraph  
484 (6) (b) ~~(5) (b)~~, a public hearing shall be held before the county  
485 commission of the county where the cemetery is located, or the  
486 city council, if the cemetery is located in a municipality, and  
487 the county commission or the city council shall have the  
488 authority to grant a request for relocation of the contents of  
489 such graves or tombs.

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

492 921.0022 Criminal Punishment Code; offense severity ranking  
493 chart.-

494 (3) OFFENSE SEVERITY RANKING CHART

495 (b) LEVEL 2

496

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.

497



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498	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
499	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.
500	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
501	590.28 (1)	3rd	Intentional burning of lands.
502	<u>784.03 (3)</u>	<u>3rd</u>	<u>Battery during a riot.</u>
503	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
504	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
505	806.13 (1) (b) 3.	3rd	Criminal mischief; damage



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\$1,000 or more to public  
communication or any other  
public service.

506

806.13(3)

3rd

Criminal mischief; damage of  
\$200 or more to a memorial or  
historic property.

507

810.061(2)

3rd

Impairing or impeding telephone  
or power to a dwelling;  
facilitating or furthering  
burglary.

508

810.09(2)(e)

3rd

Trespassing on posted  
commercial horticulture  
property.

509

812.014(2)(c)1.

3rd

Grand theft, 3rd degree; \$750  
or more but less than \$5,000.

510

812.014(2)(d)

3rd

Grand theft, 3rd degree; \$100  
or more but less than \$750,  
taken from unenclosed curtilage  
of dwelling.

511

812.015(7)

3rd

Possession, use, or attempted  
use of an antishoplifting or  
inventory control device  
countermeasure.



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512	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
513	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
514	817.52(3)	3rd	Failure to redeliver hired vehicle.
515	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
516	817.60(5)	3rd	Dealing in credit cards of another.
517	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
518	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
519	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.



520	831.01	3rd	Forgery.
521	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
522	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
523	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
524	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
525	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
526	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
527	843.08	3rd	False personation.
528	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.

529

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

530

531

532                      (c) LEVEL 3

533

Florida Statute	Felony Degree	Description
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534

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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535

316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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536

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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537

316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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538

319.30(4)	3rd	Possession by junkyard of motor
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vehicle with identification  
number plate removed.

539

319.33(1)(a) 3rd Alter or forge any certificate  
of title to a motor vehicle or  
mobile home.

540

319.33(1)(c) 3rd Procure or pass title on stolen  
vehicle.

541

319.33(4) 3rd With intent to defraud,  
possess, sell, etc., a blank,  
forged, or unlawfully obtained  
title or registration.

542

327.35(2)(b) 3rd Felony BUI.

543

328.05(2) 3rd Possess, sell, or counterfeit  
fictitious, stolen, or  
fraudulent titles or bills of  
sale of vessels.

544

328.07(4) 3rd Manufacture, exchange, or  
possess vessel with counterfeit  
or wrong ID number.

545

376.302(5) 3rd Fraud related to reimbursement  
for cleanup expenses under the  
Inland Protection Trust Fund.







558	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
559	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
560	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
561	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
562	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
563	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
564	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
565	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud



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Act), property valued at less than \$20,000.

566

817.233 3rd Burning to defraud insurer.

567

817.234 3rd Unlawful solicitation of  
(8) (b) & (c) persons involved in motor  
vehicle accidents.

568

817.234(11) (a) 3rd Insurance fraud; property value  
less than \$20,000.

569

817.236 3rd Filing a false motor vehicle  
insurance application.

570

817.2361 3rd Creating, marketing, or  
presenting a false or  
fraudulent motor vehicle  
insurance card.

571

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

572

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

573



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574	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
575	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
576	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
577	860.15(3)	3rd	Overcharging for repairs and parts.
578	870.01(2)	3rd	Riot; inciting or encouraging.
579	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver 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).
	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



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university.

580

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.

581

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

582

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

583

893.13(7)(a)8.           3rd    Withhold information from  
practitioner regarding previous  
receipt of or prescription for  
a controlled substance.

584

893.13(7)(a)9.           3rd    Obtain or attempt to obtain  
controlled substance by fraud,  
forgery, misrepresentation,  
etc.

585

893.13(7)(a)10.        3rd    Affix false or forged label to



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package of controlled  
substance.

586

893.13(7)(a)11.        3rd    Furnish false or fraudulent  
material information on any  
document or record required by  
chapter 893.

587

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.

588

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.

589

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

590

893.13(8)(a)4.        3rd    Write a prescription for a



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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.

591

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

592

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

593

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

594

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

595

596

597 (d) LEVEL 4

598

Florida Statute	Felony Degree	Description
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599

316.1935(3)(a)	2nd	Driving at high speed or with
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wanton disregard for safety  
while fleeing or attempting to  
elude law enforcement officer  
who is in a patrol vehicle with  
siren and lights activated.

600

499.0051 (1) 3rd Failure to maintain or deliver  
transaction history,  
transaction information, or  
transaction statements.

601

499.0051 (5) 2nd Knowing sale or delivery, or  
possession with intent to sell,  
contraband prescription drugs.

602

517.07 (1) 3rd Failure to register securities.

603

517.12 (1) 3rd Failure of dealer, associated  
person, or issuer of securities  
to register.

604

784.07 (2) (b) 3rd Battery of law enforcement  
officer, firefighter, etc.

605

784.074 (1) (c) 3rd Battery of sexually violent  
predators facility staff.

606

784.075 3rd Battery on detention or  
commitment facility staff.



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607	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
608	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
609	784.081 (3)	3rd	Battery on specified official or employee.
610	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
611	784.083 (3)	3rd	Battery on code inspector.
612	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
613	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
614	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.



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615	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
616	787.07	3rd	Human smuggling.
617	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
618	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
619	790.115(2)(c)	3rd	Possessing firearm on school property.
620	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
621	<u>806.135</u>	<u>2nd</u>	<u>Destroying or demolishing a memorial or historic property.</u>
622	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault



or battery.

623

810.02 (4) (b) 3rd Burglary, or attempted  
burglary, of an unoccupied  
conveyance; unarmed; no assault  
or battery.

624

810.06 3rd Burglary; possession of tools.

625

810.08 (2) (c) 3rd Trespass on property, armed  
with firearm or dangerous  
weapon.

626

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000  
or more but less than \$20,000.

627

812.014 3rd Grand theft, 3rd degree;  
(2) (c) 4.-10. specified items.

628

812.0195 (2) 3rd Dealing in stolen property by  
use of the Internet; property  
stolen \$300 or more.

629

817.505 (4) (a) 3rd Patient brokering.

630

817.563 (1) 3rd Sell or deliver substance other  
than controlled substance  
agreed upon, excluding s.  
893.03 (5) drugs.



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631	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
632	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
633	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
634	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
635	837.02 (1)	3rd	Perjury in official proceedings.
636	837.021 (1)	3rd	Make contradictory statements in official proceedings.
637	838.022	3rd	Official misconduct.
638	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
639	839.13 (2) (c)	3rd	Falsifying records of the



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Department of Children and  
Families.

640

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

641

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

642

843.15(1)(a)            3rd    Failure to appear while on bail  
for felony (bond estreature or  
bond jumping).

643

847.0135(5)(c)        3rd    Lewd or lascivious exhibition  
using computer; offender less  
than 18 years.

644

874.05(1)(a)           3rd    Encouraging or recruiting  
another to join a criminal  
gang.

645

893.13(2)(a)1.        2nd    Purchase of cocaine (or other  
s. 893.03(1)(a), (b), or (d),  
(2)(a), (2)(b), or (2)(c)5.  
drugs).

646



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647	914.14(2)	3rd	Witnesses accepting bribes.
648	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
649	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
650	916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
651	918.12	3rd	Tampering with jurors.
652	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
653	944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
	951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced



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into county detention facility.

654

655

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

657 And the title is amended as follows:

658       Delete lines 74 - 84.