

By Senator Burgess

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1 A bill to be entitled
2 An act relating to combating public disorder; amending
3 s. 166.241, F.S.; authorizing a resident of a
4 municipality to file an appeal to the Administration
5 Commission if the governing body of the municipality
6 makes a specified reduction to the operating budget of
7 a municipal law enforcement agency; requiring the
8 petition to contain specified information; requiring
9 the Executive Office of the Governor to conduct a
10 budget hearing considering the matter and make
11 findings and recommendations to the Administration
12 Commission; requiring the commission to approve,
13 amend, or modify the municipality's budget; amending
14 s. 316.2045, F.S.; revising the prohibition on
15 obstructing traffic by standing on the street,
16 highway, or road; deleting provisions concerning
17 charitable solicitations; amending s. 768.28, F.S.;
18 creating a cause of action against a municipality for
19 obstructing or interfering with reasonable law
20 enforcement protection during a riot or an unlawful
21 assembly; waiving sovereign immunity for a
22 municipality in specified circumstances; amending s.
23 784.011, F.S.; reclassifying the penalty for an
24 assault committed in furtherance of a riot or an
25 aggravated riot; amending s. 784.021, F.S.; increasing
26 the offense severity ranking of an aggravated assault
27 for the purposes of the Criminal Punishment Code if
28 committed in furtherance of a riot or an aggravated
29 riot; amending s. 784.03, F.S.; reclassifying the

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30 penalty for a battery committed in furtherance of a
31 riot or an aggravated riot; amending s. 784.045, F.S.;
32 increasing the offense severity ranking of an
33 aggravated battery for the purposes of the Criminal
34 Punishment Code if committed in furtherance of a riot
35 or an aggravated riot; creating s. 784.0495, F.S.;
36 prohibiting specified assemblies from using or
37 threatening the use of force against another person to
38 do any act or assume or abandon a particular
39 viewpoint; providing a penalty; requiring a person
40 arrested for a violation to be held in custody until
41 first appearance; amending s. 784.07, F.S.; requiring
42 a minimum term of imprisonment for a person convicted
43 of battery on a law enforcement officer committed in
44 furtherance of a riot or an aggravated riot;
45 increasing the offense severity ranking of an assault
46 or battery against specified first responders for the
47 purposes of the Criminal Punishment Code if committed
48 in furtherance of a riot or an aggravated riot;
49 amending s. 806.13, F.S.; prohibiting defacing,
50 injuring, or damaging a memorial; providing a penalty;
51 requiring a court to order restitution for such a
52 violation; creating s. 806.135, F.S.; providing a
53 definition; prohibiting a person from destroying or
54 demolishing a memorial; providing a penalty; requiring
55 a court to order restitution for such a violation;
56 amending s. 810.02, F.S.; reclassifying specified
57 burglary offenses committed during a riot or an
58 aggravated riot and facilitated by conditions arising

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59 from the riot; providing a definition; requiring a
60 person arrested for such a violation to be held in
61 custody until first appearance; amending s. 812.014,
62 F.S.; reclassifying specified theft offenses committed
63 during a riot or an aggravated riot and facilitated by
64 conditions arising from the riot; providing a
65 definition; requiring a person arrested for such a
66 violation to be held in custody until first
67 appearance; creating s. 836.115, F.S.; providing
68 definitions; prohibiting cyberintimidation by
69 publication; providing criminal penalties; amending s.
70 870.01, F.S.; prohibiting a person from fighting in a
71 public place; prohibiting specified assemblies from
72 engaging in disorderly and violent conduct resulting
73 in specified damage or injury; providing an increased
74 penalty for rioting under specified circumstances;
75 prohibiting a person from inciting or encouraging a
76 riot; providing an increased penalty for inciting or
77 encouraging a riot under specified circumstances;
78 providing definitions; requiring a person arrested for
79 such a violation to be held in custody until first
80 appearance; providing an exception; amending s.
81 870.02, F.S.; requiring a person arrested for an
82 unlawful assembly to be held in custody until first
83 appearance; amending s. 870.03, F.S.; requiring a
84 person arrested for a riot or rout to be held in
85 custody until first appearance; creating s. 870.07,
86 F.S.; creating an affirmative defense to a civil
87 action where the plaintiff participated in a riot or

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88 unlawful assembly; amending s. 872.02, F.S.;

89 increasing the offense severity ranking of specified

90 offenses involving graves and tombs for the purposes

91 of the Criminal Punishment Code if committed in

92 furtherance of a riot or an aggravated riot; amending

93 s. 921.0022, F.S.; conforming provisions to changes

94 made by the act; ranking offenses created by the act

95 on the offense severity ranking chart; providing an

96 effective date.

97

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

99

100 Section 1. Subsections (4) through (6) of section 166.241,

101 Florida Statutes, are renumbered as subsections (6) through (8),

102 respectively, new subsections (4) and (5) are added to that

103 section, and present subsection (6) of that section is amended,

104 to read:

105 166.241 Fiscal years, budgets, appeal of municipal law

106 enforcement agency budget, and budget amendments.—

107 (4) (a) Within 30 days after a municipality posts its

108 tentative budget to the official website under subsection (3), a

109 resident of the municipality may file an appeal by petition to

110 the Administration Commission if the tentative budget contains a

111 funding reduction to the operating budget of the municipal law

112 enforcement agency. The petition must set forth the tentative

113 budget proposed by the municipality, in the form and manner

114 prescribed by the Executive Office of the Governor and approved

115 by the Administration Commission, the operating budget of the

116 municipal law enforcement agency as approved by the municipality

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117 for the previous year, and state the reasons or grounds for the
118 appeal. The petition shall be filed with the Executive Office of
119 the Governor, and a copy served upon the governing body of the
120 municipality or to the clerk of the circuit court of the county
121 in which the municipality is located.

122 (b) The governing body of the municipality has 5 working
123 days after delivery of a copy of the petition to file a reply
124 with the Executive Office of the Governor, and shall deliver a
125 copy of such reply to the petitioner.

126 (5) Upon receipt of the petition, the Executive Office of
127 the Governor shall provide for a budget hearing at which the
128 matters presented in the petition and the reply shall be
129 considered. A report of the findings and recommendations of the
130 Executive Office of the Governor thereon shall be promptly
131 submitted to the Administration Commission, which, within 30
132 days, shall approve the action of the governing body of the
133 municipality or amend or modify the budget as to each separate
134 item within the operating budget of the municipal law
135 enforcement agency. The budget as approved, amended, or modified
136 by the Administration Commission shall be final.

137 (8)~~(6)~~ If the governing body of a municipality amends the
138 budget pursuant to paragraph (7) (c) ~~paragraph (5) (c)~~, the
139 adopted amendment must be posted on the official website of the
140 municipality within 5 days after adoption and must remain on the
141 website for at least 2 years. If the municipality does not
142 operate an official website, the municipality must, within a
143 reasonable period of time as established by the county or
144 counties in which the municipality is located, transmit the
145 adopted amendment to the manager or administrator of such county

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146 or counties who shall post the adopted amendment on the county's
147 website.

148 Section 2. Section 316.2045, Florida Statutes, is amended
149 to read:

150 316.2045 Obstruction of public streets, highways, and
151 roads.—

152 (1) A ~~It is unlawful for any person~~ may not intentionally
153 ~~or persons willfully to obstruct the free, convenient, and~~
154 normal use of a any public street, highway, or road by impeding,
155 hindering, stifling, retarding, or restraining traffic or
156 passage thereon, by standing or remaining on the street,
157 highway, or road ~~or approaching motor vehicles thereon,~~ or by
158 endangering the safe movement of vehicles or pedestrians
159 traveling thereon. A ~~;~~ ~~and any person or persons who~~ violates
160 ~~violate the provisions of this subsection, upon conviction,~~
161 shall be cited for a pedestrian violation, punishable as
162 provided in chapter 318.

163 (2) ~~It is unlawful, without proper authorization or a~~
164 ~~lawful permit, for any person or persons willfully to obstruct~~
165 ~~the free, convenient, and normal use of any public street,~~
166 ~~highway, or road by any of the means specified in subsection (1)~~
167 ~~in order to solicit. Any person who violates the provisions of~~
168 ~~this subsection is guilty of a misdemeanor of the second degree,~~
169 ~~punishable as provided in s. 775.082 or s. 775.083.~~

170 ~~Organizations qualified under s. 501(c)(3) of the Internal~~
171 ~~Revenue Code and registered pursuant to chapter 496, or persons~~
172 ~~or organizations acting on their behalf are exempted from the~~
173 ~~provisions of this subsection for activities on streets or roads~~
174 ~~not maintained by the state. Permits for the use of any portion~~

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175 ~~of a state-maintained road or right-of-way shall be required~~
176 ~~only for those purposes and in the manner set out in s. 337.406.~~

177 ~~(3) Permits for the use of any street, road, or right-of-~~
178 ~~way not maintained by the state may be issued by the appropriate~~
179 ~~local government. An organization that is qualified under s.~~
180 ~~501(c)(3) of the Internal Revenue Code and registered under~~
181 ~~chapter 496, or a person or organization acting on behalf of~~
182 ~~that organization, is exempt from local requirements for a~~
183 ~~permit issued under this subsection for charitable solicitation~~
184 ~~activities on or along streets or roads that are not maintained~~
185 ~~by the state under the following conditions:~~

186 ~~(a) The organization, or the person or organization acting~~
187 ~~on behalf of the organization, must provide all of the following~~
188 ~~to the local government:~~

189 ~~1. No fewer than 14 calendar days prior to the proposed~~
190 ~~solicitation, the name and address of the person or organization~~
191 ~~that will perform the solicitation and the name and address of~~
192 ~~the organization that will receive funds from the solicitation.~~

193 ~~2. For review and comment, a plan for the safety of all~~
194 ~~persons participating in the solicitation, as well as the~~
195 ~~motoring public, at the locations where the solicitation will~~
196 ~~take place.~~

197 ~~3. Specific details of the location or locations of the~~
198 ~~proposed solicitation and the hours during which the~~
199 ~~solicitation activities will occur.~~

200 ~~4. Proof of commercial general liability insurance against~~
201 ~~claims for bodily injury and property damage occurring on~~
202 ~~streets, roads, or rights-of-way or arising from the solicitor's~~
203 ~~activities or use of the streets, roads, or rights-of-way by the~~

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204 ~~solicitor or the solicitor's agents, contractors, or employees.~~
205 ~~The insurance shall have a limit of not less than \$1 million per~~
206 ~~occurrence for the general aggregate. The certificate of~~
207 ~~insurance shall name the local government as an additional~~
208 ~~insured and shall be filed with the local government no later~~
209 ~~than 72 hours before the date of the solicitation.~~

210 ~~5. Proof of registration with the Department of Agriculture~~
211 ~~and Consumer Services pursuant to s. 496.405 or proof that the~~
212 ~~soliciting organization is exempt from the registration~~
213 ~~requirement.~~

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

217 ~~(c) All solicitation shall occur during daylight hours~~
218 ~~only.~~

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

222 ~~(e) No person engaging in solicitation activities shall~~
223 ~~persist after solicitation has been denied, act in a demanding~~
224 ~~or harassing manner, or use any sound or voice-amplifying~~
225 ~~apparatus or device.~~

226 ~~(f) All persons participating in the solicitation shall be~~
227 ~~at least 18 years of age and shall possess picture~~
228 ~~identification.~~

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

231 ~~(h) The local government may stop solicitation activities~~
232 ~~if any conditions or requirements of this subsection are not~~

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233 met.

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

237 (2) ~~(5)~~ Notwithstanding ~~the provisions of~~ subsection (1),
238 any commercial vehicle used solely for the purpose of collecting
239 solid waste or recyclable or recovered materials may stop or
240 stand on any public street, highway, or road for the sole
241 purpose of collecting solid waste or recyclable or recovered
242 materials. However, such solid waste or recyclable or recovered
243 materials collection vehicle shall show or display amber
244 flashing hazard lights at all times that it is engaged in
245 stopping or standing for the purpose of collecting solid waste
246 or recyclable or recovered materials. Local governments may
247 establish reasonable regulations governing the standing and
248 stopping of such commercial vehicles, provided that such
249 regulations are applied uniformly and without regard to the
250 ownership of the vehicles.

251 Section 3. Subsection (5) of section 768.28, Florida
252 Statutes, is amended to read:

253 768.28 Waiver of sovereign immunity in tort actions;
254 recovery limits; civil liability for damages caused during a
255 riot; limitation on attorney fees; statute of limitations;
256 exclusions; indemnification; risk management programs.—

257 (5) (a) The state and its agencies and subdivisions shall be
258 liable for tort claims in the same manner and to the same extent
259 as a private individual under like circumstances, but liability
260 shall not include punitive damages or interest for the period
261 before judgment. Neither the state nor its agencies or

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262 subdivisions shall be liable to pay a claim or a judgment by any
263 one person which exceeds the sum of \$200,000 or any claim or
264 judgment, or portions thereof, which, when totaled with all
265 other claims or judgments paid by the state or its agencies or
266 subdivisions arising out of the same incident or occurrence,
267 exceeds the sum of \$300,000. However, a judgment or judgments
268 may be claimed and rendered in excess of these amounts and may
269 be settled and paid pursuant to this act up to \$200,000 or
270 \$300,000, as the case may be; and that portion of the judgment
271 that exceeds these amounts may be reported to the Legislature,
272 but may be paid in part or in whole only by further act of the
273 Legislature. Notwithstanding the limited waiver of sovereign
274 immunity provided herein, the state or an agency or subdivision
275 thereof may agree, within the limits of insurance coverage
276 provided, to settle a claim made or a judgment rendered against
277 it without further action by the Legislature, but the state or
278 agency or subdivision thereof shall not be deemed to have waived
279 any defense of sovereign immunity or to have increased the
280 limits of its liability as a result of its obtaining insurance
281 coverage for tortious acts in excess of the \$200,000 or \$300,000
282 waiver provided above. The limitations of liability set forth in
283 this subsection shall apply to the state and its agencies and
284 subdivisions whether or not the state or its agencies or
285 subdivisions possessed sovereign immunity before July 1, 1974.

286 (b) A governing body of a municipality that intentionally
287 obstructs or interferes with the ability of a municipal law
288 enforcement agency to provide reasonable law enforcement
289 protection during a riot or unlawful assembly is civilly liable
290 for any damages, including damages arising from personal injury,

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291 wrongful death, or property damage, proximately caused by the
292 agency's failure to provide reasonable law enforcement
293 protection during a riot or unlawful assembly. The sovereign
294 immunity recovery limits in paragraph (a) do not apply to an
295 action under this paragraph.

296 Section 4. Subsection (2) of section 784.011, Florida
297 Statutes, is amended and subsection (3) is added to that
298 section, to read:

299 784.011 Assault.—

300 (2) Except as provided in subsection (3), a person who
301 assaults another person ~~Whoever commits an assault shall be~~
302 ~~guilty of~~ a misdemeanor of the second degree, punishable as
303 provided in s. 775.082 or s. 775.083.

304 (3) A person who assaults another person in furtherance of
305 a riot or an aggravated riot prohibited under s. 870.01 commits
306 a misdemeanor of the first degree, punishable as provided in s.
307 775.082 or s. 775.083.

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

311 784.021 Aggravated assault.—

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

315 (3) For the purposes of sentencing under chapter 921 and
316 determining incentive gain-time eligibility under chapter 944, a
317 violation of this section committed by a person acting in
318 furtherance of a riot or an aggravated riot prohibited under s.
319 870.01 is ranked one level above the ranking under s. 921.0022

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320 for the offense committed.

321 Section 6. Section 784.03, Florida Statutes, is amended to
322 read:

323 784.03 Battery; felony battery.—

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

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

327 2. Intentionally causes bodily harm to another person.

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

331 (2) A person who has one prior conviction for battery,
332 aggravated battery, or felony battery and who commits any second
333 or subsequent battery commits a felony of the third degree,
334 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
335 For purposes of this subsection, "conviction" means a
336 determination of guilt that is the result of a plea or a trial,
337 regardless of whether adjudication is withheld or a plea of nolo
338 contendere is entered.

339 (3) A person who commits a battery in furtherance of a riot
340 or an aggravated riot prohibited under s. 870.01 commits a
341 felony of the third degree, punishable as provided in s.
342 775.082, s. 775.083, or 775.084.

343 Section 7. Section 784.045, Florida Statutes, is amended to
344 read:

345 784.045 Aggravated battery.—

346 (1) (a) A person commits aggravated battery who, in
347 committing battery:

348 1. Intentionally or knowingly causes great bodily harm,

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349 permanent disability, or permanent disfigurement; or

350 2. Uses a deadly weapon.

351 (b) A person commits aggravated battery if the person who
352 was the victim of the battery was pregnant at the time of the
353 offense and the offender knew or should have known that the
354 victim was pregnant.

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

359 (3) For the purposes of sentencing under chapter 921 and
360 determining incentive gain-time eligibility under chapter 944, a
361 violation of this section committed by a person acting in
362 furtherance of a riot or an aggravated riot prohibited under s.
363 870.01 is ranked one level above the ranking under s. 921.0022
364 for the offense committed.

365 Section 8. Section 784.0495, Florida Statutes, is created
366 to read:

367 784.0495 Mob intimidation.-

368 (1) It is unlawful for a person, assembled with two or more
369 other persons and acting with a common intent, to compel or
370 induce, or attempt to compel or induce, another person by force,
371 or threat of force, to do any act or to assume or abandon a
372 particular viewpoint.

373 (2) A person who violates subsection (1) commits a
374 misdemeanor of the first degree, punishable as provided in s.
375 775.082 or s. 775.083.

376 (3) A person arrested for a violation of this section shall
377 be held in custody until brought before the court for admittance

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378 to bail in accordance with chapter 903.

379 Section 9. Subsection (2) of section 784.07, Florida
380 Statutes, is amended and subsection (4) is added to that
381 section, to read:

382 784.07 Assault or battery of law enforcement officers,
383 firefighters, emergency medical care providers, public transit
384 employees or agents, or other specified officers;
385 reclassification of offenses; minimum sentences.-

386 (2) Whenever any person is charged with knowingly
387 committing an assault or battery upon a law enforcement officer,
388 a firefighter, an emergency medical care provider, a railroad
389 special officer, a traffic accident investigation officer as
390 described in s. 316.640, a nonsworn law enforcement agency
391 employee who is certified as an agency inspector, a blood
392 alcohol analyst, or a breath test operator while such employee
393 is in uniform and engaged in processing, testing, evaluating,
394 analyzing, or transporting a person who is detained or under
395 arrest for DUI, a law enforcement explorer, a traffic infraction
396 enforcement officer as described in s. 316.640, a parking
397 enforcement specialist as defined in s. 316.640, a person
398 licensed as a security officer as defined in s. 493.6101 and
399 wearing a uniform that bears at least one patch or emblem that
400 is visible at all times that clearly identifies the employing
401 agency and that clearly identifies the person as a licensed
402 security officer, or a security officer employed by the board of
403 trustees of a community college, while the officer, firefighter,
404 emergency medical care provider, railroad special officer,
405 traffic accident investigation officer, traffic infraction
406 enforcement officer, inspector, analyst, operator, law

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407 enforcement explorer, parking enforcement specialist, public
408 transit employee or agent, or security officer is engaged in the
409 lawful performance of his or her duties, the offense for which
410 the person is charged shall be reclassified as follows:

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

413 (b) In the case of battery, from a misdemeanor of the first
414 degree to a felony of the third degree. Notwithstanding any
415 other provision of law, a person convicted of battery upon a law
416 enforcement officer committed in furtherance of a riot or an
417 aggravated riot prohibited under s. 870.01 shall be sentenced to
418 a minimum term of imprisonment of 6 months.

419 (c) In the case of aggravated assault, from a felony of the
420 third degree to a felony of the second degree. Notwithstanding
421 any other provision of law, any person convicted of aggravated
422 assault upon a law enforcement officer shall be sentenced to a
423 minimum term of imprisonment of 3 years.

424 (d) In the case of aggravated battery, from a felony of the
425 second degree to a felony of the first degree. Notwithstanding
426 any other provision of law, any person convicted of aggravated
427 battery of a law enforcement officer shall be sentenced to a
428 minimum term of imprisonment of 5 years.

429 (4) For purposes of sentencing under chapter 921 and
430 determining incentive gain-time eligibility under chapter 944, a
431 felony violation of this section committed by a person acting in
432 furtherance of a riot or an aggravated riot prohibited under s.
433 870.01 is ranked one level above the ranking under s. 921.0022
434 for the offense committed.

435 Section 10. Subsections (3) through (9) of section 806.13,

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436 Florida Statutes, are renumbered as subsections (4) through
437 (10), respectively, a new subsection (3) is added to that
438 section, and present subsection (8) of that section is amended,
439 to read:

440 806.13 Criminal mischief; penalties; penalty for minor.—

441 (3) Any person who, without the consent of the owner
442 thereof, willfully and maliciously defaces, injures, or
443 otherwise damages by any means a memorial, as defined in s.
444 806.135, and the value of the damage to the memorial is greater
445 than \$200, commits a felony of the third degree, punishable as
446 provided in s. 775.082, s. 775.083, or s. 775.084. A court shall
447 order any person convicted of violating this subsection to pay
448 restitution, which shall include the full cost of repair or
449 replacement of such memorial.

450 (9)~~(8)~~ A minor whose driver license or driving privilege is
451 revoked, suspended, or withheld under subsection (8)~~(7)~~ may
452 elect to reduce the period of revocation, suspension, or
453 withholding by performing community service at the rate of 1 day
454 for each hour of community service performed. In addition, if
455 the court determines that due to a family hardship, the minor's
456 driver license or driving privilege is necessary for employment
457 or medical purposes of the minor or a member of the minor's
458 family, the court shall order the minor to perform community
459 service and reduce the period of revocation, suspension, or
460 withholding at the rate of 1 day for each hour of community
461 service performed. As used in this subsection, the term
462 "community service" means cleaning graffiti from public
463 property.

464 Section 11. Section 806.135, Florida Statutes, is created

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465 to read:

466 806.135 Destroying or demolishing a memorial.—

467 (1) As used in this section, the term "memorial" means a
468 plaque, statue, marker, flag, banner, cenotaph, religious
469 symbol, painting, seal, tombstone, structure name, or display
470 that is constructed and located with the intent of being
471 permanently displayed or perpetually maintained; is dedicated to
472 a historical person, an entity, an event, or a series of events;
473 and honors or recounts the military service of any past or
474 present United States Armed Forces military personnel, or the
475 past or present public service of a resident of the geographical
476 area comprising the state or the United States. The term
477 includes, but is not limited to, the following memorials
478 established under chapter 265:

479 (a) Florida Women's Hall of Fame.480 (b) Florida Medal of Honor Wall.481 (c) Florida Veterans' Hall of Fame.482 (d) POW-MIA Chair of Honor Memorial.483 (e) Florida Veterans' Walk of Honor and Florida Veterans'
484 Memorial Garden.485 (f) Florida Law Enforcement Officers' Hall of Fame.486 (g) Florida Holocaust Memorial.487 (h) Florida Slavery Memorial.488 (i) Any other memorial located within the Capitol Complex,
489 including, but not limited to, Waller Park.

490 (2) It is unlawful for any person to willfully and
491 maliciously destroy or demolish any memorial, or pull down a
492 memorial, unless authorized by the owner of the memorial. A
493 person who violates this section commits a felony of the second

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494 degree, punishable as provided in s. 775.082, s. 775.083, or s.
495 775.084.

496 (3) A court shall order any person convicted of violating
497 this section to pay restitution, which shall include the full
498 cost of repair or replacement of such memorial.

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

501 810.02 Burglary.—

502 (3) Burglary is a felony of the second degree, punishable
503 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
504 course of committing the offense, the offender does not make an
505 assault or battery and is not and does not become armed with a
506 dangerous weapon or explosive, and the offender enters or
507 remains in a:

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

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

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

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

516 (e) Authorized emergency vehicle, as defined in s. 316.003;
517 or

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

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523 possession of controlled substance offense under s. 893.13 or
524 trafficking in controlled substance offense under s. 893.135 may
525 be imposed when all such offenses involve the same amount or
526 amounts of a controlled substance.

527

528 However, if the burglary is committed during a riot or an
529 aggravated riot prohibited under s. 870.01 and the perpetration
530 of the burglary is facilitated by conditions arising from the
531 riot; or within a county that is subject to a state of emergency
532 declared by the Governor under chapter 252 after the declaration
533 of emergency is made and the perpetration of the burglary is
534 facilitated by conditions arising from the emergency, the
535 burglary is a felony of the first degree, punishable as provided
536 in s. 775.082, s. 775.083, or s. 775.084. As used in this
537 subsection, the term "conditions arising from the riot" means
538 civil unrest, power outages, curfews, or a reduction in the
539 presence of or response time for first responders or homeland
540 security personnel and the term "conditions arising from the
541 emergency" means civil unrest, power outages, curfews, voluntary
542 or mandatory evacuations, or a reduction in the presence of or
543 response time for first responders or homeland security
544 personnel. A person arrested for committing a burglary during a
545 riot or an aggravated riot or within a county that is subject to
546 such a state of emergency may not be released until the person
547 appears before a committing magistrate at a first appearance
548 hearing. For purposes of sentencing under chapter 921, a felony
549 offense that is reclassified under this subsection is ranked one
550 level above the ranking under s. 921.0022 or s. 921.0023 of the
551 offense committed.

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552 (4) Burglary is a felony of the third degree, punishable as
553 provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
554 course of committing the offense, the offender does not make an
555 assault or battery and is not and does not become armed with a
556 dangerous weapon or explosive, and the offender enters or
557 remains in a:

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

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

562
563 However, if the burglary is committed during a riot or an
564 aggravated riot prohibited under s. 870.01 and the perpetration
565 of the burglary is facilitated by conditions arising from the
566 riot; or within a county that is subject to a state of emergency
567 declared by the Governor under chapter 252 after the declaration
568 of emergency is made and the perpetration of the burglary is
569 facilitated by conditions arising from the emergency, the
570 burglary is a felony of the second degree, punishable as
571 provided in s. 775.082, s. 775.083, or s. 775.084. As used in
572 this subsection, the terms "conditions arising from the riot"
573 and ~~term~~ "conditions arising from the emergency" have the same
574 meanings as provided in subsection (3) ~~means civil unrest, power~~
575 ~~outages, curfews, voluntary or mandatory evacuations, or a~~
576 ~~reduction in the presence of or response time for first~~
577 ~~responders or homeland security personnel. A person arrested for~~
578 committing a burglary during a riot or an aggravated riot or
579 within a county that is subject to such a state of emergency may
580 not be released until the person appears before a committing

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581 magistrate at a first appearance hearing. For purposes of
582 sentencing under chapter 921, a felony offense that is
583 reclassified under this subsection is ranked one level above the
584 ranking under s. 921.0022 or s. 921.0023 of the offense
585 committed.

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

588 812.014 Theft.—

589 (2)

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

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

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

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

603
604 the offender commits grand theft in the second degree,
605 punishable as a felony of the second degree, as provided in s.
606 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
607 means mechanical or electronic apparatus used to provide
608 emergency services and care as defined in s. 395.002(9) or to
609 treat medical emergencies. Law enforcement equipment means any

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610 property, device, or apparatus used by any law enforcement
611 officer as defined in s. 943.10 in the officer's official
612 business. However, if the property is stolen during a riot or an
613 aggravated riot prohibited under s. 870.01 and the perpetration
614 of the theft is facilitated by conditions arising from the riot;
615 or within a county that is subject to a state of emergency
616 declared by the Governor under chapter 252, the theft is
617 committed after the declaration of emergency is made, and the
618 perpetration of the theft is facilitated by conditions arising
619 from the emergency, the theft is a felony of the first degree,
620 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
621 As used in this paragraph, the term "conditions arising from the
622 riot" means civil unrest, power outages, curfews, or a reduction
623 in the presence of or response time for first responders or
624 homeland security personnel and the term "conditions arising
625 from the emergency" means civil unrest, power outages, curfews,
626 voluntary or mandatory evacuations, or a reduction in the
627 presence of or response time for first responders or homeland
628 security personnel. A person arrested for committing a theft
629 during a riot or an aggravated riot or within a county that is
630 subject to a state of emergency may not be released until the
631 person appears before a committing magistrate at a first
632 appearance hearing. For purposes of sentencing under chapter
633 921, a felony offense that is reclassified under this paragraph
634 is ranked one level above the ranking under s. 921.0022 or s.
635 921.0023 of the offense committed.

636 (c) It is grand theft of the third degree and a felony of
637 the third degree, punishable as provided in s. 775.082, s.
638 775.083, or s. 775.084, if the property stolen is:

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- 639 1. Valued at \$750 or more, but less than \$5,000.
- 640 2. Valued at \$5,000 or more, but less than \$10,000.
- 641 3. Valued at \$10,000 or more, but less than \$20,000.
- 642 4. A will, codicil, or other testamentary instrument.
- 643 5. A firearm.
- 644 6. A motor vehicle, except as provided in paragraph (a).
- 645 7. Any commercially farmed animal, including any animal of
- 646 the equine, avian, bovine, or swine class or other grazing
- 647 animal; a bee colony of a registered beekeeper; and aquaculture
- 648 species raised at a certified aquaculture facility. If the
- 649 property stolen is a commercially farmed animal, including an
- 650 animal of the equine, avian, bovine, or swine class or other
- 651 grazing animal; a bee colony of a registered beekeeper; or an
- 652 aquaculture species raised at a certified aquaculture facility,
- 653 a \$10,000 fine shall be imposed.
- 654 8. Any fire extinguisher that, at the time of the taking,
- 655 was installed in any building for the purpose of fire prevention
- 656 and control. This subparagraph does not apply to a fire
- 657 extinguisher taken from the inventory at a point-of-sale
- 658 business.
- 659 9. Any amount of citrus fruit consisting of 2,000 or more
- 660 individual pieces of fruit.
- 661 10. Taken from a designated construction site identified by
- 662 the posting of a sign as provided for in s. 810.09(2)(d).
- 663 11. Any stop sign.
- 664 12. Anhydrous ammonia.
- 665 13. Any amount of a controlled substance as defined in s.
- 666 893.02. Notwithstanding any other law, separate judgments and
- 667 sentences for theft of a controlled substance under this

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668 subparagraph and for any applicable possession of controlled
669 substance offense under s. 893.13 or trafficking in controlled
670 substance offense under s. 893.135 may be imposed when all such
671 offenses involve the same amount or amounts of a controlled
672 substance.

673

674 However, if the property is stolen during a riot or an
675 aggravated riot prohibited under s. 870.01 and the perpetration
676 of the theft is facilitated by conditions arising from the riot;
677 or within a county that is subject to a state of emergency
678 declared by the Governor under chapter 252, the property is
679 stolen after the declaration of emergency is made, and the
680 perpetration of the theft is facilitated by conditions arising
681 from the emergency, the offender commits a felony of the second
682 degree, punishable as provided in s. 775.082, s. 775.083, or s.
683 775.084, if the property is valued at \$5,000 or more, but less
684 than \$10,000, as provided under subparagraph 2., or if the
685 property is valued at \$10,000 or more, but less than \$20,000, as
686 provided under subparagraph 3. As used in this paragraph, the
687 terms "conditions arising from a riot" and ~~term~~ "conditions
688 arising from the emergency" have the same meanings as provided
689 in paragraph (b). A person arrested for committing a theft
690 during a riot or an aggravated riot or within a county that is
691 subject to a state of emergency may not be released until the
692 person appears before a committing magistrate at a first
693 appearance hearing ~~means civil unrest, power outages, curfews,~~
694 ~~voluntary or mandatory evacuations, or a reduction in the~~
695 ~~presence of or the response time for first responders or~~
696 ~~homeland security personnel.~~ For purposes of sentencing under

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697 chapter 921, a felony offense that is reclassified under this
698 paragraph is ranked one level above the ranking under s.
699 921.0022 or s. 921.0023 of the offense committed.

700 Section 14. Section 836.115, Florida Statutes, is created
701 to read:

702 836.115 Cyberintimidation by publication.-

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

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

706 (b) "Harass" has the same meaning as provided in s.
707 817.568(1)(c).

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

710 (2) A person who electronically publishes another's
711 personal identification information with the intent to, or with
712 the intent the information will be used by another to, threaten,
713 intimidate, harass, incite violence, or commit a crime against a
714 person, or place a person in reasonable fear of death or great
715 bodily harm commits a misdemeanor of a first degree, punishable
716 as provided in s. 775.082 or s. 775.083.

717 Section 15. Section 870.01, Florida Statutes, is amended to
718 read:

719 870.01 Affrays and riots.-

720 (1) A person who, by mutual consent, engages in fighting
721 with another in a public place to the terror of the people
722 commits ~~All persons guilty of an affray, shall be guilty of a~~
723 ~~misdemeanor of the first degree, punishable as provided in s.~~
724 ~~775.082 or s. 775.083.~~

725 (2) A person who participates in a public disturbance

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726 involving an assembly of three or more persons acting with a
727 common intent to mutually assist each other in disorderly and
728 violent conduct resulting in injury or damage to another person
729 or property, or creating a clear and present danger of injury or
730 damage to another person or property, commits ~~All persons guilty~~
731 ~~of a riot, or of inciting or encouraging a riot, shall be guilty~~
732 ~~of a felony of the third degree, punishable as provided in s.~~
733 ~~775.082, s. 775.083, or s. 775.084.~~

734 (3) A person commits aggravated rioting, if, in the course
735 of committing a riot, he or she:

736 (a) Participates with nine or more other persons;

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

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

740 (d) Displays, uses, threatens to use, or attempts to use a
741 deadly weapon; or

742 (e) By force, or threat of force, endangers the safe
743 movement of a vehicle traveling on a public street, highway, or
744 road.

745
746 A violation of this subsection is a felony of the second degree,
747 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

748 (4) A person who willfully incites or encourages another to
749 participate in a riot, resulting in a riot or a clear and
750 present danger of a riot, commits inciting or encouraging a
751 riot, a felony of the third degree, punishable as provided in s.
752 775.082, s. 775.083, or s. 775.084.

753 (5) A person commits aggravated inciting or encouraging a
754 riot if he or she:

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755 (a) Incites or encourages a riot resulting in great bodily
756 harm to another person not participating in the riot;

757 (b) Incites or encourages a riot resulting in property
758 damage in excess of \$5,000; or

759 (c) Supplies a deadly weapon to another person or teaches
760 another person to prepare a deadly weapon with intent that the
761 deadly weapon be used in a riot.

762

763 A violation of this subsection is a felony of the second degree,
764 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

765 (6) Except for a violation of subsection (1), a person
766 arrested for a violation of this section shall be held in
767 custody until brought before the court for admittance to bail in
768 accordance with chapter 903.

769 Section 16. Section 870.02, Florida Statutes, is amended to
770 read:

771 870.02 Unlawful assemblies.—

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

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

779 Section 17. Section 870.03, Florida Statutes, is amended to
780 read:

781 870.03 Riots and routs.—

782 (1) If any persons unlawfully assembled demolish, pull down
783 or destroy, or begin to demolish, pull down or destroy, any

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784 dwelling house or other building, or any ship or vessel, each of
785 them commits ~~shall be guilty of~~ a felony of the third degree,
786 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

790 Section 18. Section 870.07, Florida Statutes, is created to
791 read:

792 870.07 Affirmative defense in civil action; party convicted
793 of riot or unlawful assembly.-

794 (1) In a civil action for damages for personal injury,
795 wrongful death, or property damage, it is an affirmative defense
796 that such action arose from injury or damage sustained by a
797 participant acting in furtherance of a riot or unlawful
798 assembly. The affirmative defense authorized by this section
799 shall be established by evidence that the participant has been
800 convicted of riot, aggravated riot, or unlawful assembly, or by
801 proof of the commission of such crime by a preponderance of the
802 evidence.

803 (2) In a civil action in which a defendant raises an
804 affirmative defense under this section, the court must, on
805 motion by the defendant, stay the action during the pendency of
806 a criminal action that forms the basis for the defense, unless
807 the court finds that a conviction in the criminal action would
808 not form a valid defense under this section.

809 Section 19. Subsections (3) through (6) of section 872.02,
810 Florida Statutes, are renumbered as subsections (4) through (7),
811 respectively, a new subsection (3) is added to that section,
812 subsections (1) and (2) of that section are republished, and

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813 present subsection (6) of that section is amended, to read:

814 872.02 Injuring or removing tomb or monument; disturbing
815 contents of grave or tomb; penalties.—

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

819 (a) Willfully and knowingly destroys, mutilates, defaces,
820 injures, or removes any tomb, monument, gravestone, burial
821 mound, earthen or shell monument containing human skeletal
822 remains or associated burial artifacts, or other structure or
823 thing placed or designed for a memorial of the dead, or any
824 fence, railing, curb, or other thing intended for the protection
825 or ornamentation of any tomb, monument, gravestone, burial
826 mound, earthen or shell monument containing human skeletal
827 remains or associated burial artifacts, or other structure
828 before mentioned, or for any enclosure for the burial of the
829 dead; or

830 (b) Willfully destroys, mutilates, removes, cuts, breaks,
831 or injures any tree, shrub, or plant placed or being within any
832 such enclosure, except for a person performing routine
833 maintenance and upkeep.

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

838 (3) For purposes of sentencing under chapter 921 and
839 determining incentive gain-time eligibility under chapter 944, a
840 violation of this section, committed by a person in furtherance
841 of a riot or an aggravated riot prohibited under s. 870.01 is

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842 ranked one level above the ranking under s. 921.0022 or s.
 843 921.0023 for the offense committed.

844 (7)~~(6)~~ If a legally authorized person refuses to sign a
 845 written authorization, as provided in paragraph (6) (a)~~(5) (a)~~, or
 846 if a legally authorized person objects, as provided in paragraph
 847 (6) (b) ~~(5) (b)~~, a public hearing shall be held before the county
 848 commission of the county where the cemetery is located, or the
 849 city council, if the cemetery is located in a municipality, and
 850 the county commission or the city council shall have the
 851 authority to grant a request for relocation of the contents of
 852 such graves or tombs.

853 Section 20. Paragraphs (b), (c), and (d) of subsection (3)
 854 of section 921.0022, Florida Statutes, are amended to read:

855 921.0022 Criminal Punishment Code; offense severity ranking
 856 chart.—

857 (3) OFFENSE SEVERITY RANKING CHART

858 (b) LEVEL 2

859

860

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.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation

861

862

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of the Marine Turtle Protection Act.

863

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.

864

517.07(2) 3rd Failure to furnish a prospectus meeting requirements.

865

590.28(1) 3rd Intentional burning of lands.

866

784.03(3) 3rd Battery during a riot or an aggravated riot.

867

784.05(3) 3rd Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

868

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

869

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

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public service.

870

806.13(3)

3rd

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

871

810.061(2)

3rd

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

872

810.09(2)(e)

3rd

Trespassing on posted commercial horticulture property.

873

812.014(2)(c)1.

3rd

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

874

812.014(2)(d)

3rd

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

875

812.015(7)

3rd

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

876

817.234(1)(a)2.

3rd

False statement in support of insurance claim.

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877	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
878	817.52(3)	3rd	Failure to redeliver hired vehicle.
879	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
880	817.60(5)	3rd	Dealing in credit cards of another.
881	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
882	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
883	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
884	831.01	3rd	Forgery.
885			

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886	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
887	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
888	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
889	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
890	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
891	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
892	843.08	3rd	False personation.
	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

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other than cannabis.

893

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

894

895 (c) LEVEL 3

896

897

Florida Statute	Felony Degree	Description
-----------------	---------------	-------------

898

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

899

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

900

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

901

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

902

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

903

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904	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
905	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
906	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
907	327.35(2)(b)	3rd	Felony BUI.
908	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
909	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
910	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be

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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.

911

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.

912

379.2431
 (1) (e) 7.

3rd

Soliciting to commit or
 conspiring to commit a
 violation of the Marine Turtle
 Protection Act.

913

400.9935 (4) (a)
 or (b)

3rd

Operating a clinic, or offering
 services requiring licensure,
 without a license.

914

400.9935 (4) (e)

3rd

Filing a false license
 application or other required
 information or failing to
 report information.

915

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916	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
917	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
918	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
919	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
920	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
921	697.08	3rd	Equity skimming.
922	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or

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equipment used in firefighting.

923

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

924

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

925

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

926

812.0145(2)(c) 3rd Theft from person 65 years of
age or older; \$300 or more but
less than \$10,000.

927

812.015(8)(b) 3rd Retail theft with intent to
sell; conspires with others.

928

815.04(5)(b) 2nd Computer offense devised to
defraud or obtain property.

929

817.034(4)(a)3. 3rd Engages in scheme to defraud
(Florida Communications Fraud
Act), property valued at less
than \$20,000.

930

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931	817.233	3rd	Burning to defraud insurer.
932	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
933	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
934	817.236	3rd	Filing a false motor vehicle insurance application.
935	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
936	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
937	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
937	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.

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938

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

939

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

940

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

941

870.01(2) 3rd ~~Riot, inciting or encouraging.~~

942

870.01(4) 3rd Inciting or encouraging a riot.

943

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).

944

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.

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945

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.

946

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

947

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

948

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

949

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

950

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

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substance.

951

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

952

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.

953

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.

954

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

955

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

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patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

956

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

957

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

958

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

959

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

960

(d) LEVEL 4

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962

963

Florida	Felony	Description
Statute	Degree	

964

316.1935 (3) (a) 2nd Driving at high speed or with wanton disregard for safety

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while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

965

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

966

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

967

517.07 (1) 3rd Failure to register securities.

968

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

969

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

970

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

971

784.075 3rd Battery on detention or commitment facility staff.

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973	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
974	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
975	784.081 (3)	3rd	Battery on specified official or employee.
976	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
977	784.083 (3)	3rd	Battery on code inspector.
978	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
979	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
980	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

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981	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
982	787.07	3rd	Human smuggling.
983	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
984	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
985	790.115 (2) (c)	3rd	Possessing firearm on school property.
986	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
987	<u>806.135</u>	<u>2nd</u>	<u>Destroying or demolishing a memorial.</u>
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

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988	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
989	810.06	3rd	Burglary; possession of tools.
990	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
991	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
992	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
993	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
994	817.505 (4) (a)	3rd	Patient brokering.
995	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
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997	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
998	817.625 (2) (a)	3rd	Fraudulent use of scanning device, <u>skimming device</u> , or reencoder.
999	817.625 (2) (c)	3rd	Possess, sell, or deliver <u>skimming device</u> .
1000	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
1001	837.02 (1)	3rd	Perjury in official proceedings.
1002	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1003	838.022	3rd	Official misconduct.
1004	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and

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Families.

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

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

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

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

870.01(3) 3rd Aggravated rioting.

870.01(5) 3rd Aggravated inciting or encouraging a riot.

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

893.13(2)(a)1. 2nd Purchase of cocaine (or other

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			s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
1013	914.14 (2)	3rd	Witnesses accepting bribes.
1014	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1015	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1016	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
1017	918.12	3rd	Tampering with jurors.
1018	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
1019	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
1020	951.22 (1) (h),	3rd	Intoxicating drug,

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(j) & (k)

instrumentality or other device
to aid escape, or cellular
telephone or other portable
communication device introduced
into county detention facility.

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Section 21. This act shall take effect July 1, 2021.