

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Caruso offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (a) of subsection (6) of section

8 403.413, Florida Statutes, is amended to read:

9 403.413 Florida Litter Law.—

10 (6) PENALTIES; ENFORCEMENT.—

11 (a) 1. Except as provided in subparagraph 2., any person
 12 who dumps litter in violation of subsection (4) in an amount not
 13 exceeding 15 pounds in weight or 27 cubic feet in volume and not
 14 for commercial purposes commits a noncriminal infraction,
 15 punishable by a civil penalty of \$150, from which \$50 shall be
 16 deposited into the Solid Waste Management Trust Fund to be used

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17 for the solid waste management grant program pursuant to s.
18 403.7095.

19 2. If a person violates subparagraph 1. by intentionally
20 dumping litter onto private residential property that evidences
21 religious or ethnic animus for the purpose of intimidating or
22 threatening the owner or resident of such property, the person
23 commits a felony of the third degree, punishable as provided in
24 s. 775.082, s. 775.083, or s. 775.084. A violation of this sub-
25 subparagraph shall be considered a hate crime for purposes of
26 the reporting requirements of s. 877.19.

27 Section 2. Section 784.0493, Florida Statutes, is created
28 to read:

29 784.0493 Harassment or intimidation based on religious or
30 ethnic heritage.—

31 (1) As used in this section, the term "harass" has the
32 same meaning as in s. 784.048.

33 (2) A person may not willfully and maliciously harass,
34 threaten, or intimidate another person based on the person's
35 wearing or displaying of any indicia relating to any religious
36 or ethnic heritage.

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

40 (4) A violation of this section is considered a hate crime
41 for purposes of the reporting requirements of s. 877.19.

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42 Section 3. Subsections (6) through (10) of section 806.13,
43 Florida Statutes, are renumbered as subsections (7) through
44 (11), respectively, subsection (2) and present subsection (9) of
45 that section are amended, and a new subsection (6) is added to
46 that section, to read:

47 806.13 Criminal mischief; penalties; penalty for minor.—

48 (2) (a) Any person who willfully and maliciously defaces,
49 injures, or damages by any means:

50 1. Any church, synagogue, mosque, or other place of
51 worship, or any religious article contained therein;7

52 2. Any cemetery, grave, or memorial as defined in s.
53 806.135, which the person knows, or reasonably should have
54 known, is associated with a particular religious or ethnic
55 heritage; or

56 3. Any school, or community center as defined in s.
57 893.13(1)(c), which the person knows, or reasonably should have
58 known, is associated with a particular religious or ethnic
59 heritage,

60
61 commits a felony of the third degree, punishable as provided in
62 s. 775.082, s. 775.083, or s. 775.084, ~~if the damage to the~~
63 ~~property is greater than \$200.~~

64 (b) A violation of this subsection is considered a hate
65 crime for purposes of the reporting requirements of s. 877.19.

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66 (c) For purposes of this subsection, the term "school"
67 means the grounds or facility of any early learning,
68 prekindergarten, kindergarten, elementary school, middle school,
69 junior high school, secondary school, career center, or
70 postsecondary school, whether public or private.

71 (6) A person may not knowingly and intentionally display
72 or project, using any medium, an image onto a building,
73 structure, or other property without the written consent of the
74 owner of the building, structure, or property. For purposes of
75 this subsection, the term "image" means a visual representation
76 or likeness of a person or object, including text, graphics,
77 logos, other artwork, or any combination thereof.

78 (a) A person who violates this subsection commits a
79 misdemeanor of the first degree, punishable as provided in s.
80 775.082 or s. 775.083.

81 (b) If a person displays or projects an image that
82 evidences religious or ethnic animus, including anti-Semitism as
83 described in s. 1000.05(8), during the commission of an offense
84 under this subsection, it is prima facie evidence that such
85 person has evidenced prejudice in the commission of the offense
86 for the purpose of reclassifying the penalty under s. 775.085.

87 (c) If the penalty for a violation of this subsection is
88 reclassified under s. 775.085, such a violation is considered a
89 hate crime for purposes of the reporting requirements of s.
90 877.19.

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91 ~~(10)(9)~~ A minor whose driver license or driving privilege
92 is revoked, suspended, or withheld under subsection ~~(9)(8)~~ may
93 elect to reduce the period of revocation, suspension, or
94 withholding by performing community service at the rate of 1 day
95 for each hour of community service performed. In addition, if
96 the court determines that due to a family hardship, the minor's
97 driver license or driving privilege is necessary for employment
98 or medical purposes of the minor or a member of the minor's
99 family, the court shall order the minor to perform community
100 service and reduce the period of revocation, suspension, or
101 withholding at the rate of 1 day for each hour of community
102 service performed. As used in this subsection, the term
103 "community service" means cleaning graffiti from public
104 property.

105 Section 4. Section 810.098, Florida Statutes, is created
106 to read:

107 810.098 Trespass for the purpose of threatening or
108 intimidating another person.—

109 (1)(a) Whoever, without being authorized, licensed, or
110 invited, willfully enters the campus of a state university or
111 Florida College System institution for the purpose of
112 threatening or intimidating another person, and is warned by the
113 state university or Florida College System institution to depart
114 and refuses to do so, commits a misdemeanor of the first degree,
115 punishable as provided in s. 775.082 or s. 775.083.

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116 (b) If a person evidences religious or ethnic animus,
117 including anti-Semitism as described in s. 1000.05(8), during
118 the commission of an offense under this subsection, it is prima
119 facie evidence that such person has evidenced prejudice in the
120 commission of the offense for the purpose of reclassifying the
121 penalty under s. 775.085.

122 (c) If the penalty for a violation of this subsection is
123 reclassified under s. 775.085, such a violation is considered a
124 hate crime for purposes of the reporting requirements of s.
125 877.19.

126 (2) As used in this section, the terms "state university"
127 and "Florida College System institution" have the same meaning
128 as in ss. 1000.21(6) and (3), respectively.

129 Section 5. Subsection (1) of section 871.01, Florida
130 Statutes, is amended to read:

131 871.01 Disturbing schools and religious and other
132 assemblies.—

133 (1)(a) Whoever willfully and maliciously interrupts or
134 disturbs any school or any assembly of people met for the
135 worship of God, any assembly of people met for the purpose of
136 acknowledging the death of an individual, or for any other
137 lawful purpose commits a misdemeanor of the first ~~second~~ degree,
138 punishable as provided in s. 775.082 or s. 775.083.

139 (b) If a person evidences religious or ethnic animus,
140 including anti-Semitism as described in s. 1000.05(8), during

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141 the commission of an offense under this subsection, it is prima
142 facie evidence that such person has evidenced prejudice in the
143 commission of the offense for the purpose of reclassifying the
144 penalty under s. 775.085.

145 (c) If the penalty for a violation of this subsection is
146 reclassified under s. 775.085, such a violation is considered a
147 hate crime for purposes of the reporting requirements of s.
148 877.19.

149 Section 6. This act shall take effect October 1, 2023.

150

151

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

152
153 Remove everything before the enacting clause and insert:
154 An act relating to public nuisances; amending s. 403.413, F.S.;
155 prohibiting a person from distributing onto private residential
156 property any material that evidences religious or ethnic animus
157 for the purpose of intimidating or threatening the owner or
158 resident of such property; providing criminal penalties;
159 requiring that certain violations be reported as hate crimes;
160 creating s. 784.0493, F.S.; providing a definition; prohibiting
161 a person from willfully and maliciously harassing, threatening,
162 or intimidating another person based on the person's wearing or
163 displaying of any indicia relating to any religious or ethnic
164 heritage; providing criminal penalties; requiring that
165 violations be reported as hate crimes; amending s. 806.13, F.S.;

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166 prohibiting willful and malicious defacement, injury, or damage
167 to certain property; removing a minimum damage requirement for a
168 violation; providing construction; requiring that violations be
169 reported as hate crimes; providing a definition; prohibiting the
170 display or projection of images onto a building, structure, or
171 property without permission; providing a definition; providing
172 criminal penalties; providing construction; requiring that
173 certain violations be reported as hate crimes; creating s.
174 810.098, F.S.; prohibiting a person who willfully enters the
175 campus of a state university of Florida College System
176 institution for the purpose of threatening or intimidating
177 another person from remaining on such campus after being warned
178 to depart; providing criminal penalties; providing construction;
179 requiring that certain violations be reported as a hate crime;
180 providing definitions; amending s. 871.01, F.S.; prohibiting
181 interference with certain assemblies; providing construction;
182 requiring that certain violations be reported as hate crimes;
183 providing an effective date.