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CS/CS/HB 269

2023 Legislature

1
 2 An act relating to public nuisances; amending s.
 3 403.413, F.S.; prohibiting a person from distributing
 4 onto private property any material for the purpose of
 5 intimidating or threatening the owner, resident, or
 6 invitee of such property; providing criminal
 7 penalties; prohibiting a person from distributing onto
 8 private property any material which contains a
 9 credible threat to the owner, resident, or invitee of
 10 such property; providing criminal penalties; providing
 11 a definition; creating s. 784.0493, F.S.; providing
 12 definitions; prohibiting a person from willfully and
 13 maliciously harassing, threatening, or intimidating
 14 another person based on the person's wearing or
 15 displaying of any indicia relating to any religious or
 16 ethnic heritage; providing criminal penalties;
 17 requiring that violations be reported as hate crimes;
 18 amending s. 806.13, F.S.; prohibiting the display or
 19 projection of images onto a building, structure, or
 20 property without permission; providing a definition;
 21 providing criminal penalties; providing construction;
 22 creating s. 810.098, F.S.; prohibiting a person who
 23 willfully enters the campus of a state university or
 24 Florida College System institution for the purpose of
 25 threatening or intimidating another person from

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26 remaining on such campus after being warned to depart;
 27 providing criminal penalties; providing construction;
 28 providing definitions; amending s. 871.01, F.S.;
 29 prohibiting interference with certain assemblies;
 30 providing a criminal penalty; providing construction;
 31 providing an effective date.

32

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

34

35 Section 1. Paragraph (a) of subsection (6) of section
 36 403.413, Florida Statutes, is amended to read:

37 403.413 Florida Litter Law.—

38 (6) PENALTIES; ENFORCEMENT.—

39 (a)1. Except as provided in subparagraph 2., any person
 40 who dumps litter in violation of subsection (4) in an amount not
 41 exceeding 15 pounds in weight or 27 cubic feet in volume and not
 42 for commercial purposes commits a noncriminal infraction,
 43 punishable by a civil penalty of \$150, from which \$50 shall be
 44 deposited into the Solid Waste Management Trust Fund to be used
 45 for the solid waste management grant program pursuant to s.
 46 403.7095.

47 2.a. If a person violates subparagraph 1. by intentionally
 48 dumping litter onto private property for the purpose of
 49 intimidating or threatening the owner, resident, or invitee of
 50 such property, the person commits a misdemeanor of the first

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51 degree, punishable as provided in s. 775.082 or s. 775.083.

52 b. If a person violates subparagraph 1. by intentionally
 53 dumping litter onto private property for the purpose of
 54 intimidating the owner, resident, or invitee of such property
 55 and such litter contains a credible threat, the person commits a
 56 felony of the third degree, punishable as provided in s.
 57 775.082, s. 775.083, or s. 775.084. For purposes of this
 58 subparagraph, the term "credible threat" has the same meaning as
 59 in s. 784.048(1).

60 c. If the penalty for a violation of this subparagraph is
 61 reclassified under s. 775.085, such a violation is considered a
 62 hate crime for purposes of the reporting requirements of s.
 63 877.19.

64
 65 In addition, the court may require a person who violates this
 66 subsection ~~the violator~~ to pick up litter or perform other labor
 67 commensurate with the offense committed.

68 Section 2. Section 784.0493, Florida Statutes, is created
 69 to read:

70 784.0493 Harassment or intimidation based on religious or
 71 ethnic heritage.-

72 (1) As used in this section, the terms "credible threat"
 73 and "harass" have the same meaning as in s. 784.048(1).

74 (2) A person may not willfully and maliciously harass or
 75 intimidate another person based on the person's wearing or

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76 displaying of any indicia relating to any religious or ethnic
 77 heritage.

78 (3) A person who violates subsection (2) commits a
 79 misdemeanor of the first degree, punishable as provided in s.
 80 775.082 or s. 775.083.

81 (4) A person who violates subsection (2), and in the
 82 course of committing the violation makes a credible threat to
 83 the person who is the subject of the harassment or intimidation,
 84 commits a felony of the third degree, punishable as provided in
 85 s. 775.082, s. 775.083, or s. 775.084.

86 (5) A violation of this section is considered a hate crime
 87 for purposes of the reporting requirements of s. 877.19.

88 Section 3. Subsections (6) through (10) of section 806.13,
 89 Florida Statutes, are renumbered as subsections (7) through
 90 (11), respectively, present subsection (9) of that section is
 91 amended, and a new subsection (6) is added to that section, to
 92 read:

93 806.13 Criminal mischief; penalties; penalty for minor.—

94 (6) A person may not knowingly and intentionally display
 95 or project, using any medium, an image onto a building,
 96 structure, or other property without the written consent of the
 97 owner of the building, structure, or property. For purposes of
 98 this subsection, the term "image" means a visual representation
 99 or likeness of a person or object, including text, graphics,
 100 logos, other artwork, or any combination thereof.

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101 (a) A person who violates this subsection commits a
 102 misdemeanor of the first degree, punishable as provided in s.
 103 775.082 or s. 775.083.

104 (b) A person who violates this subsection by displaying or
 105 projecting an image that contains a credible threat, as that
 106 term is defined in s. 784.048(1), commits a felony of the third
 107 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 108 775.084.

109 (c) If the penalty for a violation of this subsection is
 110 reclassified under s. 775.085, such a violation is considered a
 111 hate crime for purposes of the reporting requirements of s.
 112 877.19.

113 (10)~~(9)~~ A minor whose driver license or driving privilege
 114 is revoked, suspended, or withheld under subsection (9)~~(8)~~ may
 115 elect to reduce the period of revocation, suspension, or
 116 withholding by performing community service at the rate of 1 day
 117 for each hour of community service performed. In addition, if
 118 the court determines that due to a family hardship, the minor's
 119 driver license or driving privilege is necessary for employment
 120 or medical purposes of the minor or a member of the minor's
 121 family, the court shall order the minor to perform community
 122 service and reduce the period of revocation, suspension, or
 123 withholding at the rate of 1 day for each hour of community
 124 service performed. As used in this subsection, the term
 125 "community service" means cleaning graffiti from public

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126 | property.

127 | Section 4. Section 810.098, Florida Statutes, is created
128 | to read:

129 | 810.098 Trespass for the purpose of threatening or
130 | intimidating another person.-

131 | (1)(a) Whoever, without being authorized, licensed, or
132 | invited, willfully enters the campus of a state university or
133 | Florida College System institution for the purpose of
134 | threatening or intimidating another person, and is warned by the
135 | state university or Florida College System institution to depart
136 | and refuses to do so, commits a misdemeanor of the first degree,
137 | punishable as provided in s. 775.082 or s. 775.083.

138 | (b) If the penalty for a violation of this subsection is
139 | reclassified under s. 775.085, such a violation is considered a
140 | hate crime for purposes of the reporting requirements of s.
141 | 877.19.

142 | (2) As used in this section, the terms "Florida College
143 | System institution" and "state university" have the same meaning
144 | as in s. 1000.21(3) and (6), respectively.

145 | Section 5. Subsection (1) of section 871.01, Florida
146 | Statutes, is amended to read:

147 | 871.01 Disturbing schools and religious and other
148 | assemblies.-

149 | (1)(a) Whoever willfully and maliciously interrupts or
150 | disturbs any school or any assembly of people met for the

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151 | worship of God, any assembly of people met for the purpose of
152 | acknowledging the death of an individual, or for any other
153 | lawful purpose commits a misdemeanor of the first ~~second~~ degree,
154 | punishable as provided in s. 775.082 or s. 775.083.

155 | (b) If a person commits a violation of paragraph (a) and
156 | in doing so makes a credible threat, as that term is defined in
157 | s. 784.048(1), he or she commits a felony of the third degree,
158 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

159 | (c) If the penalty for a violation of this subsection is
160 | reclassified under s. 775.085, such a violation is considered a
161 | hate crime for purposes of the reporting requirements of s.
162 | 877.19.

163 | Section 6. This act shall take effect upon becoming a law.