

CHAPTER 2023-24

Committee Substitute for Committee Substitute for House Bill No. 269

An act relating to public nuisances; amending s. 403.413, F.S.; prohibiting a person from distributing onto private property any material for the purpose of intimidating or threatening the owner, resident, or invitee of such property; providing criminal penalties; prohibiting a person from distributing onto private property any material which contains a credible threat to the owner, resident, or invitee of such property; providing criminal penalties; providing a definition; creating s. 784.0493, F.S.; providing definitions; prohibiting a person from willfully and maliciously harassing, threatening, or intimidating another person based on the person's wearing or displaying of any indicia relating to any religious or ethnic heritage; providing criminal penalties; requiring that violations be reported as hate crimes; amending s. 806.13, F.S.; prohibiting the display or projection of images onto a building, structure, or property without permission; providing a definition; providing criminal penalties; providing construction; creating s. 810.098, F.S.; prohibiting a person who willfully enters the campus of a state university or Florida College System institution for the purpose of threatening or intimidating another person from remaining on such campus after being warned to depart; providing criminal penalties; providing construction; providing definitions; amending s. 871.01, F.S.; prohibiting interference with certain assemblies; providing a criminal penalty; providing construction; providing an effective date.

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

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

403.413 Florida Litter Law.—

(6) PENALTIES; ENFORCEMENT.—

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

2.a. If a person violates subparagraph 1. by intentionally dumping litter onto private property for the purpose of intimidating or threatening the owner, resident, or invitee of such property, the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

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

(2) A person may not willfully and maliciously harass or intimidate another person based on the person’s wearing or displaying of any indicia relating to any religious or ethnic heritage.

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

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

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

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

806.13 Criminal mischief; penalties; penalty for minor.—

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

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

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

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

~~(10)~~⁽⁹⁾ A minor whose driver license or driving privilege is revoked, suspended, or withheld under subsection ~~(9)~~⁽⁸⁾ may elect to reduce the period of revocation, suspension, or withholding by performing community service at the rate of 1 day for each hour of community service performed. In addition, if the court determines that due to a family hardship, the minor’s driver license or driving privilege is necessary for employment or medical purposes of the minor or a member of the minor’s family, the court shall order the minor to perform community service and reduce the period of revocation, suspension, or withholding at the rate of 1 day for each hour of community service performed. As used in this subsection, the term “community service” means cleaning graffiti from public property.

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

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

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

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

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

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

871.01 Disturbing schools and religious and other assemblies.—

(1)(a) Whoever willfully and maliciously interrupts or disturbs any school or any assembly of people met for the worship of God, any assembly

of people met for the purpose of acknowledging the death of an individual, or for any other lawful purpose commits a misdemeanor of the first second degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

Approved by the Governor May 1, 2023.

Filed in Office Secretary of State May 1, 2023.