

1 A bill to be entitled
2 An act relating to criminal justice; amending s.
3 166.241, F.S.; deleting provisions relating to
4 allowing specified elected officials to file an appeal
5 to the Administration Commission if the governing body
6 of a municipality makes a specified reduction to the
7 operating budget of the municipal law enforcement
8 agency; deleting petition contents requirements;
9 deleting a provision requiring the Executive Office of
10 the Governor to conduct a budget hearing considering
11 the matter and make findings and recommendations to
12 the Administration Commission; deleting a provision
13 requiring the commission to approve, amend, or modify
14 the municipality's budget; amending s. 768.28, F.S.;
15 deleting provisions providing that a municipality has
16 a duty to allow the municipal law enforcement agency
17 to respond to a riot or an unlawful assembly in a
18 specified manner based on specified circumstances;
19 deleting provisions providing that a municipality is
20 civilly liable for specified damages proximately
21 caused by the municipality's specified breach of such
22 duty; amending s. 784.011, F.S.; deleting a criminal
23 penalty for an assault committed in furtherance of a
24 riot or an aggravated riot; amending s. 784.021, F.S.;
25 deleting a provision increasing the offense severity

26 ranking of an aggravated assault for the purposes of
27 the Criminal Punishment Code if committed in
28 furtherance of a riot or an aggravated riot; amending
29 s. 784.03, F.S.; deleting a criminal penalty for a
30 battery committed in furtherance of a riot or an
31 aggravated riot; conforming a provision to changes
32 made by the act; amending s. 784.045, F.S.; deleting a
33 provision increasing the offense severity ranking of
34 an aggravated battery for the purposes of the Criminal
35 Punishment Code if committed in furtherance of a riot
36 or an aggravated riot; repealing s. 784.0495, F.S.,
37 relating to mob intimidation; amending s. 784.07,
38 F.S.; deleting a provision requiring a minimum term of
39 imprisonment for a person convicted of battery on a
40 law enforcement officer committed in furtherance of a
41 riot or an aggravated riot; deleting a provision
42 increasing the offense severity ranking of an assault
43 or battery against specified persons for the purposes
44 of the Criminal Punishment Code if committed in
45 furtherance of a riot or an aggravated riot; amending
46 s. 806.13, F.S.; deleting a criminal penalty
47 prohibiting the defacing, injuring, or damaging of a
48 memorial or historic property; deleting a provision
49 requiring a court to order restitution for such a
50 violation; repealing s. 806.135, F.S., relating to

51 destroying or demolishing a memorial or historic
52 property; amending s. 810.02, F.S.; deleting
53 provisions reclassifying specified burglary offenses
54 committed during a riot or an aggravated riot and
55 facilitated by conditions arising from the riot;
56 deleting the definition of the term "conditions
57 arising from the riot"; deleting a provision requiring
58 a person arrested for such a violation to be held in
59 custody until first appearance; amending s. 812.014,
60 F.S.; deleting provisions reclassifying specified
61 theft offenses committed during a riot or an
62 aggravated riot and facilitated by conditions arising
63 from the riot; deleting the definition of the term
64 "conditions arising from the riot"; deleting
65 provisions requiring a person arrested for such a
66 violation to be held in custody until first
67 appearance; repealing s. 836.115, F.S., relating to
68 cyberintimidation by publication; amending s. 870.01,
69 F.S.; revising provisions relating to affrays and
70 riots; deleting criminal penalties relating to
71 aggravated rioting; deleting a provision relating to
72 inciting a riot; deleting criminal penalties relating
73 to aggravated inciting a riot; deleting a provision
74 requiring certain persons arrested for specified
75 violations to be held in custody until first

76 appearance; amending s. 870.02, F.S.; deleting a
 77 provision requiring that persons arrested for unlawful
 78 assembly be held in custody until first appearance;
 79 reviving, reenacting, and amending s. 870.03, F.S.,
 80 relating to riots and routs; making a technical
 81 change; repealing s. 870.07, F.S., relating to an
 82 affirmative defense in a civil action and parties
 83 convicted of rioting; amending s. 872.02, F.S.;
 84 deleting a provision increasing the offense severity
 85 ranking of specified offenses involving graves and
 86 tombs for the purposes of the Criminal Punishment Code
 87 if committed in furtherance of a riot or an aggravated
 88 riot; amending s. 921.0022, F.S.; conforming
 89 provisions to changes made by the act; providing an
 90 effective date.

91
 92 Be It Enacted by the Legislature of the State of Florida:

93
 94 Section 1. Subsections (4), (5), and (8) of section
 95 166.241, Florida Statutes, are amended to read:

96 166.241 Fiscal years, budgets, ~~appeal of municipal law~~
 97 ~~enforcement agency budget~~, and budget amendments.—

98 ~~(4)(a) If the tentative budget of a municipality contains~~
 99 ~~a funding reduction to the operating budget of the municipal law~~
 100 ~~enforcement agency, the state attorney for the judicial circuit~~

101 ~~in which the municipality is located, or a member of the~~
102 ~~governing body who objects to the funding reduction, may file an~~
103 ~~appeal by petition to the Administration Commission within 30~~
104 ~~days after the day the tentative budget is posted to the~~
105 ~~official website of the municipality under subsection (3). The~~
106 ~~petition must set forth the tentative budget proposed by the~~
107 ~~municipality, in the form and manner prescribed by the Executive~~
108 ~~Office of the Governor and approved by the Administration~~
109 ~~Commission, the operating budget of the municipal law~~
110 ~~enforcement agency as approved by the municipality for the~~
111 ~~previous year, and state the reasons or grounds for the appeal.~~
112 ~~The petition shall be filed with the Executive Office of the~~
113 ~~Governor and a copy served upon the governing body of the~~
114 ~~municipality or to the clerk of the circuit court of the county~~
115 ~~in which the municipality is located.~~

116 ~~(b) The governing body of the municipality has 5 working~~
117 ~~days after service of a copy of the petition to file a reply~~
118 ~~with the Executive Office of the Governor and shall serve a copy~~
119 ~~of such reply to the petitioner.~~

120 ~~(5) Upon receipt of the petition, the Executive Office of~~
121 ~~the Governor shall provide for a budget hearing at which the~~
122 ~~matters presented in the petition and the reply shall be~~
123 ~~considered. A report of the findings and recommendations of the~~
124 ~~Executive Office of the Governor thereon shall be promptly~~
125 ~~submitted to the Administration Commission, which, within 30~~

126 | ~~days, shall approve the action of the governing body of the~~
 127 | ~~municipality or amend or modify the budget as to each separate~~
 128 | ~~item within the operating budget of the municipal law~~
 129 | ~~enforcement agency. The budget as approved, amended, or modified~~
 130 | ~~by the Administration Commission shall be final.~~

131 | (6)~~(8)~~ If the governing body of a municipality amends the
 132 | budget pursuant to paragraph (5) (c) ~~paragraph (7) (e)~~, the
 133 | adopted amendment must be posted on the official website of the
 134 | municipality within 5 days after adoption and must remain on the
 135 | website for at least 2 years. If the municipality does not
 136 | operate an official website, the municipality must, within a
 137 | reasonable period of time as established by the county or
 138 | counties in which the municipality is located, transmit the
 139 | adopted amendment to the manager or administrator of such county
 140 | or counties who shall post the adopted amendment on the county's
 141 | website.

142 | Section 2. Subsection (5) of section 768.28, Florida
 143 | Statutes, is amended to read:

144 | 768.28 Waiver of sovereign immunity in tort actions;
 145 | recovery limits; ~~civil liability for damages caused during a~~
 146 | ~~riot~~; limitation on attorney fees; statute of limitations;
 147 | exclusions; indemnification; risk management programs.—

148 | (5) (a) The state and its agencies and subdivisions shall
 149 | be liable for tort claims in the same manner and to the same
 150 | extent as a private individual under like circumstances, but

151 liability shall not include punitive damages or interest for the
152 period before judgment. Neither the state nor its agencies or
153 subdivisions shall be liable to pay a claim or a judgment by any
154 one person which exceeds the sum of \$200,000 or any claim or
155 judgment, or portions thereof, which, when totaled with all
156 other claims or judgments paid by the state or its agencies or
157 subdivisions arising out of the same incident or occurrence,
158 exceeds the sum of \$300,000. However, a judgment or judgments
159 may be claimed and rendered in excess of these amounts and may
160 be settled and paid pursuant to this act up to \$200,000 or
161 \$300,000, as the case may be; and that portion of the judgment
162 that exceeds these amounts may be reported to the Legislature,
163 but may be paid in part or in whole only by further act of the
164 Legislature. Notwithstanding the limited waiver of sovereign
165 immunity provided herein, the state or an agency or subdivision
166 thereof may agree, within the limits of insurance coverage
167 provided, to settle a claim made or a judgment rendered against
168 it without further action by the Legislature, but the state or
169 agency or subdivision thereof shall not be deemed to have waived
170 any defense of sovereign immunity or to have increased the
171 limits of its liability as a result of its obtaining insurance
172 coverage for tortious acts in excess of the \$200,000 or \$300,000
173 waiver provided above. The limitations of liability set forth in
174 this subsection shall apply to the state and its agencies and
175 subdivisions whether or not the state or its agencies or

176 subdivisions possessed sovereign immunity before July 1, 1974.

177 ~~(b) A municipality has a duty to allow the municipal law~~
178 ~~enforcement agency to respond appropriately to protect persons~~
179 ~~and property during a riot or an unlawful assembly based on the~~
180 ~~availability of adequate equipment to its municipal law~~
181 ~~enforcement officers and relevant state and federal laws. If the~~
182 ~~governing body of a municipality or a person authorized by the~~
183 ~~governing body of the municipality breaches that duty, the~~
184 ~~municipality is civilly liable for any damages, including~~
185 ~~damages arising from personal injury, wrongful death, or~~
186 ~~property damages proximately caused by the municipality's breach~~
187 ~~of duty. The sovereign immunity recovery limits in paragraph (a)~~
188 ~~do not apply to an action under this paragraph.~~

189 Section 3. Subsections (2) and (3) of section 784.011,
190 Florida Statutes, are amended to read:

191 784.011 Assault.—

192 ~~(2) Except as provided in subsection (3),~~ A person who
193 assaults another person commits a misdemeanor of the second
194 degree, punishable as provided in s. 775.082 or s. 775.083.

195 ~~(3) A person who assaults another person in furtherance of~~
196 ~~a riot or an aggravated riot prohibited under s. 870.01 commits~~
197 ~~a misdemeanor of the first degree, punishable as provided in s.~~
198 ~~775.082 or s. 775.083.~~

199 Section 4. Subsection (3) of section 784.021, Florida
200 Statutes, is amended to read:

201 784.021 Aggravated assault.—

202 ~~(3) For the purposes of sentencing under chapter 921, a~~
 203 ~~violation of this section committed by a person acting in~~
 204 ~~furtherance of a riot or an aggravated riot prohibited under s.~~
 205 ~~870.01 is ranked one level above the ranking under s. 921.0022~~
 206 ~~for the offense committed.~~

207 Section 5. Subsections (1) and (3) of section 784.03,
 208 Florida Statutes, are amended to read:

209 784.03 Battery; felony battery.—

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

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

213 2. Intentionally causes bodily harm to another person.

214 (b) Except as provided in subsection (2) ~~or subsection~~
 215 ~~(3)~~, a person who commits battery commits a misdemeanor of the
 216 first degree, punishable as provided in s. 775.082 or s.
 217 775.083.

218 ~~(3) A person who commits a battery in furtherance of a~~
 219 ~~riot or an aggravated riot prohibited under s. 870.01 commits a~~
 220 ~~felony of the third degree, punishable as provided in s.~~
 221 ~~775.082, s. 775.083, or 775.084.~~

222 Section 6. Subsection (3) of section 784.045, Florida
 223 Statutes, is amended to read:

224 784.045 Aggravated battery.—

225 ~~(3) For the purposes of sentencing under chapter 921, a~~

226 ~~violation of this section committed by a person acting in~~
227 ~~furtherance of a riot or an aggravated riot prohibited under s.~~
228 ~~870.01 is ranked one level above the ranking under s. 921.0022~~
229 ~~for the offense committed.~~

230 Section 7. Section 784.0495, Florida Statutes, is
231 repealed.

232 Section 8. Subsections (2) and (4) of section 784.07,
233 Florida Statutes, are amended to read:

234 784.07 Assault or battery of law enforcement officers,
235 firefighters, emergency medical care providers, public transit
236 employees or agents, or other specified officers;
237 reclassification of offenses; minimum sentences.—

238 (2) Whenever any person is charged with knowingly
239 committing an assault or battery upon a law enforcement officer,
240 a firefighter, an emergency medical care provider, a railroad
241 special officer, a traffic accident investigation officer as
242 described in s. 316.640, a nonsworn law enforcement agency
243 employee who is certified as an agency inspector, a blood
244 alcohol analyst, or a breath test operator while such employee
245 is in uniform and engaged in processing, testing, evaluating,
246 analyzing, or transporting a person who is detained or under
247 arrest for DUI, a law enforcement explorer, a traffic infraction
248 enforcement officer as described in s. 316.640, a parking
249 enforcement specialist as defined in s. 316.640, a person
250 licensed as a security officer as defined in s. 493.6101 and

251 wearing a uniform that bears at least one patch or emblem that
252 is visible at all times that clearly identifies the employing
253 agency and that clearly identifies the person as a licensed
254 security officer, or a security officer employed by the board of
255 trustees of a community college, while the officer, firefighter,
256 emergency medical care provider, railroad special officer,
257 traffic accident investigation officer, traffic infraction
258 enforcement officer, inspector, analyst, operator, law
259 enforcement explorer, parking enforcement specialist, public
260 transit employee or agent, or security officer is engaged in the
261 lawful performance of his or her duties, the offense for which
262 the person is charged shall be reclassified as follows:

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

265 (b) In the case of battery, from a misdemeanor of the
266 first degree to a felony of the third degree. ~~Notwithstanding~~
267 ~~any other provision of law, a person convicted of battery upon a~~
268 ~~law enforcement officer committed in furtherance of a riot or an~~
269 ~~aggravated riot prohibited under s. 870.01 shall be sentenced to~~
270 ~~a minimum term of imprisonment of 6 months.~~

271 (c) In the case of aggravated assault, from a felony of
272 the third degree to a felony of the second degree.
273 Notwithstanding any other provision of law, any person convicted
274 of aggravated assault upon a law enforcement officer shall be
275 sentenced to a minimum term of imprisonment of 3 years.

276 (d) In the case of aggravated battery, from a felony of
 277 the second degree to a felony of the first degree.
 278 Notwithstanding any other provision of law, any person convicted
 279 of aggravated battery of a law enforcement officer shall be
 280 sentenced to a minimum term of imprisonment of 5 years.

281 ~~(4) For purposes of sentencing under chapter 921, a felony~~
 282 ~~violation of this section committed by a person acting in~~
 283 ~~furtherance of a riot or an aggravated riot prohibited under s.~~
 284 ~~870.01 is ranked one level above the ranking under s. 921.0022~~
 285 ~~for the offense committed.~~

286 Section 9. Subsections (3) and (9) of section 806.13,
 287 Florida Statutes, are amended to read:

288 806.13 Criminal mischief; penalties; penalty for minor.-

289 ~~(3) Any person who, without the consent of the owner~~
 290 ~~thereof, willfully and maliciously defaces, injures, or~~
 291 ~~otherwise damages by any means a memorial or historic property,~~
 292 ~~as defined in s. 806.135(1), and the value of the damage to the~~
 293 ~~memorial or historic property is greater than \$200, commits a~~
 294 ~~felony of the third degree, punishable as provided in s.~~
 295 ~~775.082, s. 775.083, or s. 775.084. A court shall order any~~
 296 ~~person convicted of violating this subsection to pay~~
 297 ~~restitution, which shall include the full cost of repair or~~
 298 ~~replacement of such memorial or historic property.~~

299 (8)~~(9)~~ A minor whose driver license or driving privilege
 300 is revoked, suspended, or withheld under subsection (7) ~~(8)~~ may

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301 elect to reduce the period of revocation, suspension, or
302 withholding by performing community service at the rate of 1 day
303 for each hour of community service performed. In addition, if
304 the court determines that due to a family hardship, the minor's
305 driver license or driving privilege is necessary for employment
306 or medical purposes of the minor or a member of the minor's
307 family, the court shall order the minor to perform community
308 service and reduce the period of revocation, suspension, or
309 withholding at the rate of 1 day for each hour of community
310 service performed. As used in this subsection, the term
311 "community service" means cleaning graffiti from public
312 property.

313 Section 10. Section 806.135, Florida Statutes, is
314 repealed.

315 Section 11. Subsections (3) and (4) of section 810.02,
316 Florida Statutes, are amended to read:

317 810.02 Burglary.—

318 (3) Burglary is a felony of the second degree, punishable
319 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
320 course of committing the offense, the offender does not make an
321 assault or battery and is not and does not become armed with a
322 dangerous weapon or explosive, and the offender enters or
323 remains in a:

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

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

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

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

332 (e) Authorized emergency vehicle, as defined in s.
 333 316.003; or

334 (f) Structure or conveyance when the offense intended to
 335 be committed therein is theft of a controlled substance as
 336 defined in s. 893.02. Notwithstanding any other law, separate
 337 judgments and sentences for burglary with the intent to commit
 338 theft of a controlled substance under this paragraph and for any
 339 applicable possession of controlled substance offense under s.
 340 893.13 or trafficking in controlled substance offense under s.
 341 893.135 may be imposed when all such offenses involve the same
 342 amount or amounts of a controlled substance.

343
 344 However, if the burglary is committed ~~during a riot or an~~
 345 ~~aggravated riot prohibited under s. 870.01 and the perpetration~~
 346 ~~of the burglary is facilitated by conditions arising from the~~
 347 ~~riot; or~~ within a county that is subject to a state of emergency
 348 declared by the Governor under chapter 252 after the declaration
 349 of emergency is made and the perpetration of the burglary is
 350 facilitated by conditions arising from the emergency, the

351 burglary is a felony of the first degree, punishable as provided
352 in s. 775.082, s. 775.083, or s. 775.084. As used in this
353 subsection, the term ~~"conditions arising from the riot"~~ means
354 ~~civil unrest, power outages, curfews, or a reduction in the~~
355 ~~presence of or response time for first responders or homeland~~
356 ~~security personnel and the term~~ "conditions arising from the
357 emergency" means civil unrest, power outages, curfews, voluntary
358 or mandatory evacuations, or a reduction in the presence of or
359 response time for first responders or homeland security
360 personnel. A person arrested for committing a burglary ~~during a~~
361 ~~riot or an aggravated riot or~~ within a county that is subject to
362 such a state of emergency may not be released until the person
363 appears before a committing magistrate at a first appearance
364 hearing. For purposes of sentencing under chapter 921, a felony
365 offense that is reclassified under this subsection is ranked one
366 level above the ranking under s. 921.0022 or s. 921.0023 of the
367 offense committed.

368 (4) Burglary is a felony of the third degree, punishable
369 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
370 course of committing the offense, the offender does not make an
371 assault or battery and is not and does not become armed with a
372 dangerous weapon or explosive, and the offender enters or
373 remains in a:

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

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

378
379 However, if the burglary is committed ~~during a riot or an~~
380 ~~aggravated riot prohibited under s. 870.01 and the perpetration~~
381 ~~of the burglary is facilitated by conditions arising from the~~
382 ~~riot; or~~ within a county that is subject to a state of emergency
383 declared by the Governor under chapter 252 after the declaration
384 of emergency is made and the perpetration of the burglary is
385 facilitated by conditions arising from the emergency, the
386 burglary is a felony of the second degree, punishable as
387 provided in s. 775.082, s. 775.083, or s. 775.084. As used in
388 this subsection, the term ~~terms~~ "~~conditions arising from the~~
389 ~~riot~~" and "conditions arising from the emergency" has ~~have~~ the
390 same meaning ~~meanings~~ as provided in subsection (3). A person
391 arrested for committing a burglary ~~during a riot or an~~
392 ~~aggravated riot or~~ within a county that is subject to such a
393 state of emergency may not be released until the person appears
394 before a committing magistrate at a first appearance hearing.
395 For purposes of sentencing under chapter 921, a felony offense
396 that is reclassified under this subsection is ranked one level
397 above the ranking under s. 921.0022 or s. 921.0023 of the
398 offense committed.

399 Section 12. Paragraphs (b) and (c) of subsection (2) of
400 section 812.014, Florida Statutes, are amended to read:

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401 812.014 Theft.—
 402 (2)
 403 (b)1. If the property stolen is valued at \$20,000 or more,
 404 but less than \$100,000;
 405 2. The property stolen is cargo valued at less than
 406 \$50,000 that has entered the stream of interstate or intrastate
 407 commerce from the shipper's loading platform to the consignee's
 408 receiving dock;
 409 3. The property stolen is emergency medical equipment,
 410 valued at \$300 or more, that is taken from a facility licensed
 411 under chapter 395 or from an aircraft or vehicle permitted under
 412 chapter 401; or
 413 4. The property stolen is law enforcement equipment,
 414 valued at \$300 or more, that is taken from an authorized
 415 emergency vehicle, as defined in s. 316.003,
 416
 417 the offender commits grand theft in the second degree,
 418 punishable as a felony of the second degree, as provided in s.
 419 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
 420 means mechanical or electronic apparatus used to provide
 421 emergency services and care as defined in s. 395.002(9) or to
 422 treat medical emergencies. Law enforcement equipment means any
 423 property, device, or apparatus used by any law enforcement
 424 officer as defined in s. 943.10 in the officer's official
 425 business. However, if the property is stolen ~~during a riot or an~~

426 ~~aggravated riot prohibited under s. 870.01 and the perpetration~~
427 ~~of the theft is facilitated by conditions arising from the riot;~~
428 ~~or~~ within a county that is subject to a state of emergency
429 declared by the Governor under chapter 252, the theft is
430 committed after the declaration of emergency is made, and the
431 perpetration of the theft is facilitated by conditions arising
432 from the emergency, the theft is a felony of the first degree,
433 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
434 As used in this paragraph, the term ~~"conditions arising from the~~
435 ~~riot"~~ means ~~civil unrest, power outages, curfews, or a reduction~~
436 ~~in the presence of or response time for first responders or~~
437 ~~homeland security personnel and the term "conditions arising~~
438 ~~from the emergency" means civil unrest, power outages, curfews,~~
439 ~~voluntary or mandatory evacuations, or a reduction in the~~
440 ~~presence of or response time for first responders or homeland~~
441 ~~security personnel. A person arrested for committing a theft~~
442 ~~during a riot or an aggravated riot or within a county that is~~
443 ~~subject to a state of emergency may not be released until the~~
444 ~~person appears before a committing magistrate at a first~~
445 ~~appearance hearing.~~ For purposes of sentencing under chapter
446 921, a felony offense that is reclassified under this paragraph
447 is ranked one level above the ranking under s. 921.0022 or s.
448 921.0023 of the offense committed.

449 (c) It is grand theft of the third degree and a felony of
450 the third degree, punishable as provided in s. 775.082, s.

451 775.083, or s. 775.084, if the property stolen is:

452 1. Valued at \$750 or more, but less than \$5,000.

453 2. Valued at \$5,000 or more, but less than \$10,000.

454 3. Valued at \$10,000 or more, but less than \$20,000.

455 4. A will, codicil, or other testamentary instrument.

456 5. A firearm.

457 6. A motor vehicle, except as provided in paragraph (a).

458 7. Any commercially farmed animal, including any animal of

459 the equine, avian, bovine, or swine class or other grazing

460 animal; a bee colony of a registered beekeeper; and aquaculture

461 species raised at a certified aquaculture facility. If the

462 property stolen is a commercially farmed animal, including an

463 animal of the equine, avian, bovine, or swine class or other

464 grazing animal; a bee colony of a registered beekeeper; or an

465 aquaculture species raised at a certified aquaculture facility,

466 a \$10,000 fine shall be imposed.

467 8. Any fire extinguisher that, at the time of the taking,

468 was installed in any building for the purpose of fire prevention

469 and control. This subparagraph does not apply to a fire

470 extinguisher taken from the inventory at a point-of-sale

471 business.

472 9. Any amount of citrus fruit consisting of 2,000 or more

473 individual pieces of fruit.

474 10. Taken from a designated construction site identified

475 by the posting of a sign as provided for in s. 810.09(2)(d).

- 476 11. Any stop sign.
 477 12. Anhydrous ammonia.
 478 13. Any amount of a controlled substance as defined in s.
 479 893.02. Notwithstanding any other law, separate judgments and
 480 sentences for theft of a controlled substance under this
 481 subparagraph and for any applicable possession of controlled
 482 substance offense under s. 893.13 or trafficking in controlled
 483 substance offense under s. 893.135 may be imposed when all such
 484 offenses involve the same amount or amounts of a controlled
 485 substance.

486
 487 However, if the property is stolen ~~during a riot or an~~
 488 ~~aggravated riot prohibited under s. 870.01 and the perpetration~~
 489 ~~of the theft is facilitated by conditions arising from the riot;~~
 490 ~~or~~ within a county that is subject to a state of emergency
 491 declared by the Governor under chapter 252, the property is
 492 stolen after the declaration of emergency is made, and the
 493 perpetration of the theft is facilitated by conditions arising
 494 from the emergency, the offender commits a felony of the second
 495 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 496 775.084, if the property is valued at \$5,000 or more, but less
 497 than \$10,000, as provided under subparagraph 2., or if the
 498 property is valued at \$10,000 or more, but less than \$20,000, as
 499 provided under subparagraph 3. As used in this paragraph, the
 500 term ~~terms "conditions arising from a riot" and "conditions~~

501 arising from the emergency" has ~~have~~ the same meaning ~~meanings~~
 502 as provided in paragraph (b). ~~A person arrested for committing a~~
 503 ~~theft during a riot or an aggravated riot or within a county~~
 504 ~~that is subject to a state of emergency may not be released~~
 505 ~~until the person appears before a committing magistrate at a~~
 506 ~~first appearance hearing.~~ For purposes of sentencing under
 507 chapter 921, a felony offense that is reclassified under this
 508 paragraph is ranked one level above the ranking under s.
 509 921.0022 or s. 921.0023 of the offense committed.

510 Section 13. Section 836.115, Florida Statutes, is
 511 repealed.

512 Section 14. Section 870.01, Florida Statutes, is amended
 513 to read:

514 870.01 Affrays and riots.—

515 (1) ~~A person commits an affray if he or she engages, by~~
 516 ~~mutual consent, in fighting with another person in a public~~
 517 ~~place to the terror of the people.~~ A person who commits an
 518 affray commits a misdemeanor of the first degree, punishable as
 519 provided in s. 775.082 or s. 775.083.

520 (2) ~~A person commits a riot if he or she willfully~~
 521 ~~participates in a violent public disturbance involving an~~
 522 ~~assembly of three or more persons, acting with a common intent~~
 523 ~~to assist each other in violent and disorderly conduct,~~
 524 ~~resulting in:~~

525 ~~(a) Injury to another person;~~

526 ~~(b) Damage to property; or~~
 527 ~~(c) Imminent danger of injury to another person or damage~~
 528 ~~to property.~~

529
 530 ~~A person who commits a riot commits a felony of the third~~
 531 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
 532 ~~775.084.~~

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

535 ~~(a) Participates with 25 or more other persons;~~

536 ~~(b) Causes great bodily harm to a person not participating~~
 537 ~~in the riot;~~

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

539 ~~(d) Displays, uses, threatens to use, or attempts to use a~~
 540 ~~deadly weapon; or~~

541 ~~(e) By force, or threat of force, endangers the safe~~
 542 ~~movement of a vehicle traveling on a public street, highway, or~~
 543 ~~road.~~

544
 545 ~~A person who commits aggravated rioting commits a felony of the~~
 546 ~~second degree, punishable as provided in s. 775.082, s. 775.083,~~
 547 ~~or s. 775.084.~~

548 ~~(4) A person commits inciting a riot if he or she~~
 549 ~~willfully incites another person to participate in a riot,~~
 550 ~~resulting in a riot or imminent danger of a riot. A person who~~

551 commits inciting a riot commits a felony of the third degree,
 552 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

553 ~~(5) A person commits aggravated inciting a riot if he or~~
 554 ~~she:~~

555 ~~(a) Incites a riot resulting in great bodily harm to~~
 556 ~~another person not participating in the riot;~~

557 ~~(b) Incites a riot resulting in property damage in excess~~
 558 ~~of \$5,000; or~~

559 ~~(c) Supplies a deadly weapon to another person or teaches~~
 560 ~~another person to prepare a deadly weapon with intent that the~~
 561 ~~deadly weapon be used in a riot for an unlawful purpose.~~

562
 563 ~~A person who commits aggravated inciting a riot commits a felony~~
 564 ~~of the second degree, punishable as provided in s. 775.082, s.~~
 565 ~~775.083, or s. 775.084.~~

566 ~~(6) Except for a violation of subsection (1), a person~~
 567 ~~arrested for a violation of this section shall be held in~~
 568 ~~eustody until brought before the court for admittance to bail in~~
 569 ~~accordance with chapter 903.~~

570 (4)~~(7)~~ This section does not prohibit constitutionally
 571 protected activity such as a peaceful protest.

572 Section 15. Section 870.02, Florida Statutes, is amended
 573 to read:

574 870.02 Unlawful assemblies.—

575 ~~(1)~~ If three or more persons meet together to commit a

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576 breach of the peace, or to do any other unlawful act, each of
577 them commits a misdemeanor of the second degree, punishable as
578 provided in s. 775.082 or s. 775.083.

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

582 Section 16. Notwithstanding the April 19, 2021, repeal of
583 section 870.03, Florida Statutes, that section is revived,
584 reenacted, and amended to read:

585 870.03 Riots and routs.—If any persons unlawfully
586 assembled demolish, pull down or destroy, or begin to demolish,
587 pull down or destroy, any dwelling house or other building, or
588 any ship or vessel, each such person commits ~~of them shall be~~
589 ~~guilty of~~ a felony of the third degree, punishable as provided
590 in s. 775.082, s. 775.083, or s. 775.084.

591 Section 17. Section 870.07, Florida Statutes, is repealed.

592 Section 18. Subsections (3) and (7) of section 872.02,
593 Florida Statutes, are amended to read:

594 872.02 Injuring or removing tomb or monument; disturbing
595 contents of grave or tomb; penalties.—

596 ~~(3) For purposes of sentencing under chapter 921, a~~
597 ~~violation of this section committed by a person in furtherance~~
598 ~~of a riot or an aggravated riot prohibited under s. 870.01 is~~
599 ~~ranked one level above the ranking under s. 921.0022 or s.~~
600 ~~921.0023 for the offense committed.~~

601 (6)~~(7)~~ If a legally authorized person refuses to sign a
 602 written authorization, as provided in paragraph (5) (a) ~~(6) (a)~~,
 603 or if a legally authorized person objects, as provided in
 604 paragraph (5) (b) ~~(6) (b)~~, a public hearing shall be held before
 605 the county commission of the county where the cemetery is
 606 located, or the city council, if the cemetery is located in a
 607 municipality, and the county commission or the city council
 608 shall have the authority to grant a request for relocation of
 609 the contents of such graves or tombs.

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

612 921.0022 Criminal Punishment Code; offense severity
 613 ranking chart.—

614 (3) OFFENSE SEVERITY RANKING CHART

615 (b) LEVEL 2

616

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	3rd	Possession of more than 11

618

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619	(1) (e) 4.		marine turtle eggs in violation of the Marine Turtle Protection Act.
620	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.
621	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
622	590.28 (1)	3rd	Intentional burning of lands.
623	784.03 (3)	3rd	Battery during a riot or an aggravated riot.
	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict

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624			injury or death.
	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
625			
	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
626			
	806.13(3)	3rd	Criminal mischief; damage of \$200 or more to a memorial or historic property.
627			
	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
628			
	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.

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629	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.
630	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.
631	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
632	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
633	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

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634	817.52(3)	3rd	Failure to redeliver hired vehicle.
635	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
636	817.60(5)	3rd	Dealing in credit cards of another.
637	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
638	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
639	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
640	831.01	3rd	Forgery.
641			

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642	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
643	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
644	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
645	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
646	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
647	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
648	843.08	3rd	False personation.

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649	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs other than cannabis.
650	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
651	(c) LEVEL 3		
652			
653	Florida Statute	Felony Degree	Description
654	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
655	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.

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656

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

657

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

658

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

659

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

660

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

661

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

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662	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
663	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
664	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
665	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be 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.
666			

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667	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.
668	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
669	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
670	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
	440.1051 (3)	3rd	False report of workers' compensation fraud or

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671			retaliation for making such a report.
671	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
672	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
673	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
674	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
675	697.08	3rd	Equity skimming.
676	790.15 (3)	3rd	Person directs another to discharge firearm from a

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677			vehicle.
677	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
678	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
679	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
680	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
681	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

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682	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
683	812.081 (2)	3rd	Theft of a trade secret.
684	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
685	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
686	817.233	3rd	Burning to defraud insurer.
687	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
688			

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689	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
690	817.236	3rd	Filing a false motor vehicle insurance application.
691	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
692	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
693	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a

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			counterfeit payment instrument with intent to defraud.
694	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
695	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
696	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
697	860.15 (3)	3rd	Overcharging for repairs and parts.
698	870.01 (2) <u>or (3)</u>	3rd	Riot; <u>inciting a riot.</u>
699	870.01 (4)	3rd	Inciting a riot.
700	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other

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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).

701

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.

702

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.

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703	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
704	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
705	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
706	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
707	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
708			

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709	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
710	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.
711	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.
	893.13(8)(a)3.	3rd	Knowingly write a prescription for a

712	893.13(8)(a)4.	3rd	controlled substance for a fictitious person.
713	918.13(1)(a)	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
714	944.47 (1)(a)1. & 2.	3rd	Alter, destroy, or conceal investigation evidence.
715	944.47(1)(c)	2nd	Introduce contraband to correctional facility.
716	985.721	3rd	Possess contraband while upon the grounds of a correctional institution.
			Escapes from a juvenile facility (secure detention or residential commitment

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facility).

717

718

(d) LEVEL 4

719

Florida

Felony

Statute

Degree

Description

720

316.1935(3)(a)

2nd

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

721

499.0051(1)

3rd

Failure to maintain or deliver transaction history, transaction information, or transaction statements.

722

499.0051(5)

2nd

Knowing sale or delivery, or possession with intent to sell, contraband

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723			prescription drugs.
	517.07(1)	3rd	Failure to register securities.
724			
	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
725			
	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
726			
	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
727			
	784.075	3rd	Battery on detention or commitment facility staff.
728			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
729			

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730	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
731	784.081 (3)	3rd	Battery on specified official or employee.
732	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
733	784.083 (3)	3rd	Battery on code inspector.
734	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
735	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending

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736			custody proceedings.
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
737			
	787.07	3rd	Human smuggling.
738			
	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
739			
	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
740			
	790.115 (2) (c)	3rd	Possessing firearm on school property.
741			
	800.04 (7) (c)	3rd	Lewd or lascivious

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742			exhibition; offender less than 18 years.
743	806.135	2nd	Destroying or demolishing a memorial or historic property.
744	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
745	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
746	810.06	3rd	Burglary; possession of tools.
747	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd

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			degree \$10,000 or more but less than \$20,000.
748	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
749	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
750	817.505 (4) (a)	3rd	Patient brokering.
751	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
752	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
753	817.625 (2) (a)	3rd	Fraudulent use of scanning device,

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754	817.625 (2) (c)	3rd	skimming device, or reencoder. Possess, sell, or deliver skimming device.
755	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
756	837.02 (1)	3rd	Perjury in official proceedings.
757	837.021 (1)	3rd	Make contradictory statements in official proceedings.
758	838.022	3rd	Official misconduct.
759	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.

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760	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
761	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
762	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
763	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
764	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
765	870.01(3)	2nd	Aggravated rioting.

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766	870.01(5)	2nd	Aggravated inciting a riot.
767	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
768	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
769	914.14(2)	3rd	Witnesses accepting bribes.
770	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
771	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
772	916.1085	3rd	Introduction of specified

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773	(2) (c) 1.		contraband into certain DCF facilities.
774	918.12	3rd	Tampering with jurors.
775	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
776	944.47(1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
777	951.22(1) (h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.
778	Section 20. This act shall take effect upon becoming a		
779	law.		