

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**LEGACY ENTERTAINMENT
& ARTS FOUNDATION, INC d/b/a
LAWYERS MATTER TASK FORCE;
and FICTITIOUS PLAINTIFF 1;**

Plaintiffs,

V.

Case No.: _____

**RONALD DION DESANTIS, in his official
capacity as Governor of the State of Florida;
ASHLEY BROOKE MOODY, in her official
Capacity as Attorney General of the State of
Florida; and JOHN WILLIAM MINA, in his
official capacity as Sheriff of Orange County,
Florida;**

**INJUNCTIVE RELIEF AND
JURY TRIAL DEMANDED**

Defendants.

COMPLAINT

Legacy Entertainment & Arts Foundation, Inc., d/b/a Lawyers Matter Task Force, and Fictitious Plaintiff 1, by and through their undersigned counsel, and for their Complaint against Defendants, Governor Ronald Dion DeSantis, Attorney General Ashley Brooke Moody, and Orange County Sheriff, John William Mina, state and allege as follows:

INTRODUCTION

1. This is an as-applied and facial constitutional challenge under 42 U.S.C. § 1983, to Florida CS/House Bill 1, to be codified in Florida Statutes [__] (Combating Public Disorder Act) (hereinafter the “Anti-Riot Bill” or the “Bill”), and such Florida laws

it amends¹ (collectively the “Denounced Laws”). Under the pretext of preventing “riots,” the Denounced Laws seek to arrest the peaceful expression of free speech protected by the United States Constitution by: (1) equating peaceful organizing and the support of protest by “acting in furtherance of a riot”, “inciting a riot,” or “acting with a common intent”; (2) exposing peaceful demonstrators and social justice advocacy organizations to civil and/or criminal liability for the “conditions arising from a riot” caused by conduct that unrelated persons who engage in, regardless of the protestors’ or organizations’ intent, the likelihood that their speech will result in violence or forceful action, or the imminence of such an action; (3) failing to adequately describe what conduct or speech will subject an individual or an organization to liability for “inciting a riot”; (4) effectively discouraging any support of peaceful protest “with two or more persons acting with a common intent”; (5) intimidating protestors or organizations from participating in protests by “increasing the offense severity ranking” and “requiring persons arrested for such violation be held in custody until first appearance” for crimes committed in “furtherance of a riot,” all in violation of the First, Eighth, and Fourteenth Amendments. A true and exact copy of the Bill is attached hereto as **Exhibit A** and incorporated herein by reference.

2. The right of individuals to express themselves on important public issues – including police reform, as seen in the aftermath of the murder of George Floyd in 2020 –

¹ See Florida Statutes §§ 166.241, 316.2045, 768.28, 748.011, 784.021, 784.03, 784.045, 784.07, 806.13, 810.02, 812.014, 870.01, 870.02, 921.0022.

is a form of expression that “has always rested on the highest rung of First Amendment values.” Carey v. Brown, 447 U.S. 455, 467 (1980). The First Amendment exists to “protect the free discussion of governmental affairs,” Mills v. State of Alabama, 348 U.S. 214, 218 (1966), and enable “uninhibited, robust, and wideopen” debate on public issues, Watts v. United States, 394 U.S. 705, 708 (1969). This “is more than self-expression; it is the essence of self-government.” Garrison v. Louisiana, 379 U.S. 64, 74-75 (1964). And “[e]ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.” N.A.A.C.P v. State of Alabama ex rel. Patterson, 357 U.S. 449, 460 (1958).

3. Plaintiffs plan to exercise their First Amendment rights of free speech and association to protest both public and private points of view, and will encourage others to participate in such forms of peaceful self-expression.

4. The Anti-Riot Bill was passed in response to protests against the murders of minorities by the hands of police officers – including the murders of George Floyd, Breonna Taylor, and Elijah McClain.

5. These statutes are unconstitutional on their face and as-applied to Plaintiffs’ planned speech and expressive conduct because: (1) they target protected speech under the First Amendment; (2) they are written with the intent of defining any such protest as a “riot” or participation in such protest as “inciting a riot”; and (3) they retaliate against those subjected to these laws with excessive bail, fines, or cruel and unusual punishment as a means of hindering the speech of dissenting opinions

PARTIES

6. Plaintiff, Lawyers Matter Task Force, is an extension of the Legacy Entertainment & Arts Foundation, Inc. 501(c)3, located in St. Petersburg, Florida (“Lawyers Matter”). Lawyers Matter was founded as a nonprofit advocacy organization to combat racial injustice and assist families who have lost loved ones to police brutality.

7. Fictitious Plaintiff 1 is a resident and citizen of Orlando, Florida and a member of a protected class under 42 U.S.C. § 1981, et seq.

8. Defendant Ronald Dion DeSantis the Governor of the State of Florida (“Gov. DeSantis” or “DeSantis”). He is responsible under Florida law for ensuring “the laws be faithfully executed” and has the “authority to protect life, liberty, and property.” Florida Statutes §§ 14.01, et. seq. Defendant DeSantis is sued for his official capacity as the Governor of the State of Florida.

9. Defendant Ashley Brooke Moody is the Attorney General of the State of Florida (“A.G. Moody” or “Moody”). She is the State’s chief law enforcement officer and representative of the State in “all suits or prosecutions, civil or criminal or in equity,” brought or opposed by the State. Florida Statutes §§ 16.01, et. seq. Defendant Moody is sued for her official capacity as the Attorney General of the State of Florida.

10. Defendant John William Mina is the Sheriff of Orange County, Florida (“Sheriff Mina” or “Mina”). He is the chief law enforcement officer in Orange County, Florida and is responsible for keeping the peace and order. Defendant Mina is sued for his official capacity and the Sheriff of Orange County, Florida.

JURISDICTION AND VENUE

11. This Court has original jurisdiction over the subject matter of Plaintiffs’ causes of action, pursuant to 28 U.S.C. §1331, because they arise under the First, Eighth and Fourteenth Amendments of the United States Constitution. U.S.C.S. Const. Amend. 1, VIII, and XIV.

12. The events giving rise to the claims alleged in the Complaint arose in Orange County, Florida which is within the confines of the Orlando Division of the Middle District of Florida. 28 U.S.C. §89(b). Venue in this Court is therefore proper pursuant to 28 U.S.C. §1441(a).

13. All conditions precedent to the bringing of this action by Plaintiffs, if any, have occurred, or their performance has been waived by Defendants.

14. Plaintiffs have employed their undersigned attorneys and has agreed to pay them a reasonable fee for their services herein.

STATEMENT OF FACTS

I. THE “ANTI-RIOT” BILL

15. The Anti-Riot Bill passed the Florida Legislature on April 15, 2021. The Bill was signed by Gov. DeSantis on April 19, 2021 and took effect immediately.

16. The Anti-Riot Bill provides, in relevant part:

i. “A person may not wilfully obstruct the free, convenient, and normal use of a public street, highway, or road by:

1. Impeding, hinder, stifling, retarding, or restraining traffic or passage thereon;

2. Standing on or remaining in the street, highway, or road;
or

3. Endangering the safe movement of vehicles or pedestrians traveling thereon.”

ii. “A person who assaults another person in furtherance of a riot or aggravated riot prohibited under s. 870.01 commits a misdemeanor of the first degree.

* * *

“A person who commits an aggravated assault commits a felony of the third degree.”

“For the purposes of sentencing...a violation of this section committed by a person acting in furtherance of a riot or an aggravated riot...is ranked one level above the ranking...for the offense committed.”

iii. “A person who commits a battery in furtherance of a riot or aggravated riot...commits a felony of the third degree.”

iv. “For the purposes of sentencing...a violation of this section committed by a person acting in furtherance of a riot or an aggravated riot...is ranked one level above the ranking...for the offense committed.”

v. “It is unlawful for a person, assembled with two or more other persons and acting with a common intent, to use force or threaten to use imminent force, to compel or induce, or attempt to compel or induce, another person to do or refrain from doing any act or to assume, abandon, or maintain a particular viewpoint against his or her will.”

“A person who violates [this section] commits a misdemeanor of the first degree.”

“A person arrested for a violation of this section shall be held in custody until brought before the court for admittance to bail.”

vi. “Notwithstanding any other provision of the law, a person convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot...shall be sentenced to a minimum term of imprisonment of 6 months.”

“For the purposes of sentencing...a felony violation of this section committed by a person acting in furtherance of a riot or an aggravated riot...is ranked one level above the ranking...for the offense committed.”

“Any person who, without the consent of the owner thereof, willfully and maliciously defaces, injures, or otherwise damages by any means a memorial or historic property...and the value of the damage to the memorial or historic property is greater than \$200, commits a felony of the third degree. A court shall order any person convicted of violating this subsection to pay restitution, which shall include the full cost of repair or replacement of such memorial or historic property.”

- vii. “It is unlawful for any person to willfully and maliciously destroy or demolish any memorial or property, or willfully and maliciously pull down a memorial or historic property, unless authorized by the owner of the memorial or historic property. A person who violates this section commits a felony of the second degree.”

“A court shall order any person convicted of violating this section to pay restitution, which shall include the full cost of repair or replacement of such memorial or historic property.”

viii. “[I]f the burglary is committed during a riot or an aggravated riot...and the perpetration of the burglary is facilitated by conditions arising from the riot...the burglary is a felony of the second degree.”

“[I]f the property is stolen during a riot or an aggravated riot...and the perpetration of the theft is facilitated by conditions arising from the riot...the theft is a felony of the first degree...A person arrested for committing a theft during a riot or an aggravated riot...may not be released until the person appears before a committing magistrate at a first appearance hearing.”

ix. “(1) In a civil action for damages for a personal injury, wrongful death, or property damage, it is an affirmative defense that such action arose from an injury or damage sustained by a participant acting in furtherance of a riot. The affirmative defenses...shall be established by evidence that the participant has been convicted of a riot or an aggravated riot; (2) In a civil action...the court must, on a motion by the defendant, stay the action during the pendency of a criminal action that forms the basis for the defense.”

“A violation of this section, if committed by a person in furtherance of a riot or an aggravated riot...is ranked one level above...for the offense committed.”

17. Under the Bill, “[a] person commits a riot if he or she willfully participates in a violent public disturbance involving an assembly of three or more persons, acting with a common intent to assist each other in violent and disorderly conduct, resulting in: (a) Injury to another person; (b) Damage to property; or (c) Imminent danger of injury to another person or damage to property. A person who commits a riot commits a felony of the third degree.”

18. The Bill also provides that, “[a] person commits aggravated rioting if, in the course of committing a riot, he or she: (a) Participates with 25 or more other persons; (b) Causes great bodily harm to a person not participating in the riot; (c) Causes property damage in excess of \$5,000; (d) Displays, uses, threatens to use, or attempts to use a deadly weapon; or (e) By force, or threat of force, endangers the safe movement of a vehicle traveling on a public street, highway, or road. “

“A person who commits aggravating rioting commits a felony of the second degree.”

19. “A person who commits inciting a riot if he or she willfully incites another person to participate in a riot, resulting in a riot or imminent danger or a riot. A person who commits inciting a riot commits a felony of the third degree.”

20. “A person commits aggravated inciting of a riot if he or she: (a) Incites a riot resulting in great bodily harm to another person not participating in the riot; (b) incites

a riot resulting in property damage in the excess of \$5,000, or; (c) supplies a deadly weapon to another person or teaches another person to prepare a deadly weapon with intent that the deadly weapon be used in a riot for an unlawful purpose. A person who commits aggravated inciting a riot commits a felony of the second degree.”

21. The Bill unconstitutionally targets protected speech, including protests against the murders of minorities at the hands of police officers – including the murders of George Floyd, Breonna Taylor, and Elijah McClain, which cannot be properly characterized as “directed to inciting or producing imminent lawless action and an [] likely to incite or produce such action.” Brandenburg v. Ohio, 395 U.S. 444,447 (1966). The Bill unconstitutionally threatens to impose liability on individuals expressing their rights to free speech regardless of their intent to incite violence, the likelihood that their speech will result in violence, or the imminence of the intended violence.

22. The Bill’s terms are unconstitutionally overbroad, reaching speech that encourages or advises but does not incite unlawful activity.

23. The Bill is unconstitutionally vague, such that it does not provide individuals proper notice of what forms of free speech will expose them to civil and criminal liability and invites arbitrary enforcement.

24. Even if a person is not present at an event that began as a peaceful demonstration but becomes a classified as “riot” where acts of violence or force occur, that person risks civil liability under the Bill by advising or encouraging those present to deface memorials or historic property.

25. The Bill describes its purpose as combatting public disorder. **Ex. A**, p. 1

26. The Bill targets protests against the murders of minorities at the hands of police officers – including the murders of George Floyd, Breonna Taylor, and Elijah McClain.

27. DeSantis praised the Bill for being “the strongest anti-rioting, pro-law-enforcement piece of legislation in the country.” See Business Insider “Florida Gov. Ron DeSantis Signs ‘Anti-Riot’ Bill That Grants Civil Immunity to Drivers Who Hit Protesters and Protects Budgets From Being Cut” found at <https://www.businessinsider.com/florida-gov-ron-desantis-signs-anti-riot-bill-2021-4>

28. The Bill is aimed at cracking down on public disturbances and local governments that interfere with efforts to stop a riot.

29. On Saturday, April 24th, 2021, Lawyers Matter and Fictitious Plaintiff 1 intend on exercising their freedom of speech rights at a peaceful demonstration honoring George Floyd and other victims of racism and police brutality. A true and exact copy of the informational flyer is attached hereto as **Exhibit B** and incorporated herein by reference.

30. However, the signing of the Anti-Riot Bill on April 19, 2021 by DeSantis effectively barred Plaintiffs from exercising their free speech rights because of the resulting penalty of arrest by Sheriff Mina and imprisonment by A.G. Moody in the State of Florida.

31. According to DeSantis, the Bill is a “really remarkable if you look at the breadth of this particular piece of legislation.” He further stated the Bill, “strikes the appropriate balance of safeguarding every Floridians’ constitutional right to peacefully assemble, while ensuring that those who hide behind peaceful protest to cause violence in our communities will be punished.” See Business Insider Art. Published April 19, 2021.

32. The breathtaking scope of the Bill includes granting civil immunity to people who drive into peaceful demonstrators if such demonstration blocks a road, prevents people accused of “rioting” from bailing out of jail until *after* their first court appearance, increases penalties for assaulting law enforcement officers while engaging in a “riot,” penalizing local governments that interfere with efforts to stop a “riot,” and allows law enforcement agencies that face funding reductions to file objections.

33. Plaintiffs oppose the Bill for several reasons. These include, but are not limited to: (a) the definitions provided in an attempt to clarify what constitutes a riot, aggravated riot, or inciting of a riot or aggravated riot; (b) provisions that force civil liability onto those who lawfully express their first amendment rights in the form of a peaceful demonstration that may turn into a “riot” despite no intent to incite a riot or promote force; and (c) refusing those arrested for such violations the right to bail until after their first court appearance.

34. Plaintiffs have provided, and plans to provide additional funding, networked, and other encouragement to individuals who plan to peacefully exercise free

speech relating to police brutality of minorities – specifically the murders of George Floyd, Breonna Taylor, and Elijah McClain.

35. Plaintiffs are not inciting any individuals to commit imminent violent or forceful actions constituting a “riot”. To the contrary, Plaintiffs advocate against the use of violence while promoting peaceful free speech demonstrations.

36. Plaintiffs plan to advise and encourage others to exercise their free speech rights through peaceful methods.

37. Due to their planned activity on April 24th, 2021, Plaintiffs now fear prosecution and imposition of civil liability under the Bill.

38. The advice, funding, and other support Plaintiffs planned to provide on April 24th, 2021, could, if carried out, violate the Denounced Laws. Plaintiffs all encourage or advise participation of their members in peaceful demonstrations. Of course, any peaceful demonstration can be characterized as a “riot” due solely on the misconduct of one or two individuals – without any intent by Plaintiffs. As it relates to the planned demonstration, perceived unlawful violence, acts of force, or arrests may occur, even violence perpetrated by law enforcement.

39. Plaintiffs fear criminal and civil liability under the Bill notwithstanding their lack of intent to cause a “riot” or incite a “riot.”

40. Plaintiffs must choose between encouraging and advising peaceful demonstrations, on the one hand, and exposing themselves to prosecution and civil liability under the Denounced Laws, on the other. Refraining from encouraging and advising peaceful demonstrations constitutes self-censorship at a loss of Plaintiffs' First Amendment rights.

41. The Denounced Laws chill the free speech and expression of Plaintiffs and others who wish to engage in encouraging and advising peaceful demonstrations because they must refrain from such expressive activity to avoid the risk of prosecution.

42. The Bill is not narrowly tailored to achieve the government interest of Combating Public Disorder. Unwarranted violence or public disorder during a demonstration is already illegal under Florida law.

43. The governments' reported interest in preventing "riots" is already established by existing Florida criminal statutes.

44. The governments' reported interest in dissuading public free speech demonstrations by increasing criminal penalties for violating the Bill.

45. The governments' reported interest in creating affirmative defenses to a civil action where the Plaintiff participated in a "riot" is already addressed by Florida's wide latitude in the provision of affirmative defenses to any claim.

46. Preventing any peaceful demonstration consisting of more than three individuals as an effort to end or "riots" is not a valid government interest.

COUNT I – FIRST AMENDMENT – SPEECH AND EXPRESSIVE CONDUCT

47. Plaintiffs hereby reassert by reference in this Count 1 the allegations of Paragraphs 1 through 46 of this Complaint as if fully set forth herein.

48. The Denounced Laws target and impermissibly burden protected speech, including speech in the form of demonstrations advocating for police reform, opposes racism, or is viewed as controversial.

49. The Denounced Laws are content-based regulations that prohibit constitutionally protected speech meant to accomplish a political goal, including Plaintiffs' planned encouragement and advising of participating in such forms of self-expression.

50. The Denounced Laws are narrowly tailored to serve a substantial government interest, and not the interest of those subjected to the Denounced Laws, including Plaintiffs.

51. The Denounced Laws reach far beyond the type of expression that allows a state to legitimately punish on bases of said expression. They suppress provocative speech already protected by the Supreme Court's holding in *Brandenburg*, thereby "impermissibly intrud[ing]" upon the First Amendment rights of speakers. Brandenburg v. Ohio, 395 U.S. 444, 448 (1966).

52. The Denounced Laws fail to include a specific intent requirement or to require that the prohibited speech be likely to produce imminent lawless action.

53. The Bill makes organizations liable for their association with, and speech regarding, any individual who may be arrested in furtherance to a “riot”, even if the organization itself does not possess unlawful goals or the intent to commit an unlawful act. The State may limit unlawful acts in furtherance to a riot, but by limiting speech and conduct related to lawful action that leads to arrest, the Bill reaches a substantial amount of protected speech and association.

54. The potential liability to organizations prevents them from effectively advocating for their views, even though group association enhances advocacies.

55. As such, the Anti-Riot Bill is unconstitutional facially and as-applied to the planned, peaceful speech and expressive conduct of Plaintiffs, and any other persons subject to these laws.

**COUNT II – EIGHTH AMENDMENT – EXCESSIVE BAIL CLAUSE,
CRUEL AND UNUSUAL PUNISHMENT**

56. Plaintiffs hereby reassert by reference in this Count II the allegations of Paragraphs 1 through 46 of this Complaint as if fully set forth herein.

57. The Eighth Amendment to the United States Constitution prohibits cruel and unusual punishments. U.S.C.S. Const. Amend. VIII (1791).

58. A paradigm, cruel and unusual punishment, is one that deprives an individual of a constitutional right without a legitimate and rational government purpose.

59. The Anti-Riot Bill generates a cruel and unusual punishment by depriving a presumably innocent citizen of the right to assemble, the right to timely bail, and a right to a punishment that has not been arbitrarily enhanced.

60. Plaintiffs intended to exercise their right to assemble and peacefully demonstrate opposition of police brutality toward minorities on April 24th, 2021.

61. In reliance on the United States Constitution and Florida precedent, Plaintiffs organized, encouraged, and funded peaceful demonstrations and expressions of free speech set to take place on April 24th, 2021.

62. As part of that preparation, Plaintiffs expended personal and private financial resources.

63. DeSantis' signing of the Bill into law on April 19th, 2021, generated what appears to be the intended effect (but whatever intentional or inadvertent the effect, the Bill's violation of the Constitution happens and continues). The ability of Plaintiffs to conduct peaceful demonstration without fear of retaliation was impaired.

64. Both Lawyers Matter, and Fictitious Plaintiff 1, are no longer able to obtain co-sponsors or co-organizers since the other persons fear criminal prosecution under the Bill for organizing demonstrations.

65. Both Lawyers Matter, and Fictitious Plaintiff1, are also unsure of what responsibilities each has under the law (ie. the Bill) for the action of demonstration attendees.

66. In particular, each Plaintiff remains unsure of how their respective duties change from when the demonstration has eight attendees rather than nine. For example, do infants or the incompetent count? Do non-citizens count?

67. The Anti-Riot Bill should be declared unconstitutional since it *not* only is interlocally vague and without legitimate government purpose, but the Bill also imposes unconstitutional financial penalties on persons without affording them due process of the law (Fifth Amendment) and punishment without culpability (Financial and Constitutional Deprivation) in violation of the Eighth Amendment.

COUNT III – FOURTEENTH AMENDMENT – DUE PROCESS

68. Plaintiffs hereby reassert by reference in this Count III the allegations of Paragraphs 1 through 46 of this Complaint as if fully set forth herein.

69. The Denounced Laws, which prohibit encouraging and advising persons from participating in a “riot,” “acting with common intent,” or using acts of force are, on their face, void for vagueness.

70. The Denounced Laws fail to give fair notice to reasonable individuals or organizations about what conduct constitutes engaging in a “riot,” or violation of the criminal law in “furtherance of a riot.” Because of this, they cannot be enforced in a

consistent manner and invite arbitrary and discriminatory enforcement set to deter constitutionally protected speech. They thus violate the Due Process Clause of the Fourteenth Amendment.

WHEREFORE Lawyers Matter Task Force, by extension of Legacy Entertainment & Arts Foundation, Inc., and Fictitious Plaintiff 1 hereby request this Court issue an order against Defendants providing that: (1) the Denounced Laws target and impermissibly burden protected speech, including speech in the form of demonstrations against police brutality of minorities; (2) the Denounced Laws are content-based regulations that prohibit constitutionally-protected speech meant to accomplish a political goal, including Plaintiffs' planned encouragement and advisement of peaceful demonstrations and self-expression; (3) the Denounced Laws are not narrowly tailored to serve a substantial government interest; (4) the Denounced Laws reach far beyond the type of expression that a state may legitimately punish. They suppress provocative speech and do not comply with the Supreme Court's holding in *Brandenburg*, thereby "impermissibly intrud[ing]" upon the First Amendment rights of speakers. *Brandenburg v. Ohio*, 395 U.S. 444,448 (1966); (5) the Denounced Laws fail to include a specific intent requirement or to require that the prohibited speech be likely to produce imminent lawless action or violence; (6) the Denounced Laws impermissibly make organizations liable for their association with

individuals who may be arrested at a “riot,” even if the organization itself does not possess unlawful goals and individuals in the organization do not possess the intent to commit an unlawful act; (7) the Denounced Laws impermissibly make organizations liable for their association with, and speech regarding, individuals who may be arrested at a “riot.” Getting arrested is not an unlawful act. The State of Florida may limit unlawful acts, but by limiting speech and conducted related to unlawful action that leads to arrest, the Bill violates a substantial amount of protected speech and association; (8) the Denounced Laws impermissibly assert that organization liability attaches even if the organizations associations with an individual who is subsequently arrested was not imminently related to the individuals arrest because there is no temporal limit on an organizations’ funding or encouragement of peaceful demonstrations and an eventual arrest. In effect, the Bill creates a perpetual threat of liability to Plaintiffs and others in the event that anyone Plaintiffs encourage, or assist is arrested at any point in the future. Accordingly, the Bill illegally restricts protected speech and association; (9) the Bill imposes violative liability to organizations so as to prevent them from effectively advocating for their views even though group association enhances their advocacy efforts; (10) the Defendants are authorized to enforce the Denounced Laws. As such, the Anti-Riot Law is unconstitutional facially, and as applied to the planned peaceful speech and expressive conduct of the Plaintiffs on April 24th, 2021; (11) The Denounced Laws, which prohibit encouraging and advising persons participating in a “riot” to engage in acts of force of violence, are, on their face, void for vagueness; and (12) the Denounced Laws fail to give fair notice to reasonable individuals

regarding what conduct constitutes a “riot” or “inciting a riot” in violation of the Bill. Because of this, the Denounced Laws cannot be enforced in a consistent manner, they invite arbitrary and discriminatory enforcement, and they deter constitutionally protected free speech. Therefore, the Denounced Laws also violate the Due Process Clause of the Fourteenth Amendment. Pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoin Defendants, and all persons acting in concert with them, from enforcing portions of the Bill, and the criminal statutes relating to the Bill, against Plaintiffs and others, specifically provisions which attach liability for individual or organizations who direct, advise, or encourage other persons at a demonstration to engage in acts of force or violence; award to Plaintiffs their costs and reasonable attorneys’ fees in the case *sub judice*; and for such other and further relief as the court deems just and proper.

Respectfully submitted this 21st of April, 2021.

s/Aaron Carter Bates
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Counsel for Plaintiff

Exhibit A

ENROLLED

CS/HB 1, Engrossed 1

2021 Legislature

1
2 An act relating to combating public disorder; amending
3 s. 166.241, F.S.; authorizing specified elected
4 officials to file an appeal to the Administration
5 Commission if the governing body of a municipality
6 makes a specified reduction to the operating budget of
7 the 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 providing that a municipality has a duty to allow the
19 municipal law enforcement agency to respond to a riot
20 or unlawful assembly in a specified manner based on
21 specified circumstances; providing a municipality is
22 civilly liable for specified damages proximately
23 caused by the municipality's specified breach of such
24 duty; amending s.784.011, F.S.; reclassifying the
25 penalty for an assault committed in furtherance of a

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0001-03-er

ENROLLED

CS/HB 1, Engrossed 1

2021 Legislature

26 riot or an aggravated riot; amending s. 784.021, F.S.;

27 increasing the offense severity ranking of an

28 aggravated assault for the purposes of the Criminal

29 Punishment Code if committed in furtherance of a riot

30 or an aggravated riot; amending s. 784.03, F.S.;

31 reclassifying the penalty for a battery committed in

32 furtherance of a riot or an aggravated riot; amending

33 s. 784.045, F.S.; increasing the offense severity

34 ranking of an aggravated battery for the purposes of

35 the Criminal Punishment Code if committed in

36 furtherance of a riot or an aggravated riot; creating

37 s. 784.0495, F.S.; prohibiting specified assemblies

38 from using or threatening to use imminent force

39 against another person to do or refrain from doing any

40 act or to assume, abandon, or maintain a particular

41 viewpoint under certain circumstances; providing a

42 penalty; requiring a person arrested for a violation

43 to be held in custody until first appearance; amending

44 s. 784.07, F.S.; requiring a minimum term of

45 imprisonment for a person convicted of battery on a

46 law enforcement officer committed in furtherance of a

47 riot or an aggravated riot; increasing the offense

48 severity ranking of an assault or battery against

49 specified persons for the purposes of the Criminal

50 Punishment Code if committed in furtherance of a riot

ENROLLED

CS/HB 1, Engrossed 1

2021 Legislature

51 or an aggravated riot; amending s. 806.13, F.S.;

52 prohibiting defacing, injuring, or damaging a memorial

53 or historic property; providing a penalty; requiring a

54 court to order restitution for such a violation;

55 creating s. 806.135, F.S.; defining the terms

56 "historic property" and "memorial"; prohibiting a

57 person from destroying or demolishing a memorial or

58 historic property; providing a penalty; requiring a

59 court to order restitution for such a violation;

60 amending s. 810.02, F.S.; reclassifying specified

61 burglary offenses committed during a riot or an

62 aggravated riot and facilitated by conditions arising

63 from the riot; providing a definition; requiring a

64 person arrested for such a violation to be held in

65 custody until first appearance; amending s. 812.014,

66 F.S.; reclassifying specified theft offenses committed

67 during a riot or an aggravated riot and facilitated by

68 conditions arising from the riot; providing a

69 definition; requiring a person arrested for such a

70 violation to be held in custody until first

71 appearance; creating s. 836.115, F.S.; providing

72 definitions; prohibiting cyberintimidation by

73 publication; providing criminal penalties; amending s.

74 870.01, F.S.; prohibiting a person from fighting in a

75 public place; prohibiting a person from willfully

ENROLLED

CS/HB 1, Engrossed 1

2021 Legislature

76 participating in a specified violent public
77 disturbance resulting in specified damage or injury;
78 providing an increased penalty for rioting under
79 specified circumstances; prohibiting a person from
80 inciting a riot; providing an increased penalty for
81 inciting a riot under specified circumstances;
82 providing definitions; requiring a person arrested for
83 such a violation to be held in custody until first
84 appearance; providing an exception; amending s.
85 870.02, F.S.; requiring a person arrested for an
86 unlawful assembly to be held in custody until first
87 appearance; repealing s. 870.03, F.S.; relating to
88 riots or routs; creating s. 870.07, F.S.; creating an
89 affirmative defense to a civil action where the
90 plaintiff participated in a riot; amending s. 872.02,
91 F.S.; increasing the offense severity ranking of
92 specified offenses involving graves and tombs for the
93 purposes of the Criminal Punishment Code if committed
94 in furtherance of a riot or an aggravated riot;
95 amending s. 921.0022, F.S.; conforming provisions to
96 changes made by the act; ranking offenses created by
97 the act on the offense severity ranking chart;
98 providing an effective date.

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

ENROLLED

CS/HB 1, Engrossed 1

2021 Legislature

101
102 Section 1. Subsections (4) through (6) of section 166.241,
103 Florida Statutes, are renumbered as subsections (6) through (8),
104 respectively, new subsections (4) and (5) are added to that
105 section, and present subsection (6) of that section is amended,
106 to read:

107 166.241 Fiscal years, budgets, appeal of municipal law
108 enforcement agency budget, and budget amendments.—

109 (4) (a) If the tentative budget of a municipality contains
110 a funding reduction to the operating budget of the municipal law
111 enforcement agency, the state attorney for the judicial circuit
112 in which the municipality is located, or a member of the
113 governing body who objects to the funding reduction, may file an
114 appeal by petition to the Administration Commission within 30
115 days after the day the tentative budget is posted to the
116 official website of the municipality under subsection (3). The
117 petition must set forth the tentative budget proposed by the
118 municipality, in the form and manner prescribed by the Executive
119 Office of the Governor and approved by the Administration
120 Commission, the operating budget of the municipal law
121 enforcement agency as approved by the municipality for the
122 previous year, and state the reasons or grounds for the appeal.
123 The petition shall be filed with the Executive Office of the
124 Governor, and a copy served upon the governing body of the
125 municipality or to the clerk of the circuit court of the county

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126 | in which the municipality is located.

127 | (b) The governing body of the municipality has 5 working
128 | days after service of a copy of the petition to file a reply
129 | with the Executive Office of the Governor, and shall serve a
130 | copy of such reply to the petitioner.

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

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

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151 or counties who shall post the adopted amendment on the county's
152 website.

153 Section 2. Section 316.2045, Florida Statutes, is amended
154 to read:

155 316.2045 Obstruction of public streets, highways, and
156 roads.—

157 (1) (a) ~~A~~ ~~It is unlawful for any person may not~~ ~~or persons~~
158 willfully ~~to~~ obstruct the free, convenient, and normal use of a
159 ~~any~~ public street, highway, or road by:

160 1. Impeding, hindering, stifling, retarding, or
161 restraining traffic or passage thereon; ~~by~~

162 2. Standing on or remaining in the street, highway, or
163 road; ~~or approaching motor vehicles thereon, or by~~

164 3. Endangering the safe movement of vehicles or
165 pedestrians traveling thereon.

166 (b) ~~A~~ ~~and any person or persons~~ who violates paragraph
167 (a) ~~violate the provisions of this subsection, upon conviction,~~
168 shall be cited for a pedestrian violation, punishable as
169 provided in chapter 318.

170 (c) This subsection does not prohibit a local governmental
171 entity from issuing a special event permit as authorized by law.

172 ~~(2) It is unlawful, without proper authorization or a~~
173 ~~lawful permit, for any person or persons willfully to obstruct~~
174 ~~the free, convenient, and normal use of any public street,~~
175 ~~highway, or road by any of the means specified in subsection (1)~~

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176 ~~in order to solicit. Any person who violates the provisions of~~
177 ~~this subsection is guilty of a misdemeanor of the second degree,~~
178 ~~punishable as provided in s. 775.082 or s. 775.083.~~

179 ~~Organizations qualified under s. 501(c)(3) of the Internal~~
180 ~~Revenue Code and registered pursuant to chapter 496, or persons~~
181 ~~or organizations acting on their behalf are exempted from the~~
182 ~~provisions of this subsection for activities on streets or roads~~
183 ~~not maintained by the state. Permits for the use of any portion~~
184 ~~of a state-maintained road or right-of-way shall be required~~
185 ~~only for those purposes and in the manner set out in s. 337.406.~~

186 ~~(3) Permits for the use of any street, road, or right-of-~~
187 ~~way not maintained by the state may be issued by the appropriate~~
188 ~~local government. An organization that is qualified under s.~~
189 ~~501(c)(3) of the Internal Revenue Code and registered under~~
190 ~~chapter 496, or a person or organization acting on behalf of~~
191 ~~that organization, is exempt from local requirements for a~~
192 ~~permit issued under this subsection for charitable solicitation~~
193 ~~activities on or along streets or roads that are not maintained~~
194 ~~by the state under the following conditions:~~

195 ~~(a) The organization, or the person or organization acting~~
196 ~~on behalf of the organization, must provide all of the following~~
197 ~~to the local government:~~

198 ~~1. No fewer than 14 calendar days prior to the proposed~~
199 ~~solicitation, the name and address of the person or organization~~
200 ~~that will perform the solicitation and the name and address of~~

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201 ~~the organization that will receive funds from the solicitation.~~

202 ~~2. For review and comment, a plan for the safety of all~~
203 ~~persons participating in the solicitation, as well as the~~
204 ~~motoring public, at the locations where the solicitation will~~
205 ~~take place.~~

206 ~~3. Specific details of the location or locations of the~~
207 ~~proposed solicitation and the hours during which the~~
208 ~~solicitation activities will occur.~~

209 ~~4. Proof of commercial general liability insurance against~~
210 ~~claims for bodily injury and property damage occurring on~~
211 ~~streets, roads, or rights-of-way or arising from the solicitor's~~
212 ~~activities or use of the streets, roads, or rights-of-way by the~~
213 ~~solicitor or the solicitor's agents, contractors, or employees.~~
214 ~~The insurance shall have a limit of not less than \$1 million per~~
215 ~~occurrence for the general aggregate. The certificate of~~
216 ~~insurance shall name the local government as an additional~~
217 ~~insured and shall be filed with the local government no later~~
218 ~~than 72 hours before the date of the solicitation.~~

219 ~~5. Proof of registration with the Department of~~
220 ~~Agriculture and Consumer Services pursuant to s. 496.405 or~~
221 ~~proof that the soliciting organization is exempt from the~~
222 ~~registration requirement.~~

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

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226 ~~(c) All solicitation shall occur during daylight hours~~
227 ~~only.~~

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

231 ~~(e) No person engaging in solicitation activities shall~~
232 ~~persist after solicitation has been denied, act in a demanding~~
233 ~~or harassing manner, or use any sound or voice amplifying~~
234 ~~apparatus or device.~~

235 ~~(f) All persons participating in the solicitation shall be~~
236 ~~at least 18 years of age and shall possess picture~~
237 ~~identification.~~

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

240 ~~(h) The local government may stop solicitation activities~~
241 ~~if any conditions or requirements of this subsection are not~~
242 ~~met.~~

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

246 (2)(5) Notwithstanding the provisions of subsection (1),
247 any commercial vehicle used solely for the purpose of collecting
248 solid waste or recyclable or recovered materials may stop or
249 stand on any public street, highway, or road for the sole
250 purpose of collecting solid waste or recyclable or recovered

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251 materials. However, such solid waste or recyclable or recovered
252 materials collection vehicle shall show or display amber
253 flashing hazard lights at all times that it is engaged in
254 stopping or standing for the purpose of collecting solid waste
255 or recyclable or recovered materials. Local governments may
256 establish reasonable regulations governing the standing and
257 stopping of such commercial vehicles, provided that such
258 regulations are applied uniformly and without regard to the
259 ownership of the vehicles.

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

262 768.28 Waiver of sovereign immunity in tort actions;
263 recovery limits; civil liability for damages caused during a
264 riot; limitation on attorney fees; statute of limitations;
265 exclusions; indemnification; risk management programs.—

266 (5) (a) The state and its agencies and subdivisions shall
267 be liable for tort claims in the same manner and to the same
268 extent as a private individual under like circumstances, but
269 liability shall not include punitive damages or interest for the
270 period before judgment. Neither the state nor its agencies or
271 subdivisions shall be liable to pay a claim or a judgment by any
272 one person which exceeds the sum of \$200,000 or any claim or
273 judgment, or portions thereof, which, when totaled with all
274 other claims or judgments paid by the state or its agencies or
275 subdivisions arising out of the same incident or occurrence,

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276 exceeds the sum of \$300,000. However, a judgment or judgments
277 may be claimed and rendered in excess of these amounts and may
278 be settled and paid pursuant to this act up to \$200,000 or
279 \$300,000, as the case may be; and that portion of the judgment
280 that exceeds these amounts may be reported to the Legislature,
281 but may be paid in part or in whole only by further act of the
282 Legislature. Notwithstanding the limited waiver of sovereign
283 immunity provided herein, the state or an agency or subdivision
284 thereof may agree, within the limits of insurance coverage
285 provided, to settle a claim made or a judgment rendered against
286 it without further action by the Legislature, but the state or
287 agency or subdivision thereof shall not be deemed to have waived
288 any defense of sovereign immunity or to have increased the
289 limits of its liability as a result of its obtaining insurance
290 coverage for tortious acts in excess of the \$200,000 or \$300,000
291 waiver provided above. The limitations of liability set forth in
292 this subsection shall apply to the state and its agencies and
293 subdivisions whether or not the state or its agencies or
294 subdivisions possessed sovereign immunity before July 1, 1974.

295 (b) A municipality has a duty to allow the municipal law
296 enforcement agency to respond appropriately to protect persons
297 and property during a riot or an unlawful assembly based on the
298 availability of adequate equipment to its municipal law
299 enforcement officers and relevant state and federal laws. If the
300 governing body of a municipality or a person authorized by the

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301 governing body of the municipality breaches that duty, the
302 municipality is civilly liable for any damages including damages
303 arising from personal injury, wrongful death, or property
304 damages proximately caused by the municipality's breach of duty.
305 The sovereign immunity recovery limits in paragraph (a) do not
306 apply to an action under this paragraph.

307 Section 4. Subsection (2) of section 784.011, Florida
308 Statutes, is amended and subsection (3) is added to that
309 section, to read:

310 784.011 Assault.—

311 (2) Except as provided in subsection (3), a person who
312 assaults another person ~~whoever~~ ~~commits an assault shall be~~
313 ~~guilty of~~ a misdemeanor of the second degree, punishable as
314 provided in s. 775.082 or s. 775.083.

315 (3) A person who assaults another person in furtherance of
316 a riot or an aggravated riot prohibited under s. 870.01 commits
317 a misdemeanor of the first degree, punishable as provided in s.
318 775.082 or s. 775.083.

319 Section 5. Subsection (2) of section 784.021, Florida
320 Statutes, is amended and subsection (3) is added to that
321 section, to read:

322 784.021 Aggravated assault.—

323 (2) A person who ~~whoever~~ ~~commits an~~ aggravated assault
324 commits ~~shall be guilty of~~ a felony of the third degree,
325 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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326 (3) For the purposes of sentencing under chapter 921, a
327 violation of this section committed by a person acting in
328 furtherance of a riot or an aggravated riot prohibited under s.
329 870.01 is ranked one level above the ranking under s. 921.0022
330 for the offense committed.

331 Section 6. Section 784.03, Florida Statutes, is amended to
332 read:

333 784.03 Battery; felony battery.—

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

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

337 2. Intentionally causes bodily harm to another person.

338 (b) Except as provided in subsection (2) or subsection
339 (3), a person who commits battery commits a misdemeanor of the
340 first degree, punishable as provided in s. 775.082 or s.
341 775.083.

342 (2) A person who has one prior conviction for battery,
343 aggravated battery, or felony battery and who commits any second
344 or subsequent battery commits a felony of the third degree,
345 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
346 For purposes of this subsection, "conviction" means a
347 determination of guilt that is the result of a plea or a trial,
348 regardless of whether adjudication is withheld or a plea of nolo
349 contendere is entered.

350 (3) A person who commits a battery in furtherance of a

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351 riot or an aggravated riot prohibited under s. 870.01 commits a
352 felony of the third degree, punishable as provided in s.
353 775.082, s. 775.083, or 775.084.

354 Section 7. Section 784.045, Florida Statutes, is amended
355 to read:

356 784.045 Aggravated battery.—

357 (1)(a) A person commits aggravated battery who, in
358 committing battery:

359 1. Intentionally or knowingly causes great bodily harm,
360 permanent disability, or permanent disfigurement; or

361 2. Uses a deadly weapon.

362 (b) A person commits aggravated battery if the person who
363 was the victim of the battery was pregnant at the time of the
364 offense and the offender knew or should have known that the
365 victim was pregnant.

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

370 (3) For the purposes of sentencing under chapter 921, a
371 violation of this section committed by a person acting in
372 furtherance of a riot or an aggravated riot prohibited under s.
373 870.01 is ranked one level above the ranking under s. 921.0022
374 for the offense committed.

375 Section 8. Section 784.0495, Florida Statutes, is created

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376 | to read:

377 | 784.0495 Mob intimidation.—

378 | (1) It is unlawful for a person, assembled with two or
379 | more other persons and acting with a common intent, to use force
380 | or threaten to use imminent force, to compel or induce, or
381 | attempt to compel or induce, another person to do or refrain
382 | from doing any act or to assume, abandon, or maintain a
383 | particular viewpoint against his or her will.

384 | (2) A person who violates subsection (1) commits a
385 | misdemeanor of the first degree, punishable as provided in s.
386 | 775.082 or s. 775.083.

387 | (3) A person arrested for a violation of this section
388 | shall be held in custody until brought before the court for
389 | admittance to bail in accordance with chapter 903.

390 | Section 9. Subsection (2) of section 784.07, Florida
391 | Statutes, is amended and subsection (4) is added to that
392 | section, to read:

393 | 784.07 Assault or battery of law enforcement officers,
394 | firefighters, emergency medical care providers, public transit
395 | employees or agents, or other specified officers;
396 | reclassification of offenses; minimum sentences.—

397 | (2) Whenever any person is charged with knowingly
398 | committing an assault or battery upon a law enforcement officer,
399 | a firefighter, an emergency medical care provider, a railroad
400 | special officer, a traffic accident investigation officer as

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401 described in s. 316.640, a nonsworn law enforcement agency
402 employee who is certified as an agency inspector, a blood
403 alcohol analyst, or a breath test operator while such employee
404 is in uniform and engaged in processing, testing, evaluating,
405 analyzing, or transporting a person who is detained or under
406 arrest for DUI, a law enforcement explorer, a traffic infraction
407 enforcement officer as described in s. 316.640, a parking
408 enforcement specialist as defined in s. 316.640, a person
409 licensed as a security officer as defined in s. 493.6101 and
410 wearing a uniform that bears at least one patch or emblem that
411 is visible at all times that clearly identifies the employing
412 agency and that clearly identifies the person as a licensed
413 security officer, or a security officer employed by the board of
414 trustees of a community college, while the officer, firefighter,
415 emergency medical care provider, railroad special officer,
416 traffic accident investigation officer, traffic infraction
417 enforcement officer, inspector, analyst, operator, law
418 enforcement explorer, parking enforcement specialist, public
419 transit employee or agent, or security officer is engaged in the
420 lawful performance of his or her duties, the offense for which
421 the person is charged shall be reclassified as follows:

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

424 (b) In the case of battery, from a misdemeanor of the
425 first degree to a felony of the third degree. Notwithstanding

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426 any other provision of law, a person convicted of battery upon a
427 law enforcement officer committed in furtherance of a riot or an
428 aggravated riot prohibited under s. 870.01 shall be sentenced to
429 a minimum term of imprisonment of 6 months.

430 (c) In the case of aggravated assault, from a felony of
431 the third degree to a felony of the second degree.
432 Notwithstanding any other provision of law, any person convicted
433 of aggravated assault upon a law enforcement officer shall be
434 sentenced to a minimum term of imprisonment of 3 years.

435 (d) In the case of aggravated battery, from a felony of
436 the second degree to a felony of the first degree.
437 Notwithstanding any other provision of law, any person convicted
438 of aggravated battery of a law enforcement officer shall be
439 sentenced to a minimum term of imprisonment of 5 years.

440 (4) For purposes of sentencing under chapter 921, a felony
441 violation of this section committed by a person acting in
442 furtherance of a riot or an aggravated riot prohibited under s.
443 870.01 is ranked one level above the ranking under s. 921.0022
444 for the offense committed.

445 Section 10. Subsections (3) through (9) of section 806.13,
446 Florida Statutes, are renumbered as subsections (4) through
447 (10), respectively, a new subsection (3) is added to that
448 section, and present subsection (8) of that section is amended,
449 to read:

450 806.13 Criminal mischief; penalties; penalty for minor.—

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451 (3) Any person who, without the consent of the owner
452 thereof, willfully and maliciously defaces, injures, or
453 otherwise damages by any means a memorial or historic property,
454 as defined in s. 806.135(1), and the value of the damage to the
455 memorial or historic property is greater than \$200, commits a
456 felony of the third degree, punishable as provided in s.
457 775.082, s. 775.083, or s. 775.084. A court shall order any
458 person convicted of violating this subsection to pay
459 restitution, which shall include the full cost of repair or
460 replacement of such memorial or historic property.

461 ~~(9)-(8)~~ A minor whose driver license or driving privilege
462 is revoked, suspended, or withheld under subsection ~~(8)-(7)~~ may
463 elect to reduce the period of revocation, suspension, or
464 withholding by performing community service at the rate of 1 day
465 for each hour of community service performed. In addition, if
466 the court determines that due to a family hardship, the minor's
467 driver license or driving privilege is necessary for employment
468 or medical purposes of the minor or a member of the minor's
469 family, the court shall order the minor to perform community
470 service and reduce the period of revocation, suspension, or
471 withholding at the rate of 1 day for each hour of community
472 service performed. As used in this subsection, the term
473 "community service" means cleaning graffiti from public
474 property.

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475 Section 11. Section 806.135, Florida Statutes, is created
476 to read:

477 806.135 Destroying or demolishing a memorial or historic
478 property.—

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

480 (a) "Historic property" means any building, structure,
481 site, or object that has been officially designated as a
482 historic building, historic structure, historic site, or
483 historic object through a federal, state, or local designation
484 program.

485 (b) "Memorial" means a plaque, statue, marker, flag,
486 banner, cenotaph, religious symbol, painting, seal, tombstone,
487 structure name, or display that is constructed and located with
488 the intent of being permanently displayed or perpetually
489 maintained; is dedicated to a historical person, an entity, an
490 event, or a series of events; and honors or recounts the
491 military service of any past or present United States Armed
492 Forces military personnel, or the past or present public service
493 of a resident of the geographical area comprising the state or
494 the United States. The term includes, but is not limited to, the
495 following memorials established under chapter 265:

496 1. Florida Women's Hall of Fame.

497 2. Florida Medal of Honor Wall.

498 3. Florida Veterans' Hall of Fame.

499 4. POW-MIA Chair of Honor Memorial.

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500 5. Florida Veterans' Walk of Honor and Florida Veterans'
501 Memorial Garden.

502 6. Florida Law Enforcement Officers' Hall of Fame.

503 7. Florida Holocaust Memorial.

504 8. Florida Slavery Memorial.

505 9. Any other memorial located within the Capitol Complex,
506 including, but not limited to, Waller Park.

507 (2) It is unlawful for any person to willfully and
508 maliciously destroy or demolish any memorial or historic
509 property, or willfully and maliciously pull down a memorial or
510 historic property, unless authorized by the owner of the
511 memorial or historic property. A person who violates this
512 section commits a felony of the second degree, punishable as
513 provided in s. 775.082, s. 775.083, or s. 775.084.

514 (3) A court shall order any person convicted of violating
515 this section to pay restitution, which shall include the full
516 cost of repair or replacement of such memorial or historic
517 property.

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

520 810.02 Burglary.—

521 (3) Burglary is a felony of the second degree, punishable
522 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
523 course of committing the offense, the offender does not make an
524 assault or battery and is not and does not become armed with a

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525 | dangerous weapon or explosive, and the offender enters or
526 | remains in a:

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

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

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

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

535 | (e) Authorized emergency vehicle, as defined in s.
536 | 316.003; or

537 | (f) Structure or conveyance when the offense intended to
538 | be committed therein is theft of a controlled substance as
539 | defined in s. 893.02. Notwithstanding any other law, separate
540 | judgments and sentences for burglary with the intent to commit
541 | theft of a controlled substance under this paragraph and for any
542 | applicable possession of controlled substance offense under s.
543 | 893.13 or trafficking in controlled substance offense under s.
544 | 893.135 may be imposed when all such offenses involve the same
545 | amount or amounts of a controlled substance.

546 |

547 | However, if the burglary is committed during a riot or an
548 | aggravated riot prohibited under s. 870.01 and the perpetration
549 | of the burglary is facilitated by conditions arising from the

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550 riot; or within a county that is subject to a state of emergency
551 declared by the Governor under chapter 252 after the declaration
552 of emergency is made and the perpetration of the burglary is
553 facilitated by conditions arising from the emergency, the
554 burglary is a felony of the first degree, punishable as provided
555 in s. 775.082, s. 775.083, or s. 775.084. As used in this
556 subsection, the term "conditions arising from the riot" means
557 civil unrest, power outages, curfews, or a reduction in the
558 presence of or response time for first responders or homeland
559 security personnel and the term "conditions arising from the
560 emergency" means civil unrest, power outages, curfews, voluntary
561 or mandatory evacuations, or a reduction in the presence of or
562 response time for first responders or homeland security
563 personnel. A person arrested for committing a burglary during a
564 riot or an aggravated riot or within a county that is subject to
565 such a state of emergency may not be released until the person
566 appears before a committing magistrate at a first appearance
567 hearing. For purposes of sentencing under chapter 921, a felony
568 offense that is reclassified under this subsection is ranked one
569 level above the ranking under s. 921.0022 or s. 921.0023 of the
570 offense committed.

571 (4) Burglary is a felony of the third degree, punishable
572 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
573 course of committing the offense, the offender does not make an
574 assault or battery and is not and does not become armed with a

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575 | dangerous weapon or explosive, and the offender enters or
576 | remains in a:

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

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

581

582 | However, if the burglary is committed during a riot or an
583 | aggravated riot prohibited under s. 870.01 and the perpetration
584 | of the burglary is facilitated by conditions arising from the
585 | riot; or within a county that is subject to a state of emergency
586 | declared by the Governor under chapter 252 after the declaration
587 | of emergency is made and the perpetration of the burglary is
588 | facilitated by conditions arising from the emergency, the
589 | burglary is a felony of the second degree, punishable as
590 | provided in s. 775.082, s. 775.083, or s. 775.084. As used in
591 | this subsection, the terms "conditions arising from the riot"
592 | and ~~term~~ "conditions arising from the emergency" have the same
593 | meanings as provided in subsection (3) ~~means civil unrest, power~~
594 | ~~outages, curfews, voluntary or mandatory evacuations, or a~~
595 | ~~reduction in the presence of or response time for first~~
596 | ~~responders or homeland security personnel.~~ A person arrested for
597 | committing a burglary during a riot or an aggravated riot or
598 | within a county that is subject to such a state of emergency may
599 | not be released until the person appears before a committing

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600 magistrate at a first appearance hearing. For purposes of
601 sentencing under chapter 921, a felony offense that is
602 reclassified under this subsection is ranked one level above the
603 ranking under s. 921.0022 or s. 921.0023 of the offense
604 committed.

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

607 812.014 Theft.—

608 (2)

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

611 2. The property stolen is cargo valued at less than
612 \$50,000 that has entered the stream of interstate or intrastate
613 commerce from the shipper's loading platform to the consignee's
614 receiving dock;

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

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

622
623 the offender commits grand theft in the second degree,
624 punishable as a felony of the second degree, as provided in s.

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625 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
626 means mechanical or electronic apparatus used to provide
627 emergency services and care as defined in s. 395.002(9) or to
628 treat medical emergencies. Law enforcement equipment means any
629 property, device, or apparatus used by any law enforcement
630 officer as defined in s. 943.10 in the officer's official
631 business. However, if the property is stolen during a riot or an
632 aggravated riot prohibited under s. 870.01 and the perpetration
633 of the theft is facilitated by conditions arising from the riot;
634 or within a county that is subject to a state of emergency
635 declared by the Governor under chapter 252, the theft is
636 committed after the declaration of emergency is made, and the
637 perpetration of the theft is facilitated by conditions arising
638 from the emergency, the theft is a felony of the first degree,
639 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
640 As used in this paragraph, the term "conditions arising from the
641 riot" means civil unrest, power outages, curfews, or a reduction
642 in the presence of or response time for first responders or
643 homeland security personnel and the term "conditions arising
644 from the emergency" means civil unrest, power outages, curfews,
645 voluntary or mandatory evacuations, or a reduction in the
646 presence of or response time for first responders or homeland
647 security personnel. A person arrested for committing a theft
648 during a riot or an aggravated riot or within a county that is
649 subject to a state of emergency may not be released until the

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650 | person appears before a committing magistrate at a first
651 | appearance hearing. For purposes of sentencing under chapter
652 | 921, a felony offense that is reclassified under this paragraph
653 | is ranked one level above the ranking under s. 921.0022 or s.
654 | 921.0023 of the offense committed.

655 | (c) It is grand theft of the third degree and a felony of
656 | the third degree, punishable as provided in s. 775.082, s.
657 | 775.083, or s. 775.084, if the property stolen is:

- 658 | 1. Valued at \$750 or more, but less than \$5,000.
- 659 | 2. Valued at \$5,000 or more, but less than \$10,000.
- 660 | 3. Valued at \$10,000 or more, but less than \$20,000.
- 661 | 4. A will, codicil, or other testamentary instrument.
- 662 | 5. A firearm.
- 663 | 6. A motor vehicle, except as provided in paragraph (a).
- 664 | 7. Any commercially farmed animal, including any animal of
665 | the equine, avian, bovine, or swine class or other grazing
666 | animal; a bee colony of a registered beekeeper; and aquaculture
667 | species raised at a certified aquaculture facility. If the
668 | property stolen is a commercially farmed animal, including an
669 | animal of the equine, avian, bovine, or swine class or other
670 | grazing animal; a bee colony of a registered beekeeper; or an
671 | aquaculture species raised at a certified aquaculture facility,
672 | a \$10,000 fine shall be imposed.
- 673 | 8. Any fire extinguisher that, at the time of the taking,
674 | was installed in any building for the purpose of fire prevention

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675 and control. This subparagraph does not apply to a fire
676 extinguisher taken from the inventory at a point-of-sale
677 business.

678 9. Any amount of citrus fruit consisting of 2,000 or more
679 individual pieces of fruit.

680 10. Taken from a designated construction site identified
681 by the posting of a sign as provided for in s. 810.09(2)(d).

682 11. Any stop sign.

683 12. Anhydrous ammonia.

684 13. Any amount of a controlled substance as defined in s.
685 893.02. Notwithstanding any other law, separate judgments and
686 sentences for theft of a controlled substance under this
687 subparagraph and for any applicable possession of controlled
688 substance offense under s. 893.13 or trafficking in controlled
689 substance offense under s. 893.135 may be imposed when all such
690 offenses involve the same amount or amounts of a controlled
691 substance.

692

693 However, if the property is stolen during a riot or an
694 aggravated riot prohibited under s. 870.01 and the perpetration
695 of the theft is facilitated by conditions arising from the riot;
696 or within a county that is subject to a state of emergency
697 declared by the Governor under chapter 252, the property is
698 stolen after the declaration of emergency is made, and the
699 perpetration of the theft is facilitated by conditions arising

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700 from the emergency, the offender commits a felony of the second
701 degree, punishable as provided in s. 775.082, s. 775.083, or s.
702 775.084, if the property is valued at \$5,000 or more, but less
703 than \$10,000, as provided under subparagraph 2., or if the
704 property is valued at \$10,000 or more, but less than \$20,000, as
705 provided under subparagraph 3. As used in this paragraph, the
706 terms "conditions arising from a riot" and ~~term~~ "conditions
707 arising from the emergency" have the same meanings as provided
708 in paragraph (b). A person arrested for committing a theft
709 during a riot or an aggravated riot or within a county that is
710 subject to a state of emergency may not be released until the
711 person appears before a committing magistrate at a first
712 appearance hearing ~~means civil unrest, power outages, curfews,~~
713 ~~voluntary or mandatory evacuations, or a reduction in the~~
714 ~~presence of or the response time for first responders or~~
715 ~~homeland security personnel.~~ For purposes of sentencing under
716 chapter 921, a felony offense that is reclassified under this
717 paragraph is ranked one level above the ranking under s.
718 921.0022 or s. 921.0023 of the offense committed.

719 Section 14. Section 836.115, Florida Statutes, is created
720 to read:

721 836.115 Cyberintimidation by publication.—

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

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

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725 (b) "Harass" has the same meaning as provided in s.
726 817.568(1)(c).

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

729 (2) It is unlawful for a person to electronically publish
730 another person's personal identification information with the
731 intent to, or with the intent that a third party will use the
732 information to:

733 (a) Incite violence or commit a crime against the person;

734 or

735 (b) Threaten or harass the person, placing such person in
736 reasonable fear of bodily harm.

737
738 A person who violates this subsection commits a misdemeanor of a
739 first degree, punishable as provided in s. 775.082 or s.
740 775.083.

741 Section 15. Section 870.01, Florida Statutes, is amended
742 to read:

743 870.01 Affrays and riots.—

744 (1) A person commits an affray if he or she engages, by
745 mutual consent, in fighting with another person in a public
746 place to the terror of the people. A person who commits ~~All~~
747 ~~persons guilty of an affray commits shall be guilty of a~~
748 misdemeanor of the first degree, punishable as provided in s.
749 775.082 or s. 775.083.

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750 (2) A person commits a riot if he or she willfully
751 participates in a violent public disturbance involving an
752 assembly of three or more persons, acting with a common intent
753 to assist each other in violent and disorderly conduct,
754 resulting in:

755 (a) Injury to another person;

756 (b) Damage to property; or

757 (c) Imminent danger of injury to another person or damage
758 to property.

759

760 A person who commits ~~All persons guilty of a riot commits, or of~~
761 ~~inciting or encouraging a riot,~~ shall be guilty of a felony of
762 the third degree, punishable as provided in s. 775.082, s.
763 775.083, or s. 775.084.

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

766 (a) Participates with 25 or more other persons;

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

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

770 (d) Displays, uses, threatens to use, or attempts to use a
771 deadly weapon; or

772 (e) By force, or threat of force, endangers the safe
773 movement of a vehicle traveling on a public street, highway, or
774 road.

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775
776 A person who commits aggravating rioting commits a felony of the
777 second degree, punishable as provided in s. 775.082, s. 775.083,
778 or s. 775.084.

779 (4) A person commits inciting a riot if he or she
780 willfully incites another person to participate in a riot,
781 resulting in a riot or imminent danger of a riot. A person who
782 commits inciting a riot commits a felony of the third degree,
783 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

784 (5) A person commits aggravated inciting a riot if he or
785 she:

786 (a) Incites a riot resulting in great bodily harm to
787 another person not participating in the riot;

788 (b) Incites a riot resulting in property damage in excess
789 of \$5,000; or

790 (c) Supplies a deadly weapon to another person or teaches
791 another person to prepare a deadly weapon with intent that the
792 deadly weapon be used in a riot for an unlawful purpose.

793
794 A person who commits aggravated inciting a riot commits a felony
795 of the second degree, punishable as provided in s. 775.082, s.
796 775.083, or s. 775.084.

797 (6) Except for a violation of subsection (1), a person
798 arrested for a violation of this section shall be held in
799 custody until brought before the court for admittance to bail in

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800 accordance with chapter 903.

801 (7) This section does not prohibit constitutionally
802 protected activity such as a peaceful protest.

803 Section 16. Section 870.02, Florida Statutes, is amended
804 to read:

805 870.02 Unlawful assemblies.—

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

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

813 Section 17. Section 870.03, Florida Statutes, is repealed.

814 Section 18. Section 870.07, Florida Statutes, is created
815 to read:

816 870.07 Affirmative defense in civil action; party
817 convicted of riot.—

818 (1) In a civil action for damages for personal injury,
819 wrongful death, or property damage, it is an affirmative defense
820 that such action arose from an injury or damage sustained by a
821 participant acting in furtherance of a riot. The affirmative
822 defense authorized by this section shall be established by
823 evidence that the participant has been convicted of a riot or an
824 aggravated riot prohibited under s. 870.01, or by proof of the

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825 commission of such crime by a preponderance of the evidence.

826 (2) In a civil action in which a defendant raises an
827 affirmative defense under this section, the court must, on
828 motion by the defendant, stay the action during the pendency of
829 a criminal action that forms the basis for the defense, unless
830 the court finds that a conviction in the criminal action would
831 not form a valid defense under this section.

832 Section 19. Subsections (3) through (6) of section 872.02,
833 Florida Statutes, are renumbered as subsections (4) through (7),
834 respectively, a new subsection (3) is added to that section,
835 subsections (1) and (2) of that section are republished, and
836 present subsection (6) of that section is amended, to read:

837 872.02 Injuring or removing tomb or monument; disturbing
838 contents of grave or tomb; penalties.—

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

842 (a) Willfully and knowingly destroys, mutilates, defaces,
843 injures, or removes any tomb, monument, gravestone, burial
844 mound, earthen or shell monument containing human skeletal
845 remains or associated burial artifacts, or other structure or
846 thing placed or designed for a memorial of the dead, or any
847 fence, railing, curb, or other thing intended for the protection
848 or ornamentation of any tomb, monument, gravestone, burial
849 mound, earthen or shell monument containing human skeletal

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850 remains or associated burial artifacts, or other structure
851 before mentioned, or for any enclosure for the burial of the
852 dead; or

853 (b) Willfully destroys, mutilates, removes, cuts, breaks,
854 or injures any tree, shrub, or plant placed or being within any
855 such enclosure, except for a person performing routine
856 maintenance and upkeep.

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

861 (3) For purposes of sentencing under chapter 921, a
862 violation of this section, committed by a person in furtherance
863 of a riot or an aggravated riot prohibited under s. 870.01 is
864 ranked one level above the ranking under s. 921.0022 or s.
865 921.0023 for the offense committed.

866 (7)~~(6)~~ If a legally authorized person refuses to sign a
867 written authorization, as provided in paragraph (6) (a)~~(5) (a)~~, or
868 if a legally authorized person objects, as provided in paragraph
869 (6) (b) ~~(5) (b)~~, a public hearing shall be held before the county
870 commission of the county where the cemetery is located, or the
871 city council, if the cemetery is located in a municipality, and
872 the county commission or the city council shall have the
873 authority to grant a request for relocation of the contents of
874 such graves or tombs.

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

877 921.0022 Criminal Punishment Code; offense severity
878 ranking chart.—

879 (3) OFFENSE SEVERITY RANKING CHART

880 (b) LEVEL 2

881

Florida Statute	Felony Degree	Description
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882

379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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883

379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
------------------------	-----	--

884

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.
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885	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
886	590.28(1)	3rd	Intentional burning of lands.
887	<u>784.03(3)</u>	<u>3rd</u>	<u>Battery during a riot or an aggravated riot.</u>
888	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
889	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
890	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
891	<u>806.13(3)</u>	<u>3rd</u>	<u>Criminal mischief; damage of \$200 or more to a memorial or</u>

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historic property.

892

810.061 (2) 3rd Impairing or impeding telephone
or power to a dwelling;
facilitating or furthering
burglary.

893

810.09 (2) (e) 3rd Trespassing on posted
commercial horticulture
property.

894

812.014 (2) (c) 1. 3rd Grand theft, 3rd degree; \$750
or more but less than \$5,000.

895

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

896

812.015 (7) 3rd Possession, use, or attempted
use of an antishoplifting or
inventory control device
countermeasure.

897

817.234 (1) (a) 2. 3rd False statement in support of

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insurance claim.

898

817.481 (3) (a) 3rd Obtain credit or purchase with
false, expired, counterfeit,
etc., credit card, value over
\$300.

899

817.52 (3) 3rd Failure to redeliver hired
vehicle.

900

817.54 3rd With intent to defraud, obtain
mortgage note, etc., by false
representation.

901

817.60 (5) 3rd Dealing in credit cards of
another.

902

817.60 (6) (a) 3rd Forgery; purchase goods,
services with false card.

903

817.61 3rd Fraudulent use of credit cards
over \$100 or more within 6
months.

904

826.04 3rd Knowingly marries or has sexual

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intercourse with person to whom
related.

905

831.01 3rd Forgery.

906

831.02 3rd Uttering forged instrument;
utters or publishes alteration
with intent to defraud.

907

831.07 3rd Forging bank bills, checks,
drafts, or promissory notes.

908

831.08 3rd Possessing 10 or more forged
notes, bills, checks, or
drafts.

909

831.09 3rd Uttering forged notes, bills,
checks, drafts, or promissory
notes.

910

831.11 3rd Bringing into the state forged
bank bills, checks, drafts, or
notes.

911

832.05 (3) (a) 3rd Cashing or depositing item with

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intent to defraud.

912

843.08 3rd False personation.

913

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.

914

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

915

916 (c) LEVEL 3

917

Florida Statute	Felony Degree	Description
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918

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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919

316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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920	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
921	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
922	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
923	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
924	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
925	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
926	327.35 (2) (b)	3rd	Felony BUI.

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927	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
928	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
929	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
930	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.
931	379.2431	3rd	Possessing any marine turtle

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(1) (e) 6. species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

932

379.2431 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

(1) (e) 7.

933

400.9935 (4) (a) 3rd Operating a clinic, or offering services requiring licensure, or (b) without a license.

934

400.9935 (4) (e) 3rd Filing a false license application or other required information or failing to report information.

935

440.1051 (3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

936

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937	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
938	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
939	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
940	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
941	697.08	3rd	Equity skimming.
942	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 equipment used in firefighting.

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943	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
944	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
945	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
946	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
947	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
948	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
949	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud

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Act), property valued at less than \$20,000.

950	817.233	3rd	Burning to defraud insurer.
951	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
952	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
953	817.236	3rd	Filing a false motor vehicle insurance application.
954	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
955	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
956	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to

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defraud or possessing a
counterfeit payment instrument
with intent to defraud.

957

831.29 2nd Possession of instruments for
counterfeiting driver licenses
or identification cards.

958

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

959

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

960

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

961

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

962

870.01 (4) 3rd Inciting a riot.

963

893.13 (1) (a) 2. 3rd Sell, manufacture, or deliver
cannabis (or other s.
893.03 (1) (c), (2) (c) 1.,

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(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).

964

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.

965

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.

966

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

967

893.13(6)(a) 3rd Possession of any controlled

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substance other than felony
possession of cannabis.

968

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

969

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

970

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

971

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

972

893.13(8)(a)1. 3rd Knowingly assist a patient,
other person, or owner of an
animal in obtaining a

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controlled substance through
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.

973

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.

974

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

975

893.13(8)(a)4. 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.

976

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977	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
978	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
979	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
980	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
981	(d) LEVEL 4		
982	Florida	Felony	
983	Statute	Degree	Description
	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

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2021 Legislature

siren and lights activated.

984

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

985

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

986

517.07 (1) 3rd Failure to register securities.

987

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

988

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

989

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

990

784.075 3rd Battery on detention or commitment facility staff.

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991	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
992	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
993	784.081 (3)	3rd	Battery on specified official or employee.
994	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
995	784.083 (3)	3rd	Battery on code inspector.
996	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
997	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
998			

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999	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1000	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
1001	787.07	3rd	Human smuggling.
1002	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
1003	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
1004	790.115 (2) (c)	3rd	Possessing firearm on school property.
	800.04 (7) (c)	3rd	Lewd or lascivious exhibition;

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1005			offender less than 18 years.
	<u>806.135</u>	<u>2nd</u>	<u>Destroying or demolishing a memorial or historic property.</u>
1006			
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
1007			
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
1008			
	810.06	3rd	Burglary; possession of tools.
1009			
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
1010			
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
1011			
	812.014	3rd	Grand theft, 3rd degree;

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1012	(2) (c) 4.-10.		specified items.
1013	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
1014	817.505 (4) (a)	3rd	Patient brokering.
1015	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
1016	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
1017	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
1018	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
1018	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent

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1019			breeding disability to any registered horse or cattle.
	837.02 (1)	3rd	Perjury in official proceedings.
1020			
	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1021			
	838.022	3rd	Official misconduct.
1022			
	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1023			
	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
1024			
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
1025			
	843.025	3rd	Deprive law enforcement, correctional, or correctional

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1026	843.15(1)(a)	3rd	probation officer of means of protection or communication.
1027	847.0135(5)(c)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
1028	<u>870.01(3)</u>	<u>2nd</u>	Lewd or lascivious exhibition using computer; offender less than 18 years.
1029	<u>870.01(5)</u>	<u>2nd</u>	<u>Aggravated rioting.</u>
1030	874.05(1)(a)	3rd	<u>Aggravated inciting a riot.</u>
1031	893.13(2)(a)1.	2nd	Encouraging or recruiting another to join a criminal gang.
1032	914.14(2)	3rd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
			Witnesses accepting bribes.

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1033	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1034	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1035	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
1036	918.12	3rd	Tampering with jurors.
1037	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
1038	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
1039	951.22 (1) (h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device

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

1040

1041 Section 21. This act shall take effect upon becoming a

1042 law.

Exhibit B

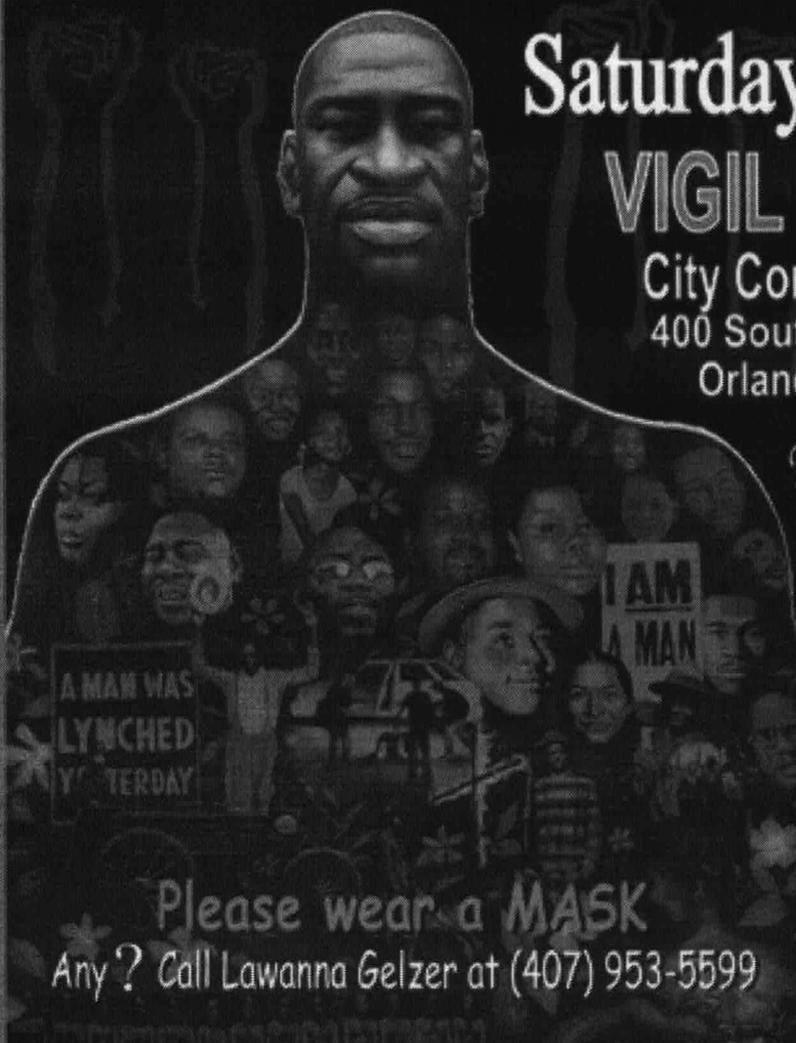
The Movement Coalition Presents:



DON'T FORGET US!

SAY THEIR NAMES

Special
Guests: Gwen Carr mother of Eric Garner & the Families of:
Angelo Crooms, Sincere Pierce, Salaythis Melvin,
Jorge Gomez, Kevin Adolphe, Rodney Mitchell,
Clarence "Cee Jay" Lake, Leroy Blanding, Christopher
Redding, Jr., Karvas Gamble, Jr., Andrew Joseph III,
Marlon Brown, Sr., Corey Jones & TaNorris Williams



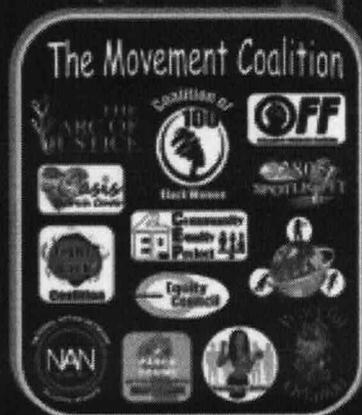
Saturday, April 24th

VIGIL - 2:00 PM

City Commons Plaza
400 South Orange Ave.
Orlando, FL 32801

*The Hall of Injustice
Will be on Display!*

Please wear a MASK
Any? Call Lawanna Gelzer at (407) 953-5599



JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Legacy Entertainment & Arts Foundation, Inc., d/b/a
Lawyers Matter Task Force; and Jai Yoko

(b) County of Residence of First Listed Plaintiff Orange County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Bates Ligon, 111 N. Orange Ave, Suite 800, Orlando, FL
32801, Tel: (407) 476-0620

DEFENDANTS

JOHN WILLIAM MINA, in his
official capacity as Sheriff of Orange County,

County of Residence of First Listed Defendant Orange County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from Another District (specify)
 6 Multidistrict Litigation - Transfer
 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
The First, Eighth and Fourteenth Amendments of the United States Constitution. U.S.C.S. Const. Amend. 1, VIII, and XIV.

Brief description of cause:
Violation of constitutional rights to free speech and to be held without excessive bail, fines, and without cruel or unusual punishment.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

04-21-21

SIGNATURE OF ATTORNEY OF RECORD

Norman Case Bates

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____