

ENROLLED

CS/HB 1571

2022 Legislature

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 2 An act relating to residential picketing; creating s.
 3 810.15, F.S.; defining the term "dwelling";
 4 prohibiting a person from picketing or protesting
 5 before or about the dwelling of a person with
 6 specified intent; providing criminal penalties;
 7 requiring a specified warning before arrest for a
 8 violation; providing an effective date.

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 10 WHEREAS, the state has a significant interest in protecting
 11 the tranquility and privacy of the home and protecting citizens
 12 from the detrimental effect of targeted picketing, and

13 WHEREAS, the Supreme Court of the United States recognized
 14 this interest in upholding a challenged ordinance restricting
 15 residential picketing in *Frisby v. Schultz*, 487 U.S. 474 (1988),
 16 NOW, THEREFORE,

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Section 810.15, Florida Statutes, is created to
 21 read:

22 810.15 Residential picketing.—

23 (1) As used in this section, the term "dwelling" means a
 24 building, structure, or portion thereof which is occupied as, or
 25 designed or intended for occupancy as, a residence by one or

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26 more families.

27 (2) It is unlawful for a person to picket or protest
 28 before or about the dwelling of any person with the intent to
 29 harass or disturb that person in his or her dwelling.

30 (3) A person who violates this section commits a
 31 misdemeanor of the second degree, punishable as provided in s.
 32 775.082 or s. 775.083.

33 (4) Before a person may be arrested for a violation of
 34 this section, a law enforcement officer, as defined in s.
 35 943.10(1), or a local, state, federal, or military law
 36 enforcement agency must go as near to the person as may be done
 37 with safety and shall command any person picketing or protesting
 38 before or about the dwelling of a person to immediately and
 39 peaceably disperse. If any such person does not thereupon
 40 immediately and peaceably disperse, he or she may be arrested
 41 for a violation of this section.

42 Section 2. This act shall take effect October 1, 2022.