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MEMORANDUM

TO: Florida Law Enforcement Agencies

FROM: Attorney General Ashley Moody
Commissioner Mark Glass
Executive Director Dave Kerner

DATE: October 9, 2023

SUBJECT: Protecting Citizens and Visitors in the Wake of Terrorist Attacks Against Israel

On October 7, 2023, the nation of Israel was subject to sustained terrorist attacks perpetrated by members of Hamas, a Foreign Terrorist Organization (FTO). These deplorable acts of terror perpetrated against innocent Israeli citizens have no place in a civil and organized society.

All Florida law enforcement agencies and officials are encouraged to remain vigilant to ensure the safety of citizens and visitors to Florida as Israel defends itself from these heinous acts of aggression. In furtherance of this, please take time to refresh your familiarity with § 775.33, Florida Statutes, § 784.0493, Florida Statutes, § 806.13, Florida Statutes, and § 810.098, Florida Statutes.

Section 775.33 makes it a first-degree felony to provide “material support or resources” to a designated FTO, including Hamas. The Florida Department of Law Enforcement and the Florida Attorney General’s Office have created guidelines for law enforcement investigations conducted pursuant to this section available via secure link on CJNET.

Please note that providing material support does not encompass protected First Amendment speech and generally requires a showing of substantial and tangible support to a designated FTO including but not limited to:

- Providing donations, fundraising, or providing other financial support to terrorist actors or an FTO.
- Engaging in a conspiracy to assist an FTO in moving illicit items for their benefit or engaging in a conspiracy to obtain weapons for an FTO.
- Pledging support to an FTO and offering the organization services such as training or on-call medical services for wounded organization members.
- Providing oneself to an FTO as “personnel” and taking such steps as buying combat gear or traveling overseas to join the FTO.
- Conspiring to provide oneself as “personnel” to commit a terrorist attack on an FTO’s behalf by seeking to transmit an oath of loyalty to the FTO, while also collecting funds for, and planning an operation regarding, a terrorist attack.

Sections 784.0493, 806.13, and 810.098 were signed into law by Governor DeSantis on May 1, 2023. These laws prohibit the willful and malicious harassing or intimidating of another person based on the person’s wearing or displaying an indicia relating to religious or ethnic heritage and provide further protections for persons on a state university or Florida College System institution. The Florida Department of Law Enforcement has provided detailed guidance on these laws through a memo that is available via secure link on CJNET.

The State of Florida will not tolerate violence against citizens of Israel, members of the Jewish community, or any other person in the State based on their religious or ethnic heritage. Any law enforcement officer considering charging a suspect under the statutes discussed above should consult his/her legal advisor.