

The 2025 Florida Statutes

[Title XLVI](#)
CRIMES

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AFFRAYS; RIOTS; ROUTS; UNLAWFUL ASSEMBLIES

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

(1) In a civil action for damages for 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 defense authorized by this section shall be established by evidence that the participant has been convicted of a riot or an aggravated riot prohibited under s. [870.01](#), or by proof of the commission of such crime by a preponderance of the evidence.

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

History.—s. 18, ch. 2021-6.