

# APPENDIX A

## State of Florida Laws Covering Graffiti

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### The 1998 Florida Statutes

Titte XLVI

Chapter 806

[View Entire Chapter](#)

CRIMES

Arson And Criminal Mischief

806.13 Criminal mischief; penalties; penalty for minor.-

(1)(a) A person commits the offense of criminal mischief if he or she willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto.

(b)1. If the damage to such property is \$200 or less, it is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. If the damage to such property is greater than \$200 but less than \$1,000, it is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

3. If the damage is \$1,000 or greater, or if there is interruption or impairment of a business operation or public communication, transportation, supply of water, gas or power, or other public service which costs \$1,000 or more in labor and supplies to restore, it is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. If the person has one or more previous convictions for violating this subsection, the offense under subparagraph 1. or subparagraph 2. for which the person is charged shall be reclassified as a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who willfully and maliciously defaces, injures, or damages by any means any church, synagogue, mosque, or other place of worship, or any religious article contained therein, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the damage to the property is greater than \$200.

(3) Whoever, without the consent of the owner thereof, willfully destroys or substantially damages any public telephone, or telephone cables, wires, fixtures, antennas, amplifiers, or any other apparatus, equipment, or appliances, which destruction or damage renders a public telephone inoperative or which opens the body of a public telephone, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; provided, however, that a conspicuous notice of the provisions of this subsection and the penalties provided is posted on or near the destroyed or damaged instrument and visible to the public at the time of the commission of the offense.

(4)(a) The amounts of value of damage to property owned by separate persons, if the property was damaged during one scheme or course or conduct, may be aggregated in determining the grade of the offense under this section.

(b) Any person who violates this section may, in addition to any other criminal penalty, be required to pay for the damages caused by such offense.

(5) In addition to any other penalty provided by law, if a minor is found to have committed a delinquent act under this section for placing graffiti on any public property or private property, and:

(a) The minor is eligible by reason of age for a driver's license or driving privilege, the court shall

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(7) Because of the difficulty of confronting the blight of graffiti, it is the intent of the Legislature that municipalities and counties not be preempted by state law from establishing ordinances that prohibit the marking of graffiti or other graffiti-related offenses. Furthermore as related to graffiti such municipalities and counties are not preempted by state law from establishing higher penalties than those provided by state law and mandatory penalties when state law provides discretionary penalties. Such higher and mandatory penalties include fines that do not exceed the amount specified in ss 125.69 and 162.21, community service restitution, and forfeiture. Upon a finding that a juvenile has violated a graffiti-related ordinance, a court acting under chapter 985 may not provide a disposition of the case which is less severe than any mandatory penalty prescribed by municipal or county ordinance for such violation.

Section 2. Subsection (7) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.-A law enforcement officer may arrest a person without a warrant when:

(7) There is probable cause to believe that the person has committed:

- (a) An act of domestic violence as defined in s. 741.28::
- (b) Child abuse, as defined in s. 827.04(2) and (3)-"
- (c) Any battery upon another person, as defined in s. 784.03.
- (d) An act of criminal mischief or a graffiti-related offense as described in s. 806.13.

With respect to an arrest for an act of domestic violence, the decision to arrest shall not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly discourage arrest and charges of both parties for domestic violence on each other and to encourage training of law enforcement and prosecutors in this area. A law enforcement *officer* who acts in good faith and exercises due care in making an arrest under this subsection. under s. 741.31(4) or s. 784.047, or pursuant to a foreign order of protection accorded full faith and credit pursuant to s. 741.315. is immune from civil liability that otherwise might result by reason of his or her action.

Section 3. This act shall take effect October 1, 1998.

Became a law without the Governor's approval May 22, 1998. Filed in Office

Secretary of State May 21, 1998.

Z CODING: Words strUe+} are deletions: words underlined are additions.

## APPENDIX B



Office of the Vice President  
For Research  
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### APPROVAL MEMORANDUM

Human Subjects Committee

Date: 1/30/2004

Lilly Katherine Lane  
3703 SW 100th Street  
Gainesville, FL 32606-4639

Dept.: Art Education

From: John Tomkowiak, Chair *JT/ph*

Re: **Use of Human Subjects in Research**  
**A critical analysis of the 34th street wall**

The forms that you submitted to this office in regard to the use of human subjects in the proposal referenced above have been reviewed by the Secretary, the Chair, and two members of the Human Subjects Committee. Your project is determined to be exempt per 45 CFR § 46.101(b) 2 and has been approved by an accelerated review process.

**The Human Subjects Committee has not evaluated your proposal for scientific merit, except to weigh the risk to the human participants and the aspects of the proposal related to potential risk and benefit. This approval does not replace any departmental or other approvals, which may be required.**

If the project has not been completed by **1/29/2005** you must request renewed approval for continuation of the project.

You are advised that any change in protocol in this project must be approved by resubmission of the project to the Committee for approval. Also, the principal investigator must promptly report, in writing, any unexpected problems causing risks to research subjects or others.

By copy of this memorandum, the chairman of your department and/or your major professor is reminded that he/she is responsible for being informed concerning research projects involving human subjects in the department, and should review protocols of such investigations as often as needed to insure that the project is being conducted in compliance with our institution and with DHHS regulations.

This institution has an Assurance on file with the Office for Protection from Research Risks. The Assurance Number is IRB00000446.

Cc: Tom Anderson  
HSC No. 2003.725

## APPENDIX C

### INFORMED CONSENT TO SERVE AS A SUBJECT IN RESEARCH

I consent to serve as a subject in the research investigation entitled:

A CRITICAL ANALYSIS OF THE 34<sup>TH</sup> STREET WALL.

The nature and general purpose of the research procedure and the known risks involved have been explained to me by L. Katherine Lane, who is a doctoral candidate at Florida State University, Art Education. The investigator is authorized to proceed on the understanding that I may terminate my service as a subject in this research at any time I desire.

I understand I will be asked to fill out a paper and pencil questionnaire. All my questions will be answered by this researcher. My name will not appear on any of the results. Information obtained during the course of the study will remain confidential, to the extent allowed by the law.

I understand also that it is not possible to identify all potential risks in an experimental procedure, and I believe that reasonable safeguards have been taken to minimize both the known and the potential but unknown risks

I understand that I may contact Dr. Tom Anderson (tanderso@mailier.fsu.edu) or L. Katherine Lane (klane40065@aol.com) for answers to questions about this research or my rights. Group results will be sent to me upon my request.

I have read and understand this consent form.

## END NOTES

<sup>1</sup> “The fylfot, or swastika, is of great antiquity and is common to many countries. It was the monogram of Vishnu and Siva in India, the battle-axe of Thor in Scandinavian inscriptions, and a favourite [sic] symbol with the Peruvians. In China and Japan it would appear to be a Buddhist importation, though it may possibly be a variation of the meander. . . . This emblem is to be seen on the wrappers of parcels, on the stomach or chest of idols, on the eaves of houses, on embroidery, and many other objects.

It has its crampons directed towards the right, but another form . . . called Sauvastika [sic], is directed to the left. The former is said to be the first of the 65 auspicious signs of the footprint of Buddha, and the latter the fourth. It is said by some authorities to have been impressed by each toe of Buddha. Sometimes these two impressions are represented by flowers or flames.

The term Swastika, or Svastika, is derived from the Sanskrit *su* ‘well’ and as ‘to be,’ meaning ‘so be it,’ and denoting resignation of spirit. It is described as ‘ten thousand character sign,’ *Wan Tsū* . . . and is said to have come from Heaven. . . . It is also regarded as the symbol or seal of Buddha’s heart . . . is usually placed on the heart of SHAKYAMUNI BUDDHA [sic] in images or pictures of that divinity, as it is believed to contain within it the whole mind of Buddha. It appears as an ornament on the crowns of the Bonpa and Lama deities of Thibet [sic] . . . the Swaswtika [sic] represents the ‘fire’s cradle,’ *i.e.*, the pith of the wood, from which in oldest times in the point of intersection of the two arms the fire produced by whirling round an inserted stick . . . it simply symbolizes the twirling movement when making the fire” (Outlines of Chinese Symbolism & Art Motives, 1931/1976, pp. 381-2).

<sup>2</sup> “The Eight Diagrams, are represented by an arrangement of certain cabalistic signs consisting of various combinations of straight lines arranged in a circle, said to have

been evolved from the markings on the shell of a tortoise by the legendary Emperor Fu Hsi . . . 2852 B.C. They are also said to have been created from the two primary forms . . . represented by a continuous straight line . . . called *Yang I* . . . or the symbol of the male principle, and a broken line . . . called *Yin I* . . . or the symbol of the female principle (*vide* Yin and Yang). Mathematics was said to have derived from the Eight Diagrams, which figuratively denote the evolution of nature and its cyclic changes. . . . A plaque . . . considered to have the power of preserving the wearer from misfortune, and assuring his future prosperity. It may also be nailed over a house door as an emblem of felicity ” (Williams, 1975, pp. 148-151)

<sup>3</sup> Diam is pronounced like dime, the coin. He was the co-founder of TCD, Trash-Can-Design. He is a member of SUK, GBF, New York’s FX crew and ES. In 1989 starts writing CAZA together with DUKE and KEWEN; in 1992 starts writing DAIM; in 1993 wins the HVV/WEST graffiti contest with HESH, resulting in the designing of two buses for the city of Hamburg where he painted the first bent letters without an outline; in 1995 he paints the highest graffiti in the world together with DARCO, HESH, LOOMIT, OHNE, AND VAINÉ; and enters the Guinness Book of Records. He has traveled in and painted murals in Denmark, France, Switzerland, Norway, Croatia, Greece, Belgium, Portugal, Italy, Canada, and the USA – including the 34<sup>th</sup> Street wall in Gainesville, Florida (Daim 2002).