

By Senator Haridopolos

26-940-04

1                                   A bill to be entitled  
 2           An act relating to habitual misdemeanor  
 3           offenders; creating s. 775.0837, F.S.; defining  
 4           the term "habitual misdemeanor offender" to  
 5           mean a defendant who has been convicted as an  
 6           adult of a certain number of misdemeanors  
 7           within a specified period; defining the term  
 8           "convicted" for purposes of the act; requiring  
 9           the court to sentence a habitual misdemeanor  
 10          offender to an extended term of imprisonment  
 11          and providing a minimum mandatory sentence;  
 12          prohibiting the court from sentencing a  
 13          defendant as a habitual misdemeanor offender if  
 14          the defendant is subject to a more severe  
 15          penalty; providing an effective date.

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

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 19           Section 1. Section 775.0837, Florida Statutes, is  
 20 created to read:

21                   775.0837 Habitual misdemeanor offenders.--

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

23                   (a) "Habitual misdemeanor offender" means a defendant  
 24 who has been convicted of five or more misdemeanors within a  
 25 12-month period.

26                   (b) "Convicted" means a determination of guilt which  
 27 is the result of a trial or the entry of a plea of guilty or  
 28 nolo contendere, regardless of whether adjudication is  
 29 withheld.

30                   (2) If the court finds that a defendant convicted of a  
 31 misdemeanor has been convicted, as an adult, of four or more

1 additional misdemeanors on separate occasions within the  
2 previous 12-month period, the court shall sentence the  
3 defendant as a habitual misdemeanor offender and impose a term  
4 of imprisonment of not less than 6 months and may impose a  
5 term of imprisonment of up to 1 year. The court may not  
6 sentence a defendant under this subsection if the current  
7 offense is reclassified as a felony as a result of prior  
8 qualifying misdemeanors.

9 Section 2. This act shall take effect July 1, 2004.

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12 SENATE SUMMARY

13 Defines the terms "habitual misdemeanor offender" and  
14 "convicted." Requires the trial court to sentence a  
15 habitual misdemeanor offender to an extended term of  
16 imprisonment of up to 1 year. Provides for a minimum  
17 mandatory sentence of 6 months. Prohibits the trial court  
18 from sentencing a defendant as a habitual misdemeanor  
19 offender if the defendant is subject to a more severe  
20 penalty as a result of the reclassification of the  
21 qualifying offense.  
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