

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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