

By the Committee on Criminal Justice; and Senator Smith

591-04083-09

20092680c1

1 A bill to be entitled
2 An act relating to homeless persons; amending s.
3 775.085, F.S.; reclassifying offenses evidencing
4 prejudice based on the homeless status of the victim;
5 providing an effective date.

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

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9 Section 1. Subsection (1) of section 775.085, Florida
10 Statutes, is amended to read:

11 775.085 Evidencing prejudice while committing offense;
12 reclassification.—

13 (1) (a) The penalty for any felony or misdemeanor shall be
14 reclassified as provided in this subsection if the commission of
15 such felony or misdemeanor evidences prejudice based on the
16 race, color, ancestry, ethnicity, religion, sexual orientation,
17 national origin, homeless status, mental or physical disability,
18 or advanced age of the victim:

19 1. A misdemeanor of the second degree is reclassified to a
20 misdemeanor of the first degree.

21 2. A misdemeanor of the first degree is reclassified to a
22 felony of the third degree.

23 3. A felony of the third degree is reclassified to a felony
24 of the second degree.

25 4. A felony of the second degree is reclassified to a
26 felony of the first degree.

27 5. A felony of the first degree is reclassified to a life
28 felony.

29 (b) As used in paragraph (a), the term:

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30 1. "Mental or physical disability" means that the victim
31 suffers from a condition of physical or mental incapacitation
32 due to a developmental disability, organic brain damage, or
33 mental illness, and has one or more physical or mental
34 limitations that restrict the victim's ability to perform the
35 normal activities of daily living.

36 2. "Advanced age" means that the victim is older than 65
37 years of age.

38 3. "Homeless status" means that the victim is homeless as
39 the term is defined in s. 420.621.

40 Section 2. This act shall take effect July 1, 2009.