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1 A bill to be entitled
2 An act relating to homeless persons; amending s. 775.085,
3 F.S.; reclassifying offenses evidencing prejudice based on
4 the homeless status of the victim; creating s. 784.0815,
5 F.S.; providing a definition; providing a minimum sentence
6 and other penalties for a person convicted of an
7 aggravated assault or aggravated battery upon a homeless
8 person; requiring the inclusion of housing status in
9 certain crime reports; requiring reporting of such data;
10 creating s. 943.17165, F.S.; requiring the Department of
11 Law Enforcement to develop a telecourse concerning hate
12 crimes against homeless persons; requiring the department
13 to consult subject matter experts for the development of
14 the telecourse; requiring the department to develop a
15 protocol that law enforcement personnel are required to
16 follow concerning such offenses; requiring that crime
17 prevention activities incorporate the protection of the
18 homeless population; amending s. 1003.42, F.S.; requiring
19 public school instruction in homelessness; requiring the
20 Office of Program Policy Analysis and Government
21 Accountability to conduct a study into the nature and
22 scope of hate crimes or violent crimes that occur against
23 homeless persons; requiring a report and recommendations
24 by a specified date; providing effective dates.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (1) of section 775.085, Florida

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29 Statutes, is amended to read:

30 775.085 Evidencing prejudice while committing offense;
31 reclassification.--

32 (1) (a) The penalty for any felony or misdemeanor shall be
33 reclassified as provided in this subsection if the commission of
34 such felony or misdemeanor evidences prejudice based on the
35 race, color, ancestry, ethnicity, religion, sexual orientation,
36 national origin, homeless status, mental or physical disability,
37 or advanced age of the victim:

38 1. A misdemeanor of the second degree is reclassified to a
39 misdemeanor of the first degree.

40 2. A misdemeanor of the first degree is reclassified to a
41 felony of the third degree.

42 3. A felony of the third degree is reclassified to a
43 felony of the second degree.

44 4. A felony of the second degree is reclassified to a
45 felony of the first degree.

46 5. A felony of the first degree is reclassified to a life
47 felony.

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

49 1. "Mental or physical disability" means that the victim
50 suffers from a condition of physical or mental incapacitation
51 due to a developmental disability, organic brain damage, or
52 mental illness, and has one or more physical or mental
53 limitations that restrict the victim's ability to perform the
54 normal activities of daily living.

55 2. "Advanced age" means that the victim is older than 65
56 years of age.

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

59 Section 2. Section 784.0815, Florida Statutes, is created
 60 to read:

61 784.0815 Assault or battery on homeless persons.--

62 (1) For purposes of this section, the term "homeless"
 63 shall have the same meaning as provided in s. 420.621.

64 (2) A person who is convicted of an aggravated assault or
 65 aggravated battery upon a homeless person shall be sentenced to
 66 a minimum term of imprisonment of 3 years and fined not more
 67 than \$10,000 and shall also be ordered by the sentencing judge
 68 to make restitution to the victim of the offense and to perform
 69 up to 500 hours of community service work. Restitution and
 70 community service work shall be in addition to any fine or
 71 sentence that may be imposed and shall not be in lieu thereof.
 72 Notwithstanding the provisions of s. 948.01, adjudication of
 73 guilt or imposition of sentence shall not be suspended,
 74 deferred, or withheld.

75 Section 3. Housing status data collection.--Housing status
 76 shall be included with crime reports that are to be included in
 77 the uniform crime reporting data maintained by the Department of
 78 Law Enforcement. The requirements for reporting this data shall
 79 be developed by the department with the assistance of the
 80 National Coalition for the Homeless, the National Law Center on
 81 Homelessness & Poverty, and criminal justice professionals.
 82 Throughout the state, law enforcement officers shall collect
 83 housing status information from victims and suspects whenever
 84 the collection of such information is appropriate. The

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85 Department of Law Enforcement shall provide a summary report of
86 this data to the National Coalition for the Homeless and to
87 appropriate state agencies.

88 Section 4. Section 943.17165, Florida Statutes, is created
89 to read:

90 943.17165 Hate crimes against homeless persons; course;
91 protocols; activities.--

92 (1) (a) The department shall develop a telecourse on the
93 plight of homeless persons that shall be made available to all
94 law enforcement agencies in the state. Every state, local, and
95 correctional law enforcement agency shall certify that each of
96 its officers has taken the course. The telecourse shall address
97 crimes against homeless persons and methods of dealing
98 effectively and humanely with homeless persons. The course shall
99 include instruction on each of the following topics:

100 1. Information about homelessness, including causes of
101 homelessness, its impact, and solutions to homelessness.

102 2. Indicators of hate crimes.

103 3. The impact of these crimes on the victim, the victim's
104 family, and the community.

105 4. The assistance and compensation available to victims.

106 5. The laws dealing with hate crimes and the legal rights
107 of, and the remedies available to, victims of hate crimes.

108 6. Law enforcement procedures, reporting, and
109 documentation of hate crimes.

110 7. Techniques and methods to handle incidents of hate
111 crimes.

112 8. The special problems inherent in hates crimes against

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113 homeless persons and techniques on how to deal with these
114 special problems.

115 (b) In developing the telecourse, the department shall
116 consult subject matter experts, including, but not limited to,
117 the following:

118 1. Homeless and formerly homeless individuals.

119 2. The National Coalition for the Homeless and the
120 National Law Center on Homelessness & Poverty.

121 3. Other local service providers and advocates for
122 homeless people.

123 4. Experts on the disabilities homeless persons commonly
124 experience.

125 5. Law enforcement agencies with experience investigating
126 hate crimes against homeless people.

127 (c) The department shall develop a protocol relating to
128 hate crimes against homeless persons that law enforcement
129 personnel are required to follow, including, but not limited to,
130 the following:

131 1. Preventing likely hate crimes by, among other things,
132 establishing contact with persons and communities that are
133 likely targets and forming community hate crime prevention and
134 response networks and cooperating with such networks.

135 2. Responding to reports of hate crimes, including reports
136 of hate crimes committed under color of legal authority.

137 3. Providing victim assistance and follow up, including
138 community follow up.

139 4. Reporting methods and procedures to track hate crimes
140 against homeless persons.

141 (2) Crime prevention activities shall incorporate the
 142 protection of the homeless population.

143 Section 5. Paragraph (u) is added to subsection (2) of
 144 section 1003.42, Florida Statutes, to read:

145 1003.42 Required instruction.--

146 (2) Members of the instructional staff of the public
 147 schools, subject to the rules of the State Board of Education
 148 and the district school board, shall teach efficiently and
 149 faithfully, using the books and materials required that meet the
 150 highest standards for professionalism and historic accuracy,
 151 following the prescribed courses of study, and employing
 152 approved methods of instruction, the following:

153 (u) The subject of homelessness, which shall be covered in
 154 ways such as expanding the Miami-Dade County Public Schools' "It
 155 could happen to you" curriculum on homelessness statewide and
 156 using the Faces of Homelessness Speakers' Bureau program of the
 157 National Coalition for the Homeless.

158
 159 The State Board of Education is encouraged to adopt standards
 160 and pursue assessment of the requirements of this subsection.

161 Section 6. Effective July 1, 2009, the Office of Program
 162 Policy Analysis and Government Accountability shall conduct a
 163 study into the nature and scope of hate crimes or violent crimes
 164 that are committed against people experiencing homelessness.

165 (1) The study shall include the following information
 166 concerning such crimes:

167 (a) The causes of such hate crimes and violence.

168 (b) The circumstances that contribute to or were

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169 responsible for the perpetrators' behavior.

170 (c) Beliefs held by the perpetrators of these crimes and
171 any changes in those beliefs after conviction.

172 (2) The study's findings and any specific recommendations
173 for legislation or government policy that might reduce the
174 number of hate crimes and violent crimes committed against
175 homeless persons shall be submitted to the Governor, the
176 President of the Senate, and the Speaker of the House of
177 Representatives by December 31, 2009.

178 Section 7. Except as otherwise expressly provided in this
179 act, this act shall take effect October 1, 2009.