

By Senator Ring

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A bill to be entitled
An act relating to crimes against homeless persons;
amending s. 775.085, F.S.; reclassifying offenses
evidencing prejudice based on the homeless status of
the victim; providing a definition; providing an
effective date.

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

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

775.085 Evidencing prejudice while committing offense;
reclassification.—

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

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

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

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

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

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

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

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

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

39 3. "Homeless status" means that the victim:

40 a. Lacks a fixed, regular, and adequate nighttime
41 residence; or

42 b. Has a primary nighttime residence that is:

43 (I) A supervised publicly or privately operated shelter
44 designed to provide temporary living accommodations; or

45 (II) A public or private place not designed for, or
46 ordinarily used as, a regular sleeping accommodation for human
47 beings.

48 Section 2. This act shall take effect October 1, 2010.