

By Senator Detert

28-00281-16

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1                   A bill to be entitled  
2           An act relating to offenses committed on real estate  
3           agents; creating s. 775.0863, F.S.; providing  
4           definitions; providing applicability; providing for  
5           reclassification of specified offenses committed on  
6           real estate brokers, broker associates, or sales  
7           associates; providing an effective date.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. Section 775.0863, Florida Statutes, is created  
12 to read:

13           775.0863 Assault or battery on a real estate broker, broker  
14 associate, or sales associate; reclassification of offenses.-

15           (1) For purposes of this section, the terms "broker,"  
16 "broker associate," and "sales associate" shall have the same  
17 meanings as provided in s. 475.01. This section applies to a  
18 broker, broker associate, or sales associate while he or she is  
19 engaged in the act of showing or holding an open house of real  
20 property.

21           (2) Whenever a person is charged with knowingly committing  
22 an assault, a battery, or a sexual battery in violation of s.  
23 794.011 on a broker, broker associate, or sales associate, the  
24 offense for which the person is charged shall be reclassified as  
25 follows:

26           (a) A misdemeanor of the second degree shall be  
27 reclassified as a misdemeanor of the first degree.

28           (b) A misdemeanor of the first degree shall be reclassified  
29 as a felony of the third degree.

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30       (c) A felony of the third degree shall be reclassified as a  
31 felony of the second degree.

32       (d) A felony of the second degree shall be reclassified as  
33 a felony of the first degree.

34       (e) A felony of the first degree shall be reclassified as a  
35 life felony.

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37 For purposes of sentencing under chapter 921 and determining  
38 incentive gain-time eligibility under chapter 944, a felony  
39 offense that is reclassified under this subsection is ranked one  
40 level above the ranking under s. 921.0022 or s. 921.0023 of the  
41 offense committed.

42       Section 2. This act shall take effect October 1, 2016.