

By the Committee on Criminal Justice; and Senator Detert

591-03908-16

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

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 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 Offenses against brokers, broker associates, or
 14 sales associates; reclassification of offenses.-

15 (1) For purposes of this section, the terms "broker,"
 16 "broker associate," and "sales associate" have the same meanings
 17 as provided in s. 475.01.

18 (2) The degree of an offense shall be reclassified as
 19 provided in subsection (3) if the offense is committed against a
 20 broker, broker associate, or sales associate while he or she is
 21 engaged in the act of showing real property or holding an open
 22 house of real property and the offense is a felony or
 23 misdemeanor violation of:

- 24 (a) Section 784.011, relating to assault;
- 25 (b) Section 784.021, relating to aggravated assault;
- 26 (c) Section 784.03, relating to battery and felony battery;
- 27 (d) Section 784.041(1), relating to felony battery;
- 28 (e) Section 784.045, relating to aggravated battery; or
- 29 (f) Section 794.011, relating to sexual battery.

30 (3) (a) A misdemeanor of the second degree shall be
 31 reclassified as a misdemeanor of the first degree.

32 (b) A misdemeanor of the first degree shall be reclassified

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33 as a felony of the third degree.

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

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

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

40 (4) For purposes of sentencing under chapter 921 and
41 determining incentive gain-time eligibility under chapter 944, a
42 felony offense that is reclassified under this section is ranked
43 one level above the ranking under s. 921.0022 or s. 921.0023 of
44 the offense committed.

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