

By Senator Gruters

23-01559A-19

20191272__

1 A bill to be entitled
2 An act relating to anti-Semitism; amending s. 775.085,
3 F.S.; specifying that the term "religion" includes
4 anti-Semitism; defining the term "anti-Semitism";
5 specifying duties of law enforcement agencies;
6 providing construction; amending s. 1000.05, F.S.;
7 prohibiting discrimination in the Florida K-20 public
8 education system based on religion; requiring a public
9 K-20 educational institution to take into
10 consideration anti-Semitism under certain instances of
11 discrimination; defining the term "anti-Semitism";
12 providing construction; amending s. 1002.20, F.S.;
13 conforming provisions to changes made by the act;
14 providing effective dates.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Effective October 1, 2019, section 775.085,
19 Florida Statutes, is amended to read:

20 775.085 Evidencing prejudice while committing offense;
21 reclassification.—

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

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

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

23-01559A-19

20191272__

30 felony of the third degree.

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

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

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

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

38 1. "Advanced age" means that the victim is older than 65
39 years of age.

40 2. "Homeless status" means that the victim:

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

43 b. Has a primary nighttime residence that is:

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

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

49 3. "Religion" includes, but is not limited to, anti-
50 Semitism. The term "anti-Semitism" means a perception of Jewish
51 people, which may be expressed as hatred toward Jewish people.
52 Rhetorical or physical manifestations of anti-Semitism may be
53 directed toward Jewish or non-Jewish individuals or their
54 property, or toward Jewish community institutions and religious
55 facilities. For purposes of this section, the term "anti-
56 Semitism" includes all of the following:

57 a. Calling for, aiding, or justifying the killing or
58 harming of Jewish people, often in the name of a radical

23-01559A-19

20191272__

59 ideology or an extremist view of religion.

60 b. Making mendacious, dehumanizing, demonizing, or
61 stereotypical allegations about Jewish people as such or the
62 power of Jewish people as a collective, including allegations
63 such as the myth about a world Jewish conspiracy or of Jewish
64 people controlling the media, economy, government, or other
65 societal institutions.

66 c. Accusing the Jewish people as a people of being
67 responsible for real or imagined wrongdoing committed by a
68 single Jewish person or group, the State of Israel, or even for
69 acts committed by non-Jewish people.

70 d. Accusing the Jewish people as a people or the State of
71 Israel of inventing or exaggerating the Holocaust.

72 e. Accusing Jewish citizens of countries other than Israel
73 of being more loyal to Israel, or the alleged priorities of
74 Jewish people worldwide, than to the interest of their own
75 nations.

76 f. Demonizing Israel by using the symbols and images
77 associated with classic anti-Semitism to characterize Israel,
78 Israelis, drawing comparisons of contemporary Israeli policy to
79 that of the Nazis, or blaming Israel for all inter-religious or
80 political tensions.

81 g. Applying a double standard to Israel by requiring
82 behavior of Israel that is not expected or demanded of any other
83 democratic nation, or focusing peace or human rights
84 investigations only on Israel.

85 h. Delegitimizing Israel by denying the Jewish people their
86 right to self-determination and denying Israel the right to
87 exist.

23-01559A-19

20191272__

88

89 However, criticism of Israel which is similar to criticism
90 toward any other country may not be regarded as anti-Semitic.

91 (2) A person or organization that establishes by clear and
92 convincing evidence that it has been coerced, intimidated, or
93 threatened in violation of this section has a civil cause of
94 action for treble damages, an injunction, or any other
95 appropriate relief in law or in equity. Upon prevailing in such
96 civil action, the plaintiff may recover reasonable attorney fees
97 and costs.

98 (3) It is an essential element of this section that the
99 record reflect that the defendant perceived, knew, or had
100 reasonable grounds to know or perceive that the victim was
101 within the class delineated in this section.

102 (4) (a) In investigating an alleged violation of law, a law
103 enforcement agency shall take into consideration the
104 requirements of this section and the definition of anti-Semitism
105 for purposes of determining whether the alleged violation was
106 motivated by anti-Semitism or other intent sufficient to fall
107 within this section, consistent with federal statutes
108 prohibiting hate crimes.

109 (b) This section does not diminish or infringe upon any
110 right protected under the First Amendment to the Constitution of
111 the United States or the State Constitution. This section may
112 not be construed to conflict with federal or state
113 discrimination laws.

114 Section 2. Present subsection (7) of section 1000.05,
115 Florida Statutes, is redesignated as subsection (8), a new
116 subsection (7) is added to that section, and paragraphs (a),

23-01559A-19

20191272__

117 (b), (c), and (e) of subsection (2) of that section are amended,
118 to read:

119 1000.05 Discrimination against students and employees in
120 the Florida K-20 public education system prohibited; equality of
121 access required.—

122 (2) (a) Discrimination on the basis of race, ethnicity,
123 national origin, gender, disability, religion, or marital status
124 against a student or an employee in the state system of public
125 K-20 education is prohibited. No person in this state shall, on
126 the basis of race, ethnicity, national origin, gender,
127 disability, religion, or marital status, be excluded from
128 participation in, be denied the benefits of, or be subjected to
129 discrimination under any public K-20 education program or
130 activity, or in any employment conditions or practices,
131 conducted by a public educational institution that receives or
132 benefits from federal or state financial assistance.

133 (b) The criteria for admission to a program or course shall
134 not have the effect of restricting access by persons of a
135 particular race, ethnicity, national origin, gender, disability,
136 religion, or marital status.

137 (c) All public K-20 education classes shall be available to
138 all students without regard to race, ethnicity, national origin,
139 gender, disability, religion, or marital status; however, this
140 is not intended to eliminate the provision of programs designed
141 to meet the needs of students with limited proficiency in
142 English, gifted students, or students with disabilities or
143 programs tailored to students with specialized talents or
144 skills.

145 (e) Guidance services, counseling services, and financial

23-01559A-19

20191272__

146 assistance services in the state public K-20 education system
147 shall be available to students equally. Guidance and counseling
148 services, materials, and promotional events shall stress access
149 to academic and career opportunities for students without regard
150 to race, ethnicity, national origin, gender, disability,
151 religion, or marital status.

152 (7) A public K-20 educational institution must treat
153 discrimination by students or employees or resulting from
154 institutional policies based on anti-Semitism in an identical
155 manner to discrimination based on race. For purposes of this
156 section, the term "anti-Semitism" includes all of the following:

157 (a) A certain perception of the Jewish people, which may be
158 expressed as hatred toward Jewish people.

159 (b) Rhetorical and physical manifestations of anti-Semitism
160 directed toward a Jewish or non-Jewish individual or his or her
161 property or toward Jewish community institutions or religious
162 facilities.

163 (c) Calling for, aiding, or justifying the killing or
164 harming of a Jewish person, often in the name of a radical
165 ideology or an extremist view of religion.

166 (d) Making mendacious, dehumanizing, demonizing, or
167 stereotypical allegations about a Jewish person as such or the
168 power of the Jewish community as a collective, especially, but
169 not exclusively, the myth about a world Jewish conspiracy or of
170 the Jewish community controlling the media, economy, government
171 or other societal institutions.

172 (e) Accusing the Jewish people as a people of being
173 responsible for real or imagined wrongdoing committed by a
174 single Jewish person or group, by the State of Israel, or even

23-01559A-19

20191272__

175 for acts committed by non-Jewish people.

176 (f) Accusing the Jewish people as a people or the State of
177 Israel of inventing or exaggerating the Holocaust.

178 (g) Accusing Jewish citizens of being more loyal to Israel,
179 or the alleged priorities of Jewish people worldwide, than to
180 the interest of their own nations.

181 (h) Demonizing Israel by using the symbols and images
182 associated with classic anti-Semitism to characterize Israel,
183 Israelis, drawing comparisons of contemporary Israeli policy to
184 that of the Nazis, or blaming Israel for all inter-religious or
185 political tensions.

186 (i) Applying a double standard to Israel by requiring
187 behavior of Israel that is not expected or demanded of any other
188 democratic nation, or focusing peace or human rights
189 investigations only on Israel.

190 (j) Delegitimizing Israel by denying the Jewish people
191 their right to self-determination and denying Israel the right
192 to exist.

193
194 However, criticism of Israel that is similar to criticism toward
195 any other country may not be regarded as anti-Semitic.

196 Section 3. Subsection (7) of section 1002.20, Florida
197 Statutes, is amended to read:

198 1002.20 K-12 student and parent rights.—Parents of public
199 school students must receive accurate and timely information
200 regarding their child's academic progress and must be informed
201 of ways they can help their child to succeed in school. K-12
202 students and their parents are afforded numerous statutory
203 rights including, but not limited to, the following:

23-01559A-19

20191272__

204 (7) NONDISCRIMINATION.—All education programs, activities,
205 and opportunities offered by public educational institutions
206 must be made available without discrimination on the basis of
207 race, ethnicity, national origin, gender, disability, religion,
208 or marital status, in accordance with the provisions of s.
209 1000.05.

210 Section 4. Except as expressly provided in this act, this
211 act shall take effect July 1, 2019.