

By Senator Pizzo

38-01536-19

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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. 775.0864,
 4 F.S.; providing definitions; providing applicability;
 5 providing for reclassification of specified offenses
 6 committed against brokers, broker associates, or sales
 7 associates; amending s. 921.0022, F.S.; conforming a
 8 provision to changes made by the act; providing an
 9 effective date.

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

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 13 Section 1. Section 775.0864, Florida Statutes, is created
 14 to read:

15 775.0864 Offenses against brokers, broker associates, or
 16 sales associates; reclassification of offenses.-

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

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

26 (a) Section 784.011, relating to assault;

27 (b) Section 784.021, relating to aggravated assault;

28 (c) Section 784.03, relating to battery and felony battery;

29 (d) Section 784.041(1), relating to felony battery;

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30 (e) Section 784.045, relating to aggravated battery; or

31 (f) Section 794.011, relating to sexual battery.

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

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

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

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

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

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

47 Section 2. Subsection (2) of section 921.0022, Florida
48 Statutes, is amended to read:

49 921.0022 Criminal Punishment Code; offense severity ranking
50 chart.—

51 (2) The offense severity ranking chart has 10 offense
52 levels, ranked from least severe, which are level 1 offenses, to
53 most severe, which are level 10 offenses, and each felony
54 offense is assigned to a level according to the severity of the
55 offense. For purposes of determining which felony offenses are
56 specifically listed in the offense severity ranking chart and
57 which severity level has been assigned to each of these
58 offenses, the numerical statutory references in the left column

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59 of the chart and the felony degree designations in the middle
60 column of the chart are controlling; the language in the right
61 column of the chart is provided solely for descriptive purposes.
62 Reclassification of the degree of the felony through the
63 application of s. 775.0845, s. 775.085, s. 775.0861, s.
64 775.0862, s. 775.0863, s. 775.0864, s. 775.087, s. 775.0875, s.
65 794.023, or any other law that provides an enhanced penalty for
66 a felony offense, to any offense listed in the offense severity
67 ranking chart in this section shall not cause the offense to
68 become unlisted and is not subject to the provisions of s.
69 921.0023.

70 Section 3. This act shall take effect October 1, 2019.