

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HB 187 Antisemitism

**SPONSOR(S):** Gottlieb and others

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 148

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**FINAL HOUSE FLOOR ACTION:** 115 Y's 0 N's

**GOVERNOR'S ACTION:** Pending

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### SUMMARY ANALYSIS

HB 187 passed the House on January 18, 2024. The bill was amended in the Senate on February 28, 2024, and was returned to the House. The House concurred in the Senate amendment and passed the bill as amended on February 29, 2024.

Section 877.19, F.S., requires all law enforcement agencies in Florida to submit a monthly report to the Florida Department of Law Enforcement (FDLE) concerning any incidents of criminal acts that evidence prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation, or national origin. FDLE is required to compile and disseminate such information upon request to any local law enforcement agency, unit of local government, or state agency. Additionally, the Florida Attorney General (AGO) must publish an annual summary of the compiled data.

The AGO's 2022 summary on hate crimes detailed a 54.7 percent overall increase in hate crimes in Florida between 2021 and 2022 and noted that in 2022, 23.6 percent of all reported hate crimes were motivated by religion. Moreover, the Anti-Defamation League (ADL) reports that since 2020, antisemitic incidents in Florida increased over 100 percent, rising from 127 incidents in 2020 to 269 incidents in 2022. On a national level, Federal Bureau of Investigation data shows the number of reported hate crimes in the United States are the highest since collection of such data began in 1991, and more than doubled between 2014 and 2022. According to the ADL, in 2022, Florida was in the top five states where the highest number of antisemitic incidents occurred.

The International Holocaust Remembrance Alliance (IHRA), formerly known as the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research, was formed in 1998, and its current membership consists of 35 countries. IHRA's Committee on Antisemitism and Holocaust Denial crafted a non-legally binding working definition of "antisemitism," which was fully adopted by the IHRA in 2016. The working definition was constructed by building an international consensus on the meaning of "antisemitism" in order to assist nations in addressing the rise in hate and discrimination. Subsequently, 43 United Nations member states, including the United States, a wide range of other political entities, including a large number of regional, state, and local governments, and various international organizations have adopted or endorsed IHRA's working definition.

Florida law currently codifies a definition of "anti-Semitism" in s. 1000.05(8), F.S., relating to the identification of discrimination in K-20 public education, which closely mirrors the IHRA working definition of antisemitism. However, the definition does not apply generally to all sections of Florida law and thus is not applicable in identifying and reporting other instances of discrimination or incidents of hate crimes.

The bill creates s. 1.015, F.S., to define "antisemitism" based on the working definition developed and adopted by the IHRA as – a certain perception of Jewish individuals which may be expressed as hatred toward such individuals. Rhetorical and physical manifestations of antisemitism are directed toward Jewish and non-Jewish individuals and their property and toward Jewish community institutions and religious facilities – and to provide contemporary examples of antisemitism. The bill codifies the definition and examples in Chapter 1 of the Florida Statutes, relating to Definitions, making them applicable to all sections of Florida Law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2024.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Background

##### Evidencing Prejudice While Committing an Offense

Section 775.085, F.S., reclassifies the penalty for any felony or misdemeanor to the next highest degree if the commission of the offense evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, or advanced age of the victim, as follows:

- A misdemeanor of the second-degree is reclassified to a misdemeanor of the first-degree.
- A misdemeanor of the first-degree is reclassified to a felony of the third-degree.
- A felony of the third-degree is reclassified to a felony of the second-degree.
- A felony of the second-degree is reclassified to a felony of the first-degree.
- A felony of the first-degree is reclassified to a life felony.

The offender must have perceived, known, or have had reasonable grounds to perceive or know that the victim was within one of the classes delineated above for the penalty reclassification to apply.<sup>1</sup>

##### Reporting of Hate Crimes

Section 877.19, F.S., requires all law enforcement agencies in Florida to submit a monthly report to the Florida Department of Law Enforcement (FDLE) concerning any incidents of criminal acts that evidence prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation, or national origin. FDLE is required to compile and disseminate such information upon request to any local law enforcement agency, unit of local government, or state agency. Additionally, the Florida Attorney General (AGO) must publish an annual summary of the compiled data.<sup>2</sup>

The AGO's 2022 summary on hate crimes detailed a 54.7 percent overall increase in hate crimes in Florida between 2021 and 2022 and noted that in 2022, 23.6 percent of all reported hate crimes were motivated by religion.<sup>3</sup> Moreover, the Anti-Defamation League (ADL) reports that since 2020, antisemitic incidents in Florida increased over 100 percent, rising from 127 incidents in 2020 to 269 incidents in 2022.<sup>4,5</sup> On a national level, Federal Bureau of Investigation data shows the number of reported hate crimes in the United States are the highest since collection of such data began in 1991, and more than doubled between 2014 and 2022.<sup>6</sup> According to the ADL, in 2022, Florida was in the top five states where the highest number of antisemitic incidents occurred.<sup>7</sup>

##### International Holocaust Remembrance Alliance

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<sup>1</sup> S. 775.085(1)(a) and (3), F.S.

<sup>2</sup> S. 877.19(2) and (4), F.S.

<sup>3</sup> Florida Attorney General, *Hate Crimes in Florida January 1, 2022 – December 31, 2022*, <https://www.myfloridalegal.com/sites/default/files/2023-12/2022-hate-crimes-report-1228.final.pdf> (last visited Mar. 1, 2024).

<sup>4</sup> Center for Extremism, *Audit of Antisemitic Incidents 2022*, ADL (Mar. 23, 2023), <https://www.adl.org/resources/report/audit-antisemitic-incidents-2022> (last visited Mar. 1, 2024).

<sup>5</sup> Center for Extremism, *Hate in the Sunshine State: Extremism & Antisemitism in Florida, 2020-2022*, ADL (Sept. 13, 2022), <https://www.adl.org/resources/report/hate-sunshine-state-extremism-antisemitism-florida-2020-2022> (last visited Mar. 1, 2024).

<sup>6</sup> Tori Morales Pinales, *How reports of hate crimes in the US were already at record highs, in 4 charts*, CNN (Oct. 29, 2023), <https://www.cnn.com/2023/10/29/us/hate-crimes-antisemitism-anti-muslim-dg/index.html> (last visited Mar. 1, 2024) (Hate crime reporting to the FBI is voluntary and only about 80% of agencies submit data; compliance changes from year to year. Additionally, according to the FBI's National Crime Victimization Survey, fewer than half of hate crime victims report to police.)

<sup>7</sup> Center for Extremism, *supra*, at 4.

The International Holocaust Remembrance Alliance (IHRA), formerly known as the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research, was formed in 1998 by the former Swedish Prime Minister Göran Persson, and its current membership consists of 35 countries.<sup>8</sup> IHRA's mission is to uphold the commitments contained in its founding document, the Declaration of the Stockholm International Forum on the Holocaust (Stockholm Declaration).

The Stockholm Declaration is the product of the January 2000 International Forum convened in Stockholm. The Forum was attended by representatives of 46 governments, including: 23 Heads of State or Prime Ministers and 14 Deputy Prime Ministers or Ministers.<sup>9</sup> Some of the main tenants of the Stockholm Declaration include promoting the education, remembrance, and research of the Holocaust, commemorating victims of the Holocaust, and encouraging an annual day of remembrance in each member country.<sup>10</sup>

IHRA's Committee on Antisemitism and Holocaust Denial crafted a non-legally binding working definition of "antisemitism," which was fully adopted by the IHRA in 2016.<sup>11</sup> The working definition was constructed by building an international consensus on the meaning of "antisemitism" in order to assist nations in addressing the rise in hate and discrimination. Subsequently, 43 United Nations member states, including the United States, and a wide range of other political entities, including a large number of regional, state, and local governments have adopted or endorsed IHRA's working definition.<sup>12</sup> Moreover, the following international organizations have expressed support for the working definition of antisemitism: the United Nations, the European Union, the Organization of American States, the Council of Europe, and PARLASUR, the Parliament of MERCOSUR.<sup>13,14</sup>

IHRA's working definition of antisemitism provides:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.<sup>15</sup>

IHRA also provides the following contemporary examples of antisemitism:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, or stereotypical allegations about Jews as such or the power of Jews as collective – such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.

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<sup>8</sup> IHRA, *Introduction*, <https://www.holocaustremembrance.com/about-us> (last visited Mar. 1, 2024).

<sup>9</sup> IHRA, *Stockholm Declaration*, <https://www.holocaustremembrance.com/about-us/stockholm-declaration> (last visited Mar. 1, 2024).

<sup>10</sup> *Id.*

<sup>11</sup> IHRA, *What is antisemitism?*, <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism> (last visited Mar. 1, 2024).

<sup>12</sup> IHRA, *Information on endorsement and adoption of the IHRA working definition of antisemitism*, <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism/adoption-endorsement> (last visited Mar. 1, 2024).

<sup>13</sup> *Id.*

<sup>14</sup> MERCOSUR is a regional trade bloc comprised of Argentina, Brazil, Paraguay, and Uruguay. Celeste Castillejo, Nicki Fleischer, Chase Harrison, Luisa Horwitz, Mark Keller, and Jon Orbach, *Explainer: What Is Mercosur?*, American Society Council of the Americas (Aug. 23, 2022), <https://www.as-coa.org/articles/explainer-what-mercotur> (last visited Mar. 1, 2024).

<sup>15</sup> IHRA, *supra*, at 11.

- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g. claims of Jews killing Jesus or blood libel) to characterize Israel and Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.<sup>16</sup>

### Current Definition in Florida Law

Florida law currently codifies a definition of “anti-Semitism” in s. 1000.05(8), F.S., relating to the identification of discrimination in K-20 public education. The definition closely mirrors IHRA’s working definition of antisemitism and specifies that the term “anti-Semitism” includes:

A certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his or her property, or toward Jewish community institutions or religious facilities.<sup>17</sup>

Additionally, s. 1000.05(8), F.S., also includes the following examples of anti-Semitism, including those related to Israel, which are almost identical to those provided by the IHRA:

- Calling for, aiding, or justifying the killing or harming of Jews, often in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective, especially, but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the State of Israel, or even for acts committed by non-Jews.
- Accusing Jews as a people or the State of Israel of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or the alleged priorities of Jews worldwide, than to the interest of their own nations.<sup>18</sup>
- Demonizing Israel by using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis, drawing comparisons of contemporary Israeli policy to that of the Nazis, or blaming Israel for all inter-religious or political tensions.
- Applying a double standard to Israel by requiring behavior of Israel that is not expected or demanded of any other democratic nation or focusing peace or human rights investigations only on Israel.
- Delegitimizing Israel by denying the Jewish people their right to self-determination and denying Israel the right to exist.<sup>19</sup>

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<sup>16</sup> *Id.*

<sup>17</sup> S. 1000.05(8), F.S.

<sup>18</sup> S. 1000.05(8)(a), F.S.

<sup>19</sup> S. 1000.05(8)(b), F.S.

However, s. 1000.05(8), F.S., specifies that criticism of Israel that is similar to criticism toward any other country may not be regarded as anti-Semitic.

Although currently codified, the definition and examples of antisemitism do not apply generally to all sections of Florida law and thus are not applicable in identifying and reporting other instances of discrimination or incidents of hate crimes.

### **Effect of the Bill**

The bill creates s. 1.015, F.S., to define “antisemitism” based on the working definition developed and adopted by the IHRA and to provide contemporary examples of antisemitism. The bill defines “antisemitism” as:

A certain perception of Jewish individuals which may be expressed as hatred toward such individuals. Rhetorical and physical manifestations of antisemitism are directed toward Jewish and non-Jewish individuals and their property and toward Jewish community institutions and religious facilities.

Additionally, the bill provides the following contemporary examples of antisemitism:

- Calling for, aiding, or justifying the killing or harming of Jewish individuals.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jewish individuals as such or the power of Jewish people as a collective, such as the myth of a worldwide Jewish conspiracy or of Jewish individuals controlling the media, economy, government, or other societal institutions.
- Accusing Jewish people as a collective of being responsible for real or imagined wrongdoing committed by a single Jewish person or group or for acts committed by non-Jewish individuals.
- Denying the fact, scope, and mechanisms, such as gas chambers, or the intentionality of the genocide of the Jewish people at the hands of Nazi Germany and its supporters and accomplices during the Holocaust.
- Accusing Jewish people as a collective, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jewish individuals worldwide, than to the interests of their respective nations.
- Denying Jewish people their right to self-determination, such as claiming that the existence of the State of Israel is a racist endeavor.
- Applying double standards by requiring of the Jewish state of Israel a standard of behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism, such as blood libel, to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jewish individuals collectively responsible for actions of the State of Israel.

The bill specifies that the definition of “antisemitism” does not include criticism of Israel that is similar to criticism of any other country and that the definition and examples of “antisemitism” may not be construed to diminish or infringe upon any right protected under the First Amendment to the United States Constitution or to conflict with federal or state antidiscrimination laws.

The bill codifies the definition and examples in Chapter 1 of the Florida Statutes, relating to Definitions, making them applicable to all sections of Florida Law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2024.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

None.