

By Senator Berman

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1 A bill to be entitled
2 An act relating to crimes evidencing prejudice;
3 amending s. 775.085, F.S.; expanding grounds for the
4 reclassification of crimes to include acts based on
5 the gender or gender identity of any person;
6 specifying that the reclassification must occur if the
7 crime was based in whole or in part on specified
8 characteristics of any person; providing and revising
9 definitions; amending s. 775.0863, F.S.; replacing the
10 term "mental or physical disability" with the term
11 "disability"; defining the term "disability";
12 specifying that the reclassification of a certain
13 crime must occur if the crime was based in whole or in
14 part on a disability of any person; amending s.
15 877.19, F.S.; expanding the data the Governor is
16 required to collect and disseminate to include
17 specified incidents; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 775.085, Florida Statutes, is amended to
22 read:

23 775.085 Evidencing prejudice while committing offense;
24 reclassification.—

25 (1)(a) The penalty for any felony or misdemeanor shall be
26 reclassified as provided in this subsection if the commission of
27 such felony or misdemeanor evidences prejudice based in whole or
28 in part on the gender, race, color, ancestry, ethnicity,
29 religion, sexual orientation, national origin, homeless status,

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30 ~~or~~ advanced age, or gender identity of any person ~~the victim~~:

31 1. A misdemeanor of the second degree is reclassified to a
32 misdemeanor of the first degree.

33 2. A misdemeanor of the first degree is reclassified to a
34 felony of the third degree.

35 3. A felony of the third degree is reclassified to a felony
36 of the second degree.

37 4. A felony of the second degree is reclassified to a
38 felony of the first degree.

39 5. A felony of the first degree is reclassified to a life
40 felony.

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

42 1. "Advanced age" means that the person ~~victim~~ is older
43 than 65 years of age.

44 2. "Gender identity" means a person's gender-related
45 identity, appearance, or behavior, regardless of whether such
46 gender-related identity, appearance, or behavior is different
47 from that traditionally associated with the person's physiology
48 or assigned sex at birth.

49 ~~3.2.~~ "Homeless status" means that the person ~~victim~~:

50 a. Lacks a fixed, regular, and adequate nighttime
51 residence; or

52 b. Has a primary nighttime residence that is:

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

55 (II) A public or private place not designed for, or
56 ordinarily used as, a regular sleeping accommodation for human
57 beings.

58 (2) A person or organization that establishes by clear and

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59 convincing evidence that it has been coerced, intimidated, or
60 threatened in violation of this section has a civil cause of
61 action for treble damages, an injunction, or any other
62 appropriate relief in law or in equity. Upon prevailing in such
63 civil action, the plaintiff may recover reasonable attorney fees
64 and costs.

65 (3) It is an essential element of this section that the
66 record reflect that the defendant perceived, knew, or had
67 reasonable grounds to know or perceive that the person ~~victim~~
68 was included in a ~~within the~~ class delineated in this section.

69 Section 2. Section 775.0863, Florida Statutes, is amended
70 to read:

71 775.0863 Evidencing prejudice while committing offense
72 against person with ~~mental or physical~~ disability;
73 reclassification.-

74 (1)(a) The penalty for any felony or misdemeanor shall be
75 reclassified as provided in this subsection if the commission of
76 such felony or misdemeanor evidences prejudice based in whole or
77 in part on a ~~mental or physical~~ disability of any person ~~the~~
78 ~~victim~~:

79 1. A misdemeanor of the second degree is reclassified to a
80 misdemeanor of the first degree.

81 2. A misdemeanor of the first degree is reclassified to a
82 felony of the third degree.

83 3. A felony of the third degree is reclassified to a felony
84 of the second degree.

85 4. A felony of the second degree is reclassified to a
86 felony of the first degree.

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

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88 felony.

89 (b) As used in paragraph (a), the term "disability" ~~"mental~~
90 ~~or physical disability"~~ means a physical, psychological, or
91 intellectual impairment that substantially limits one or more of
92 a person's major life activities ~~a condition of mental or~~
93 ~~physical incapacitation due to a developmental disability,~~
94 ~~organic brain damage, or mental illness, and one or more mental~~
95 ~~or physical limitations that restrict a person's ability to~~
96 ~~perform the normal activities of daily living.~~

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

104 (3) It is an essential element of this section that the
105 record reflect that the defendant perceived, knew, or had
106 reasonable grounds to know or perceive that the person ~~victim~~
107 was included in ~~within~~ the class delineated in this section.

108 Section 3. Subsection (2) of section 877.19, Florida
109 Statutes, is amended to read:

110 877.19 Hate Crimes Reporting Act.—

111 (2) ACQUISITION AND PUBLICATION OF DATA.—The Governor,
112 through the ~~Florida~~ Department of Law Enforcement, shall collect
113 and disseminate data on incidents of criminal acts that evidence
114 prejudice based on gender, race, religion, ethnicity, color,
115 ancestry, sexual orientation, gender identity, disability, or
116 national origin. All law enforcement agencies shall report

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117 monthly to the ~~Florida~~ Department of Law Enforcement concerning
118 such offenses in such form and in such manner as prescribed by
119 rules adopted by the department. Such information shall be
120 compiled by the department and disseminated upon request to any
121 local law enforcement agency, unit of local government, or state
122 agency.

123 Section 4. This act shall take effect July 1, 2025.