

By Senator Rodriguez

40-00231A-26

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A bill to be entitled
An act relating to crimes evidencing prejudice;
amending s. 775.085, F.S.; requiring the
reclassification of the penalty for a crime if the
commission of the crime evidences prejudice based on
the victim being a disabled adult; defining the term
"disabled adult"; providing an effective date.

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

Section 1. Subsection (1) of section 775.085, Florida Statutes, is amended to read:

775.085 Evidencing prejudice while committing offense; reclassification.—

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

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

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

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

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

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

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30 felony.

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

32 1. "Advanced age" means that the victim is older than 65
33 years of age.34 2. "Disabled adult" means an individual 18 years of age or
35 older who suffers from a condition of physical or mental
36 incapacitation due to a developmental disability, organic brain
37 damage, or mental illness, or who has one or more physical or
38 mental limitations that restrict the person's ability to perform
39 the normal activities of daily living.

40 3. "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; or46 (II) A public or private place not designed for, or
47 ordinarily used as, a regular sleeping accommodation for human
48 beings.

49 Section 2. This act shall take effect July 1, 2026.