

HB 1117

2026

A bill to be entitled  
An act relating to offenses evidencing prejudice; amending s. 775.085, F.S.; expanding grounds for the reclassification of offenses to include acts based on the gender or gender identity of any person; specifying that the reclassification must occur if the offense was based in whole or in part on specified characteristics of any person; providing and revising definitions; providing that it is an essential element of a certain offense that the defendant perceived, knew, or had reasonable grounds to know or perceive that a person was included in a certain class of person; amending s. 775.0863, F.S.; replacing the term "mental or physical disability" with the term "disability"; revising the definition of such term; specifying that the reclassification of a certain offense must occur if the offense was based in whole or in part on a disability of any person; providing penalties; amending s. 817.034; replacing the term "mental or physical disability" with the term "disability"; reclassifying certain offenses committed against a person with a disability; amending s. 877.19, F.S.; expanding the data the Governor is required to collect and disseminate to include specified incidents; providing an effective date.

26  
27 Be It Enacted by the Legislature of the State of Florida:

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29       **Section 1. Section 775.085, Florida Statutes, is amended**

30       **to read:**

31       775.085 Evidencing prejudice while committing offense;  
32 reclassification.—

33       (1) (a) The penalty for any felony or misdemeanor shall be  
34 reclassified as provided in this subsection if the commission of  
35 such felony or misdemeanor evidences prejudice based in whole or  
36 in part on the gender, race, color, ancestry, ethnicity,  
37 religion, sexual orientation, national origin, homeless status,  
38 or advanced age, or gender identity of any person the victim:

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

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

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

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

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

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

50       1. "Advanced age" means that the person victim is older

51 than 65 years of age.

52       2. "Gender identity" means a person's gender-related  
53 identity, appearance, or behavior, regardless of whether such  
54 gender-related identity, appearance, or behavior is different  
55 from that traditionally associated with the person's physiology  
56 or assigned sex at birth.

57       3.2. "Homeless status" means that the person victim:

58       a. Lacks a fixed, regular, and adequate nighttime  
59 residence; or

60       b. Has a primary nighttime residence that is:

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

63           (II) A public or private place not designed for, or  
64 ordinarily used as, a regular sleeping accommodation for human  
65 beings.

66       (2) A person or organization that establishes by clear and  
67 convincing evidence that it has been coerced, intimidated, or  
68 threatened in violation of this section has a civil cause of  
69 action for treble damages, an injunction, or any other  
70 appropriate relief in law or in equity. Upon prevailing in such  
71 civil action, the plaintiff may recover reasonable attorney fees  
72 and costs.

73       (3) It is an essential element of this section that the  
74 record reflect that the defendant perceived, knew, or had  
75 reasonable grounds to know or perceive that the person victim

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76 was included in a within the class delineated in this section.

77 **Section 2. Section 775.0863, Florida Statutes, is amended**  
78 **to read:**

79 775.0863 Evidencing prejudice while committing offense  
80 against person with ~~mental or physical~~ disability;  
81 reclassification.—

82 (1) (a) The penalty for any felony or misdemeanor shall be  
83 reclassified as provided in this subsection if the commission of  
84 such felony or misdemeanor evidences prejudice based in whole or  
85 in part on a ~~mental or physical~~ disability of any person the  
86 victim:

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

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

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

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

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

97 (b) As used in paragraph (a), the term "~~mental or physical~~  
98 disability" means a physical or mental impairment that  
99 substantially limits one or more of a person's major life  
100 activities ~~a condition of mental or physical incapacitation due~~

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101 to a developmental disability, organic brain damage, or mental  
102 illness, and one or more mental or physical limitations that  
103 restrict a person's ability to perform the normal activities of  
104 daily living.

105 (2) A person or organization that establishes by clear and  
106 convincing evidence that it has been coerced, intimidated, or  
107 threatened in violation of this section has a civil cause of  
108 action for treble damages, an injunction, or any other  
109 appropriate relief in law or in equity. Upon prevailing in such  
110 civil action, the plaintiff may recover reasonable attorney fees  
111 and costs.

112 (3) It is an essential element of this section that the  
113 record reflect that the defendant perceived, knew, or had  
114 reasonable grounds to know or perceive that the person victim  
115 was included in within the class delineated in this section.

116 **Section 3. Paragraph (c) of subsection (4) of section  
117 817.034, Florida Statutes, is amended, and paragraphs (a) and  
118 (b) that subsection are republished, to read:**

119 817.034 Florida Communications Fraud Act.—

120 (4) OFFENSES.—

121 (a) Any person who engages in a scheme to defraud and  
122 obtains property thereby commits organized fraud, punishable as  
123 follows:

124 1. If the amount of property obtained has an aggregate  
125 value of \$50,000 or more, the person commits a felony of the

126 first degree, punishable as provided in s. 775.082, s. 775.083,  
127 or s. 775.084.

128 2. If the amount of property obtained has an aggregate  
129 value of \$20,000 or more, but less than \$50,000, the person  
130 commits a felony of the second degree, punishable as provided in  
131 s. 775.082, s. 775.083, or s. 775.084.

132 3. If the amount of property obtained has an aggregate  
133 value of less than \$20,000, the person commits a felony of the  
134 third degree, punishable as provided in s. 775.082, s. 775.083,  
135 or s. 775.084.

136 (b) Any person who engages in a scheme to defraud and, in  
137 furtherance of that scheme, communicates with any person with  
138 intent to obtain property from that person commits, for each  
139 such act of communication, communications fraud, punishable as  
140 follows:

141 1. If the value of property obtained or endeavored to be  
142 obtained by the communication is valued at \$300 or more, the  
143 person commits a third degree felony, punishable as set forth in  
144 s. 775.082, s. 775.083, or s. 775.084.

145 2. If the value of the property obtained or endeavored to  
146 be obtained by the communication is valued at less than \$300,  
147 the person commits a misdemeanor of the first degree, punishable  
148 as set forth in s. 775.082 or s. 775.083.

149 (c) The penalty for committing an offense specified in  
150 paragraph (a) or paragraph (b) against a person age 65 years or

151 older, against a minor, or against a person with a ~~mental or~~  
152 ~~physical~~ disability, as defined in s. 775.0863(1) (b), shall be  
153 reclassified as follows:

154 1. A misdemeanor of the first degree is reclassified to a  
155 felony of the third degree.

156 2. A felony of the third degree is reclassified to a  
157 felony of the second degree.

158 3. A felony of the second degree is reclassified to a  
159 felony of the first degree.

160 4. A felony of the first degree is reclassified to a life  
161 felony.

162 **Section 4. Subsection (2) of section 877.19, Florida  
163 Statutes, is amended to read:**

164 877.19 Hate Crimes Reporting Act.—

165 (2) ACQUISITION AND PUBLICATION OF DATA.—The Governor,  
166 through the ~~Florida~~ Department of Law Enforcement, shall collect  
167 and disseminate data on incidents of criminal acts that evidence  
168 prejudice based on gender, race, religion, ethnicity, color,  
169 ancestry, sexual orientation, gender identity, disability, or  
170 national origin. All law enforcement agencies shall report  
171 monthly to the ~~Florida~~ Department of Law Enforcement concerning  
172 such offenses in such form and in such manner as prescribed by  
173 rules adopted by the department. Such information shall be  
174 compiled by the department and disseminated upon request to any  
175 local law enforcement agency, unit of local government, or state

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176 agency.

177 **Section 5.** This act shall take effect October 1, 2026.