

By Senator Smith

17-00449A-26

20261388

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

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

17-00449A-26

20261388

30 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 felony
44 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

17-00449A-26

20261388

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; or63 (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 an organization that establishes by clear
67 and convincing evidence that it has been coerced, intimidated,
68 or 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
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

17-00449A-26

20261388

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 felony
92 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~~
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 an organization that establishes by clear
106 and convincing evidence that it has been coerced, intimidated,
107 or 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

17-00449A-26

20261388

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

17-00449A-26

20261388

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 felony
157 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 must shall be
174 compiled by the department and disseminated upon request to any

17-00449A-26

20261388

175 local law enforcement agency, unit of local government, or state
176 agency.

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