

1                                   A bill to be entitled  
 2           An act relating to anti-Semitism; amending s. 775.085,  
 3           F.S.; specifying that the term "religion" includes  
 4           anti-Semitism; defining the term "anti-Semitism";  
 5           specifying duties of law enforcement agencies;  
 6           providing construction; amending s. 1000.05, F.S.;  
 7           prohibiting discrimination in the Florida K-20 public  
 8           education system based on religion; requiring a public  
 9           K-20 educational institution to take into  
 10          consideration anti-Semitism under certain instances of  
 11          discrimination; defining the term "anti-Semitism";  
 12          providing construction; amending s. 1002.20, F.S.;  
 13          conforming provisions to changes made by the act;  
 14          providing effective dates.

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

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 18           Section 1.   Effective October 1, 2019, subsection (1) of s.  
 19   775.085, Florida Statutes, is amended, subsection (4) is added  
 20   to that section, and subsections (2) and (3) of that section are  
 21   republished, to read:

22           775.085   Evidencing prejudice while committing offense;  
 23   reclassification.—

24           (1) (a)   The penalty for any felony or misdemeanor shall be  
 25   reclassified as provided in this subsection if the commission of

26 | such felony or misdemeanor evidences prejudice based on the  
 27 | race, color, ancestry, ethnicity, religion, sexual orientation,  
 28 | national origin, homeless status, or advanced age of the victim:

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

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

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

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

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

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

40 |       1. "Advanced age" means that the victim is older than 65  
 41 | years of age.

42 |       2. "Homeless status" means that the victim:

43 |       a. Lacks a fixed, regular, and adequate nighttime  
 44 | residence; or

45 |       b. Has a primary nighttime residence that is:

46 |       (I) A supervised publicly or privately operated shelter  
 47 | designed to provide temporary living accommodations; or

48 |       (II) A public or private place not designed for, or  
 49 | ordinarily used as, a regular sleeping accommodation for human  
 50 | beings.

51 3. "Religion" includes, but is not limited to, anti-  
52 Semitism. For purposes of this section, the term "anti-Semitism"  
53 includes all of the following:

54 a. Anti-Semitism is a certain perception of the Jewish  
55 people, which may be expressed as hatred toward Jewish people.  
56 Rhetorical and physical manifestations of anti-Semitism directed  
57 toward a Jewish or non-Jewish individual or his or her property  
58 or toward Jewish community institutions or religious facilities.

59 b. Examples of anti-Semitism include:

60 (I) Calling for, aiding, or justifying the killing or  
61 harming of Jews, often in the name of a radical ideology or an  
62 extremist view of religion.

63 (II) Making mendacious, dehumanizing, demonizing, or  
64 stereotypical allegations about Jews as such or the power of  
65 Jews as a collective, including allegations such as the myth  
66 about a world Jewish conspiracy or of Jews controlling the  
67 media, economy, government, or other societal institutions.

68 (III) Accusing Jews as a people of being responsible for  
69 real or imagined wrongdoing committed by a single Jewish person  
70 or group, the State of Israel, or even for acts committed by  
71 non-Jews.

72 (IV) Accusing Jews as a people or the State of Israel of  
73 inventing or exaggerating the Holocaust.

74 (V) Accusing Jewish citizens of countries other than  
75 Israel of being more loyal to Israel, or the alleged priorities

76 | of Jews worldwide, than to the interest of their own nations.

77 | c. Examples of anti-Semitism related to Israel include:

78 | (I) Demonizing Israel by using the symbols and images  
79 | associated with classic anti-Semitism to characterize Israel,  
80 | Israelis, drawing comparisons of contemporary Israeli policy to  
81 | that of the Nazis, or blaming Israel for all inter-religious or  
82 | political tensions.

83 | (II) Applying a double standard to Israel by requiring  
84 | behavior of Israel that is not expected or demanded of any other  
85 | democratic nation, or focusing peace or human rights  
86 | investigations only on Israel.

87 | (III) Delegitimizing Israel by denying the Jewish people  
88 | their right to self-determination and denying Israel the right  
89 | to exist.

90 |  
91 | However, criticism of Israel that is similar to criticism toward  
92 | any other country may not be regarded as anti-Semitic.

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

100 | (3) It is an essential element of this section that the

101 record reflect that the defendant perceived, knew, or had  
102 reasonable grounds to know or perceive that the victim was  
103 within the class delineated in this section.

104 (4) (a) In investigating an alleged violation of law, a law  
105 enforcement agency shall take into consideration the  
106 requirements of this section and the definition of anti-Semitism  
107 for purposes of determining whether the alleged violation was  
108 motivated by anti-Semitism or other intent sufficient to fall  
109 within this section, consistent with state and federal statutes  
110 prohibiting hate crimes.

111 (b) This section does not diminish or infringe upon any  
112 right protected under the First Amendment to the Constitution of  
113 the United States or the State Constitution. This section may  
114 not be construed to conflict with federal or state  
115 discrimination laws.

116 Section 2. Subsection (7) of section 1000.05, Florida  
117 Statutes, is renumbered as subsection (8), paragraphs (a), (b),  
118 (c), and (e) of subsection (2) are amended, and a new subsection  
119 (7) is added to that section, to read:

120 1000.05 Discrimination against students and employees in  
121 the Florida K-20 public education system prohibited; equality of  
122 access required.—

123 (2) (a) Discrimination on the basis of race, ethnicity,  
124 national origin, gender, disability, religion, or marital status  
125 against a student or an employee in the state system of public

126 K-20 education is prohibited. No person in this state shall, on  
127 the basis of race, ethnicity, national origin, gender,  
128 disability, religion, or marital status, be excluded from  
129 participation in, be denied the benefits of, or be subjected to  
130 discrimination under any public K-20 education program or  
131 activity, or in any employment conditions or practices,  
132 conducted by a public educational institution that receives or  
133 benefits from federal or state financial assistance.

134 (b) The criteria for admission to a program or course  
135 shall not have the effect of restricting access by persons of a  
136 particular race, ethnicity, national origin, gender, disability,  
137 religion, or marital status.

138 (c) All public K-20 education classes shall be available  
139 to all students without regard to race, ethnicity, national  
140 origin, gender, disability, religion, or marital status;  
141 however, this is not intended to eliminate the provision of  
142 programs designed to meet the needs of students with limited  
143 proficiency in English, gifted students, or students with  
144 disabilities or programs tailored to students with specialized  
145 talents or skills.

146 (e) Guidance services, counseling services, and financial  
147 assistance services in the state public K-20 education system  
148 shall be available to students equally. Guidance and counseling  
149 services, materials, and promotional events shall stress access  
150 to academic and career opportunities for students without regard

151 to race, ethnicity, national origin, gender, disability,  
152 religion, or marital status.

153 (7) A public K-20 educational institution must treat  
154 discrimination by students or employees or resulting from  
155 institutional policies based on anti-Semitism in an identical  
156 manner to discrimination based on race. For purposes of this  
157 section, the term "anti-Semitism" includes all of the following:

158 (a) Anti-Semitism is a certain perception of the Jewish  
159 people, which may be expressed as hatred toward Jewish people.  
160 Rhetorical and physical manifestations of anti-Semitism directed  
161 toward a Jewish or non-Jewish individual or his or her property  
162 or toward Jewish community institutions or religious facilities.

163 1. Examples of anti-Semitism include:

164 a. Calling for, aiding, or justifying the killing or  
165 harming of Jews, often in the name of a radical ideology or an  
166 extremist view of religion.

167 b. Making mendacious, dehumanizing, demonizing, or  
168 stereotypical allegations about Jews as such or the power of  
169 Jews as a collective—especially, but not exclusively, the myth  
170 about a world Jewish conspiracy or of Jews controlling the  
171 media, economy, government or other societal institutions.

172 c. Accusing Jews as a people of being responsible for real  
173 or imagined wrongdoing committed by a single Jewish person or  
174 group, the State of Israel, or even for acts committed by non-  
175 Jews.

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176 d. Accusing Jews as a people or the State of Israel of  
177 inventing or exaggerating the Holocaust.

178 e. Accusing Jewish citizens of being more loyal to Israel,  
179 or the alleged priorities of Jews worldwide, than to the  
180 interest of their own nations.

181 2. Examples of anti-Semitism related to Israel include:

182 a. Demonizing Israel by using the symbols and images  
183 associated with classic anti-Semitism to characterize Israel,  
184 Israelis, drawing comparisons of contemporary Israeli policy to  
185 that of the Nazis, or blaming Israel for all inter-religious or  
186 political tensions.

187 b. Applying a double standard to Israel by requiring  
188 behavior of Israel that is not expected or demanded of any other  
189 democratic nation, or focusing peace or human rights  
190 investigations only on Israel.

191 c. Delegitimizing Israel by denying the Jewish people  
192 their right to self-determination and denying Israel the right  
193 to exist.

194  
195 However, criticism of Israel that is similar to criticism toward  
196 any other country may not be regarded as anti-Semitic.

197 (b) This subsection does not diminish or infringe upon any  
198 right protected under the First Amendment to the Constitution of  
199 the United States, or the State Constitution. This subsection  
200 shall not be construed to conflict with federal or state



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201 | discrimination laws.

202 |       Section 3. Subsection (7) of section 1002.20, Florida  
203 | Statutes, is amended to read:

204 |       1002.20 K-12 student and parent rights.—Parents of public  
205 | school students must receive accurate and timely information  
206 | regarding their child's academic progress and must be informed  
207 | of ways they can help their child to succeed in school. K-12  
208 | students and their parents are afforded numerous statutory  
209 | rights including, but not limited to, the following:

210 |       (7) NONDISCRIMINATION.—All education programs, activities,  
211 | and opportunities offered by public educational institutions  
212 | must be made available without discrimination on the basis of  
213 | race, ethnicity, national origin, gender, disability, religion,  
214 | or marital status, in accordance with the provisions of s.  
215 | 1000.05.

216 |       Section 4. Except as expressly provided in this act, this  
217 | act shall take effect July 1, 2019.