

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**  
 22 **to 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,  
 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  
 36 felony 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  
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  
 84 felony 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  
 88 felony.

89 (b) As used in paragraph (a), the term "disability"  
 90 ~~"mental or physical disability"~~ means a physical, psychological,  
 91 or intellectual impairment that substantially limits one or more  
 92 of 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  
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.