

1 A bill to be entitled
 2 An act relating to offenses committed while evidencing
 3 prejudice; amending s. 775.085, F.S.; providing
 4 enhanced criminal penalties for offenses committed
 5 evidencing prejudice based on political affiliation or
 6 beliefs of the victim; amending s. 877.19, F.S.;
 7 requiring the collection and dissemination of data
 8 concerning criminal cases that evidence prejudice
 9 based on political affiliation or beliefs; reenacting
 10 s. 921.0022(2), F.S., relating to the offense severity
 11 ranking chart of the Criminal Punishment Code to
 12 incorporate the amendments made by the act; providing
 13 an effective date.

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

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 17 Section 1. Paragraph (a) of subsection (1) of section
 18 775.085, Florida Statutes, is amended to read:

19 775.085 Evidencing prejudice while committing offense;
 20 reclassification.—

21 (1) (a) The penalty for any felony or misdemeanor shall be
 22 reclassified as provided in this subsection if the commission of
 23 such felony or misdemeanor evidences prejudice based on the
 24 race, color, ancestry, ethnicity, religion, sexual orientation,
 25 national origin, homeless status, ~~or~~ advanced age, or political

26 | affiliation or beliefs of the victim:

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

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

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

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

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

37 | Section 2. Subsection (2) of section 877.19, Florida
38 | Statutes, is amended to read:

39 | 877.19 Hate Crimes Reporting Act.—

40 | (2) ACQUISITION AND PUBLICATION OF DATA.—The Governor,
41 | through the Florida Department of Law Enforcement, shall collect
42 | and disseminate data on incidents of criminal acts that evidence
43 | prejudice based on race, religion, ethnicity, color, ancestry,
44 | sexual orientation, ~~or~~ national origin, or political affiliation
45 | or beliefs. All law enforcement agencies shall report monthly to
46 | the Florida Department of Law Enforcement concerning such
47 | offenses in such form and in such manner as prescribed by rules
48 | adopted by the department. Such information shall be compiled by
49 | the department and disseminated upon request to any local law
50 | enforcement agency, unit of local government, or state agency.

51 Section 3. For the purpose of incorporating the amendment
52 made by this act to section 775.085, Florida Statutes, in a
53 reference thereto, subsection (2) of section 921.0022, Florida
54 Statutes, is reenacted to read:

55 921.0022 Criminal Punishment Code; offense severity
56 ranking chart.—

57 (2) The offense severity ranking chart has 10 offense
58 levels, ranked from least severe, which are level 1 offenses, to
59 most severe, which are level 10 offenses, and each felony
60 offense is assigned to a level according to the severity of the
61 offense. For purposes of determining which felony offenses are
62 specifically listed in the offense severity ranking chart and
63 which severity level has been assigned to each of these
64 offenses, the numerical statutory references in the left column
65 of the chart and the felony degree designations in the middle
66 column of the chart are controlling; the language in the right
67 column of the chart is provided solely for descriptive purposes.
68 Reclassification of the degree of the felony through the
69 application of s. 775.0845, s. 775.085, s. 775.0861, s.
70 775.0862, s. 775.0863, s. 775.087, s. 775.0875, s. 794.023, or
71 any other law that provides an enhanced penalty for a felony
72 offense, to any offense listed in the offense severity ranking
73 chart in this section shall not cause the offense to become
74 unlisted and is not subject to the provisions of s. 921.0023.

75 Section 4. This act shall take effect July 1, 2018.