

SB 402 – Offenses Evidencing Prejudice (Identical HB 143)

This bill amends s. 775.085, F.S., including a new victim category for when the commission of a felony or misdemeanor evidences prejudice based on “political ideology.” The reclassifications are as follows:

2nd degree misdemeanor increased to 1st degree misdemeanor
1st degree misdemeanor increased to 3rd degree felony
3rd degree felony increased to 2nd degree felony
2nd degree felony increased to 1st degree felony
1st degree felony increased to life felony

According to the 2023 Hate Crimes in Florida Report, there were 311 reported hate crimes committed across the state in that calendar year. Per FDLE’s Computerized Criminal History (CCH) files, in FY 24-25, there were 6 arrests and one guilty conviction for a 2nd degree felony under s. 775.085, F.S. However, since this statute reclassifies felonies, such acts might not be captured in the initial arrest.

Since July 1, 2012 there have been 3 adjudications withheld for 3rd degree felonies under s. 775.085, F.S., one 1st degree misdemeanor guilty conviction, one 3rd degree felony guilty conviction, and one 2nd degree felony conviction. Per DOC, in FY 24-25, there were no new commitments for a misdemeanor that was elevated to a felony by this statute. Furthermore, DOC does not have data available on those felonies that were increased due to this statute.

It is not known how large the potential pool of offenders is for offenses committed against someone due to political ideology. Therefore, the magnitude of the impact on the prison population cannot be determined.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate