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

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

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

775.085 Evidencing prejudice while committing offense; reclassification.—

(1)(a) The penalty for any felony or misdemeanor shall be reclassified as provided in this subsection if the commission of
such felony or misdemeanor evidences prejudice based on the
race, color, ancestry, ethnicity, religion, sexual orientation,
national origin, homeless status, or advanced age of the victim:
   1. A misdemeanor of the second degree is reclassified to a
misdemeanor of the first degree.
   2. A misdemeanor of the first degree is reclassified to a
felony of the third degree.
   3. A felony of the third degree is reclassified to a
felony of the second degree.
   4. A felony of the second degree is reclassified to a
felony of the first degree.
   5. A felony of the first degree is reclassified to a life
felony.

   (b) As used in paragraph (a), the term:
   1. "Advanced age" means that the victim is older than 65
years of age.
   2. "Homeless status" means that the victim:
      a. Lacks a fixed, regular, and adequate nighttime
residence; or
      b. Has a primary nighttime residence that is:
         (I) A supervised publicly or privately operated shelter
designed to provide temporary living accommodations; or
         (II) A public or private place not designed for, or
ordinarily used as, a regular sleeping accommodation for human
beings.
3. "Religion" includes, but is not limited to, anti-Semitism. For purposes of this section, the term "anti-Semitism" includes all of the following:

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

b. Examples of anti-Semitism include:

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

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

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

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

   (V) Accusing Jewish citizens of countries other than Israel of being more loyal to Israel, or the alleged priorities
of Jews worldwide, than to the interest of their own nations.

   c. Examples of anti-Semitism related to Israel include:
      (I) Demonizing Israel by using the symbols and images
          associated with classic anti-Semitism to characterize Israel,
          Israelis, drawing comparisons of contemporary Israeli policy to
          that of the Nazis, or blaming Israel for all inter-religious or
          political tensions.
      (II) Applying a double standard to Israel by requiring
          behavior of Israel that is not expected or demanded of any other
          democratic nation, or focusing peace or human rights
          investigations only on Israel.
      (III) Delegitimizing Israel by denying the Jewish people
          their right to self-determination and denying Israel the right
          to exist.

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

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

   (3) It is an essential element of this section that the
record reflect that the defendant perceived, knew, or had reasonable grounds to know or perceive that the victim was within the class delineated in this section.

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

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

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

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

(2)(a) Discrimination on the basis of race, ethnicity, national origin, gender, disability, religion, or marital status against a student or an employee in the state system of public
K-20 education is prohibited. No person in this state shall, on the basis of race, ethnicity, national origin, gender, disability, religion, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.

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

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

(e) Guidance services, counseling services, and financial assistance services in the state public K-20 education system shall be available to students equally. Guidance and counseling services, materials, and promotional events shall stress access to academic and career opportunities for students without regard
to race, ethnicity, national origin, gender, disability, 
religion, or marital status.

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

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

1. Examples of anti-Semitism include:

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

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

c. Accusing Jews as a people of being responsible for real 
or imagined wrongdoing committed by a single Jewish person or 
group, the State of Israel, or even for acts committed by non-
Jews.
d. Accusing Jews as a people or the State of Israel of
inventing or exaggerating the Holocaust.

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

2. Examples of anti-Semitism related to Israel include:
   a. Demonizing Israel by using the symbols and images
      associated with classic anti-Semitism to characterize Israel,
      Israelis, drawing comparisons of contemporary Israeli policy to
      that of the Nazis, or blaming Israel for all inter-religious or
      political tensions.
   b. Applying a double standard to Israel by requiring
      behavior of Israel that is not expected or demanded of any other
      democratic nation, or focusing peace or human rights
      investigations only on Israel.
   c. Delegitimizing Israel by denying the Jewish people
      their right to self-determination and denying Israel the right
      to exist.

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

(b) This subsection does not diminish or infringe upon any
right protected under the First Amendment to the Constitution of
the United States, or the State Constitution. This subsection
shall not be construed to conflict with federal or state
Section 3. Subsection (7) of section 1002.20, Florida Statutes, is amended to read:

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

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

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