

By the Committee on Criminal Justice; and Senators Gelber, Smith, Ring, Hill, Storms, Wilson, Villalobos, Bullard, Crist, and Dockery

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A bill to be entitled
An act relating to public corruption; creating s.
775.0876, F.S.; providing for the reclassification of
criminal offenses committed "under color of law";
providing an exception; providing an effective date.

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

Section 1. Section 775.0876, Florida Statutes, is created
to read:

775.0876 Offenses committed under color of law;
reclassification.—The penalty for any felony or misdemeanor
offense shall be reclassified if the commission of such offense
was furthered or facilitated by a person acting or purporting to
act in the performance of official duties under any law,
ordinance, or regulation.

(1) The reclassification of the felony or misdemeanor is as
follows:

(a) A misdemeanor of the second degree is reclassified as a
misdemeanor of the first degree.

(b) A misdemeanor of the first degree is reclassified as a
felony of the third degree.

(c) A felony of the third degree is reclassified as a
felony of the second degree.

(d) A felony of the second degree is reclassified as a
felony of the first degree.

(e) A felony of the first degree is reclassified as a life
felony.

(2) For purposes of sentencing under chapter 921, a felony

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30 offense that is reclassified under this section shall be ranked
31 one level above its ranking under s. 921.0022 or s. 921.0023.

32 (3) If the underlying offense includes acting or purporting
33 to act in the performance of official duties under any law,
34 ordinance, or regulation as an essential element, the
35 reclassification does not apply.

36 Section 2. This act shall take effect July 1, 2010.