

THE FLORIDA SENATE
2014 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/CS/SB 526 — Sexual Offenses

by Appropriations Committee; Judiciary Committee; Criminal Justice Committee; and Senator Bradley

The bill (Chapter 2014-4, L.O.F.) significantly increases the punishment of sex offenders. Minimum sentences and maximum penalties are increased for several sexual battery and lewd offenses and incentive gain-time eligibility is eliminated. Some of the other features of the bill include: mandating community supervision of sex offenders who do not receive the maximum prison sentence; and ensuring that offenders who are in the custody of the Department of Children and Families (DCF) as part of the civil commitment process and who are subject to conditional release supervision or community supervision will serve that supervision upon release from DCF custody.

Specifically, the bill:

- Authorizes orders limiting testimony in open court and in depositions if the victim or witness is a “sexual offense victim or witness” (a person who was under the age of 16 when he or she was the victim of or witness to a specified sexual offense);
- Authorizes a court to set other conditions appropriate to taking the testimony of a sexual offense victim or witness, including testifying with the assistance of a registered service or therapy animal;
- Prospectively eliminates time limitations to the prosecution of lewd battery and lewd molestation if the victim was younger than 16 years of age at the time the offense was committed, unless the offender was less than 18 years of age and the offender was no more than 4 years older than the victim at the time of the offense;
- Increases the felony degree for certain sexual offenses involving sexual battery, lewd battery, and lewd molestation when any of the offenses are committed by an adult upon a minor or involve a repeat sexual offense, which has the effect of creating longer sentences;
- Increases the mandatory minimum sentence for dangerous sexual felony offenders from 25 years to life to 50 years to life;
- Revises the definition of “sexual activity” for the offense of unlawful sexual activity with a 16 or 17-year old to include penetration by an object (to make this definition consistent with the definition of “sexual battery”);
- Provides that voyeurism includes secretly observing another person’s intimate areas in which the person has a reasonable expectation of privacy, when the person is in a public or private dwelling, structure, or conveyance, and defines “intimate area”;
- Increases the minimum sentence length of adult-on-minor sex offenders sentenced under the Criminal Punishment Code by creating a new sentence point multiplier;
- Prohibits incentive gain-time for offenders convicted of certain sexual offenses;
- Requires a court to order post-release community supervision by means of a split sentence for certain sex offenders;

- Suspends, or tolls, the post-release supervision of offenders while in DCF custody as part of the civil commitment process to ensure that the post-release supervision portion of the sentence is not eliminated;
- Prohibits offenders on community supervision who have committed any specified sexual offense from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating material, regardless of whether it is related to their deviant behavior pattern; and
- Authorizes a court to require a sex offender who is on probation or community control to undergo an evaluation by a qualified practitioner, at the sex offender's expense, to determine whether the offender needs sexual offender treatment.

These provisions were approved by the Governor and take effect October 1, 2014.

Vote: Senate 40-0; House 117-0