

By the Committee on Criminal Justice; and Senator Stargel

591-03479-14

2014698c1

1 A bill to be entitled
2 An act relating to sexual misconduct with students by
3 authority figures; providing a short title; creating
4 s. 775.0862, F.S.; providing definitions; providing
5 for reclassification of specified sexual offenses
6 committed against a student by an authority figure;
7 providing for severity ranking of offenses; amending
8 s. 921.0022, F.S.; providing for application of the
9 severity ranking chart of the Criminal Punishment
10 Code; providing an effective date.

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

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14 Section 1. This act may be cited as the "Sexual Misconduct
15 with Students by Authority Figures Act."

16 Section 2. Section 775.0862, Florida Statutes, is created
17 to read:

18 775.0862 Sexual offenses against students by authority
19 figures; reclassification.-

20 (1) For purposes of this section, the term:

21 (a) "Authority figure" means a person over the age of 18
22 employed by, volunteering at, or under contract with a school.

23 (b) "School" has the same meaning as provided in s. 1003.01
24 and includes a private school as defined in s. 1002.01, a
25 voluntary prekindergarten education program as described in s.
26 1002.53(3), early learning programs, a public school as
27 described in s. 402.3025(1), the Florida School for the Deaf and
28 the Blind, the Florida Virtual School as established under s.
29 1002.37, and a K-8 Virtual School as established under s.

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30 1002.415, but does not include facilities dedicated exclusively
31 to the education of adults.

32 (c) "Student" means a person under the age of 18 who is
33 enrolled at a school.

34 (2) The felony degree of a violation of an offense listed
35 in s. 943.0435(1)(a)1.a. shall be, unless the offense is a
36 violation of s. 794.011(4)(g) or s. 810.145(8)(a)2.,
37 reclassified as provided in this section if the offense is
38 committed by an authority figure of a school against a student
39 of the school.

40 (3)(a) In the case of a felony of the third degree, the
41 offense is reclassified to a felony of the second degree.

42 (b) In the case of a felony of the second degree, the
43 offense is reclassified to a felony of the first degree.

44 (c) In the case of a felony of the first degree, the
45 offense is reclassified to a life felony.

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47 For purposes of sentencing under chapter 921 and determining
48 incentive gain-time eligibility under chapter 944, a felony
49 offense that is reclassified under this subsection is ranked one
50 level above the ranking under s. 921.0022 or s. 921.0023 of the
51 offense committed.

52 Section 3. Subsection (2) of section 921.0022, Florida
53 Statutes, is amended to read:

54 921.0022 Criminal Punishment Code; offense severity ranking
55 chart.—

56 (2) The offense severity ranking chart has 10 offense
57 levels, ranked from least severe, which are level 1 offenses, to
58 most severe, which are level 10 offenses, and each felony

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

74 Section 4. This act shall take effect October 1, 2014.