

1 A bill to be entitled
 2 An act relating to sexual offenses; amending s. 796.07,
 3 F.S.; providing enhanced penalties for certain violations
 4 committed within a specified distance of certain
 5 locations; amending s. 810.14, F.S.; revising the elements
 6 of the offense of voyeurism in order to eliminate acts of
 7 photographing, filming, videotaping, or recording, which
 8 are elements of the separate offense of video voyeurism;
 9 providing that a person commits the offense of voyeurism
 10 when he or she, with certain intent, secretly observes
 11 another person when the other person is in a location that
 12 provides a reasonable expectation of privacy; providing an
 13 effective date.

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

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 17 Section 1. Subsection (4) of section 796.07, Florida
 18 Statutes, is amended, subsections (5) and (6) of that section are
 19 redesignated as subsections (6) and (7), and a new subsection
 20 (5) is added to the section to read:

21 796.07 Prohibiting prostitution, etc.; evidence;
 22 penalties; definitions.--

23 (4) Except as provided in subsection (5), a person who
 24 violates any provision of this section commits:

25 (a) A misdemeanor of the second degree for a first
 26 violation, punishable as provided in s. 775.082 or s. 775.083.

27 (b) A misdemeanor of the first degree for a second
 28 violation, punishable as provided in s. 775.082 or s. 775.083.

29 (c) A felony of the third degree for a third or subsequent
 30 violation, punishable as provided in s. 775.082, s. 775.083, or
 31 s. 775.084.

32 (5) A person who violates any provision of this section
 33 within 1,000 feet of the real property comprising a child care
 34 facility as defined in s. 402.302 that is in compliance with the
 35 signage requirements for child care facilities in s.
 36 893.13(1)(c); a public or private elementary, middle, or
 37 secondary school; or a physical place for worship where a church
 38 or religious organization regularly conducts religious services;
 39 or in, on, or within 1,000 feet of real property comprising a
 40 state, county, or municipal park, a community center, or a
 41 publicly owned recreational facility, the penalty shall be
 42 reclassified as follows:

43 1. A misdemeanor of the second degree is reclassified to a
 44 misdemeanor of the first degree.

45 2. A misdemeanor of the first degree is reclassified to a
 46 felony of the third degree.

47 3. A felony of the third degree is reclassified to a
 48 felony of the second degree.

49 Section 2. Section 810.14, Florida Statutes, is amended to
 50 read:

51 810.14 Voyeurism prohibited; penalties.--

52 (1) A person commits the offense of voyeurism when he or
 53 she, with lewd, lascivious, or indecent intent, secretly
 54 observes, ~~photographs, films, videotapes, or records~~ another
 55 person when the ~~such~~ other person is located in a dwelling,
 56 structure, or conveyance and such location provides a reasonable

57 expectation of privacy.

58 (2) A person who violates this section commits a
59 misdemeanor of the first degree for the first violation,
60 punishable as provided in s. 775.082 or s. 775.083.

61 (3) A person who violates this section and who has been
62 previously convicted or adjudicated delinquent two or more times
63 of any violation of this section commits a felony of the third
64 degree, punishable as provided in s. 775.082, s. 775.083, or s.
65 775.084.

66 (4) For purposes of this section, a person has been
67 previously convicted or adjudicated delinquent of a violation of
68 this section if the violation resulted in a conviction sentenced
69 separately, or an adjudication of delinquency entered
70 separately, prior to the current offense.

71 Section 3. This act shall take effect July 1, 2006.