



940922

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2009	.	
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The Committee on Criminal Justice (Crist) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 775.0862, Florida Statutes, is created to read:

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

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

(a) "Authority figure" means a school officer, a teacher or other instructional person, an administrator or other school



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12 administrative person, a school volunteer, an educational
13 support employee, or an education service provider who is
14 employed by, under contract with, working at, or providing
15 volunteer services to an educational institution.

16 (b) "Educational institution" means an entity providing
17 instructional programs of study by means of regular classes,
18 activities, or courses, including virtual courses, to students
19 in early learning programs or in prekindergarten through grade
20 12.

21 (c) "Student" means any early learning or prekindergarten
22 through grade 12 child who is enrolled in an educational
23 institution.

24 (2) The felony degree of any violation of:

25 (a) Any offense listed in s. 775.21(4)(a)1.; or

26 (b) Any offense listed in s. 943.0435(1)(a)1.a.

27
28 shall be, unless the offense falls within s. 794.011(4)(g),
29 reclassified as provided in this section if the offense is
30 committed by an authority figure of any educational institution
31 against a student of any educational institution.

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

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

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

38
39 For purposes of sentencing under chapter 921 and determining
40 incentive gain-time eligibility under chapter 944, a felony



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41 offense that is reclassified under this subsection is ranked one
42 level above the ranking under s. 921.0022 or s. 921.0023 of the
43 offense committed.

44 Section 2. Subsection (2) of section 921.0022, Florida
45 Statutes, is amended to read:

46 921.0022 Criminal Punishment Code; offense severity ranking
47 chart.-

48 (2) The offense severity ranking chart has 10 offense
49 levels, ranked from least severe, which are level 1 offenses, to
50 most severe, which are level 10 offenses, and each felony
51 offense is assigned to a level according to the severity of the
52 offense. For purposes of determining which felony offenses are
53 specifically listed in the offense severity ranking chart and
54 which severity level has been assigned to each of these
55 offenses, the numerical statutory references in the left column
56 of the chart and the felony degree designations in the middle
57 column of the chart are controlling; the language in the right
58 column of the chart is provided solely for descriptive purposes.
59 Reclassification of the degree of the felony through the
60 application of s. 775.0845, s. 775.0861, s. 775.0862, s.
61 775.087, s. 775.0875, s. 794.023, or any other law that provides
62 an enhanced penalty for a felony offense, to any offense listed
63 in the offense severity ranking chart in this section shall not
64 cause the offense to become unlisted and is not subject to the
65 provisions of s. 921.0023.

66 Section 3. This act shall take effect October 1, 2009.

67
68 ===== T I T L E A M E N D M E N T =====

69 And the title is amended as follows:



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70 Delete everything before the enacting clause
71 and insert:

72 A bill to be entitled
73 An act relating to sexual misconduct with students by
74 authority figures; creating s. 775.0862, F.S.;
75 providing definitions; providing for reclassification
76 of specified sexual offenses committed against
77 students by an authority figure; providing for
78 severity ranking of offenses; amending s. 921.0022,
79 F.S.; providing for application of the severity
80 ranking chart of the Criminal Punishment Code;
81 providing an effective date.