

By Senator Crist

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1 A bill to be entitled
2 An act relating to sexual misconduct with students by
3 authority figures; creating s. 775.0862, F.S.;
4 providing definitions; providing for reclassification
5 of specified sexual offenses committed against
6 students by an authority figure or an offender that is
7 acting in such a manner as to lead the victim to
8 reasonably believe that the offender is such an
9 authority figure; providing for severity ranking of
10 offenses; amending s. 921.0022, F.S.; providing for
11 application of the severity ranking chart of the
12 Criminal Punishment Code; providing an effective date.

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

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

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

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

21 (a) "Authority figure" means a person who is in a position
22 of control or authority as an agent or employee of an
23 educational institution.

24 (b) "Educational institution" means an institution that is
25 a part of the state system of public education or any other
26 institution:

27 1. In which participants, trainees, or students are offered
28 an organized course of study or training designed to transfer to
29 them knowledge, skills, information, doctrines, attitudes, or

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30 abilities from, by, or under the guidance of an instructor or
31 teacher; and

32 2. That is approved, licensed, or issued a permit to
33 operate as a school by the Department of Education or any other
34 governmental agency that is authorized within the state to
35 approve, license, or issue a permit for the operation of a
36 school.

37 (c) "Student" means any child or adult who is enrolled in
38 any instructional program or activity conducted under the
39 authority and direction of an educational institution.

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

41 (a) Any offense for which a conviction would require
42 registration as a sexual predator under s. 775.21; or

43 (b) Any offense for which a conviction would require
44 registration as a sexual offender under s. 943.0435

45
46 shall be, unless the offense falls within s. 794.011(4)(g),
47 reclassified as provided in this section if the offense is
48 committed by an authority figure or the offender is acting in
49 such a manner as to lead the victim to reasonably believe that
50 the offender is such an authority figure and the victim is a
51 student.

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

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

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

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59 For purposes of sentencing under chapter 921 and determining
60 incentive gain-time eligibility under chapter 944, a felony
61 offense that is reclassified under this subsection is ranked one
62 level above the ranking under s. 921.0022 or s. 921.0023 of the
63 offense committed.

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

66 921.0022 Criminal Punishment Code; offense severity ranking
67 chart.—

68 (2) The offense severity ranking chart has 10 offense
69 levels, ranked from least severe, which are level 1 offenses, to
70 most severe, which are level 10 offenses, and each felony
71 offense is assigned to a level according to the severity of the
72 offense. For purposes of determining which felony offenses are
73 specifically listed in the offense severity ranking chart and
74 which severity level has been assigned to each of these
75 offenses, the numerical statutory references in the left column
76 of the chart and the felony degree designations in the middle
77 column of the chart are controlling; the language in the right
78 column of the chart is provided solely for descriptive purposes.
79 Reclassification of the degree of the felony through the
80 application of s. 775.0845, s. 775.0861, s. 775.0862, s.
81 775.087, s. 775.0875, s. 794.023, or any other law that provides
82 an enhanced penalty for a felony offense, to any offense listed
83 in the offense severity ranking chart in this section shall not
84 cause the offense to become unlisted and is not subject to the
85 provisions of s. 921.0023.

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