

By the Committee on Criminal Justice; and Senator Crist

591-05192-09

20091892c1

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; providing for
7 severity ranking of offenses; amending s. 921.0022,
8 F.S.; providing for application of the severity
9 ranking chart of the Criminal Punishment Code;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 775.0862, Florida Statutes, is created
15 to read:

16 775.0862 Sexual battery offenses against students by
17 authority figures; reclassification.-

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

19 (a) "Authority figure" means a school officer, a teacher or
20 other instructional person, an administrator or other school
21 administrative person, a school volunteer, an educational
22 support employee, or an education service provider who is
23 employed by, under contract with, working at, or providing
24 volunteer services to an educational institution.

25 (b) "Educational institution" means an entity providing
26 instructional programs of study by means of regular classes,
27 activities, or courses, including virtual courses, to students
28 in early learning programs or in prekindergarten through grade
29 12.

591-05192-09

20091892c1

30 (c) "Student" means any early learning or prekindergarten
31 through grade 12 child who is enrolled in an educational
32 institution.

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

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

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

36
37 shall be, unless the offense falls within s. 794.011(4)(g),
38 reclassified as provided in this section if the offense is
39 committed by an authority figure of any educational institution
40 against a student of any educational institution.

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

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

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

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

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

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

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

591-05192-09

20091892c1

59 most severe, which are level 10 offenses, and each felony
60 offense is assigned to a level according to the severity of the
61 offense. For purposes of determining which felony offenses are
62 specifically listed in the offense severity ranking chart and
63 which severity level has been assigned to each of these
64 offenses, the numerical statutory references in the left column
65 of the chart and the felony degree designations in the middle
66 column of the chart are controlling; the language in the right
67 column of the chart is provided solely for descriptive purposes.
68 Reclassification of the degree of the felony through the
69 application of s. 775.0845, s. 775.0861, s. 775.0862, s.
70 775.087, s. 775.0875, s. 794.023, or any other law that provides
71 an enhanced penalty for a felony offense, to any offense listed
72 in the offense severity ranking chart in this section shall not
73 cause the offense to become unlisted and is not subject to the
74 provisions of s. 921.0023.

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