

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.; providing
 4 definitions; providing for reclassification of specified
 5 sexual offenses committed against students by an authority
 6 figure; providing for severity ranking of offenses;
 7 amending s. 921.0022, F.S.; providing for application of
 8 the severity ranking chart of the Criminal Punishment
 9 Code; providing an effective date.

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

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

15 775.0862 Sexual battery offenses against students by
 16 authority figures; reclassification.--

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

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

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

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

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

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

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

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

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

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

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