



837512

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Criminal Justice (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete lines 14 - 52
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) As used in this section, the term:

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



837512

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

17 (b) "Educational institution" means an entity providing
18 instructional programs of study by means of regular classes,
19 activities, or courses, including virtual courses, to students
20 in early learning programs or in prekindergarten through grade
21 12.

22 (c) "Student" means any minor, as defined in s. 1.01(13),
23 who is enrolled in early learning programs or prekindergarten
24 through grade 12 at an educational institution.

25 (2) The degree of any offense that is a felony of the third
26 degree, felony of the second degree, or felony of the first
27 degree and is a violation of any of the following sections shall
28 be reclassified as provided in subsection (3) if the offense is
29 committed by an authority figure of any educational institution
30 against a student of any educational institution and the
31 authority figure acts in such a manner as to lead the student
32 to reasonably believe that the authority figure is, by reason of
33 his or her position, able to exercise control or authority over
34 the student:

35 (a) Section 787.01, relating to kidnapping.

36 (b) Section 787.02, relating to false imprisonment.

37 (c) Section 787.025, relating to luring.

38 (d) Section 794.08, relating to female genital mutilation.

39 (e) Section 794.011, relating to sexual battery, but
40 excluding s. 794.011(4)(g) and s. 794.011(10).

41 (f) Section 794.05, relating to unlawful sexual activity



837512

- 42 with certain minors.
- 43 (g) Section 796.03, relating to procuring a person under
44 the age of 18 for prostitution.
- 45 (h) Section 796.035, relating to selling or buying of a
46 minor into sex trafficking or prostitution.
- 47 (i) Section 796.04, relating to forcing a person to become
48 a prostitute.
- 49 (j) Section 796.045, relating to sex trafficking.
- 50 (k) Section 796.07, relating to prostitution.
- 51 (l) Section 796.08, relating to criminal transmission of
52 HIV.
- 53 (m) Section 800.04, relating to lewd or lascivious acts.
- 54 (n) Section 810.14, relating to voyeurism.
- 55 (o) Section 810.145, relating to video voyeurism.
- 56 (p) Section 826.08, relating to impregnating a child.
- 57 (q) Section 847.011, relating to acts in connection with
58 obscenity or lewdness.
- 59 (r) Section 847.012, relating to acts in connection with
60 materials harmful to a minor.
- 61 (s) Section 827.071, relating to sexual performance by a
62 child.
- 63 (t) Section 847.0133, relating to providing obscene
64 material to a minor.
- 65 (u) Section 847.0135, relating to computer transmission of
66 lewd or lascivious exhibitions, but excluding s. 847.0135(6).
- 67 (v) Section 847.0137, relating to transmission of
68 pornography.
- 69 (w) Section 847.0138, relating to transmission of material
70 harmful to a minor.



837512

71 (x) Section 847.0145, relating to selling or buying a
72 minor.

73 (y) Section 985.701(1), relating to sexual misconduct by a
74 Department of Juvenile Justice employee.

75 (3) A felony offense subject to reclassification as
76 provided in subsection (2) shall be reclassified in the
77 following manner:

78 (a) In the case of a felony of the third degree, the
79 offense is reclassified to a felony of the second degree.

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

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

84 (4) For purposes of sentencing under chapter 921, a felony
85 offense that is reclassified under this section is ranked one
86 level above the ranking under s. 921.0022 or s. 921.0023 of the
87 offense committed.

88
89
90 ===== T I T L E A M E N D M E N T =====

91 And the title is amended as follows:

92
93 Delete lines 3 - 7
94 and insert:

95
96 authority figures; creating s. 775.0862, F.S.;

97 providing definitions; providing for reclassification

98 of specified sexual offenses committed against

99 students by authority figures of an educational



837512

100
101

institution; providing for severity ranking of
offenses; amending s. 921.0022, F.S.;