

By Senator Lynn

7-01315-10

20101334

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

7-01315-10

20101334

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

7-01315-10

20101334

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, 2010.