

By Senator Storms

10-00488-12

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1                   A bill to be entitled  
2           An act relating to video voyeurism; amending s.  
3           810.145, F.S.; revising the definition of the term  
4           "place and time when a person has a reasonable  
5           expectation of privacy" to include the interior of a  
6           residential dwelling; increasing the classification of  
7           specified video voyeurism offenses; amending s.  
8           921.0022, F.S.; ranking a violation of s.  
9           810.145(8)(b), F.S., above its default value for  
10          purposes of the offense severity ranking chart of the  
11          Criminal Punishment Code; providing an effective date.  
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13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Paragraph (c) of subsection (1) and subsections  
16          (6), (7), and (8) of section 810.145, Florida Statutes, are  
17          amended to read:

18           810.145 Video voyeurism.—

19           (1) As used in this section, the term:

20           (c) "Place and time when a person has a reasonable  
21          expectation of privacy" means a place and time when a reasonable  
22          person would believe that he or she could fully disrobe in  
23          privacy, without being concerned that the person's undressing  
24          was being viewed, recorded, or broadcasted by another,  
25          including, but not limited to, the interior of a residential  
26          dwelling, bathroom, changing room, fitting room, dressing room,  
27          or tanning booth.

28           (6) Except as provided in subsections (7) and (8), a person  
29          who violates this section commits a felony ~~misdemeanor~~ of the

10-00488-12

2012436

30 third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.  
31 775.083, or s. 775.084.

32 (7) A person who violates this section and who has  
33 previously been convicted of or adjudicated delinquent for any  
34 violation of this section commits a felony of the second ~~third~~  
35 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
36 775.084.

37 (8) (a) A person who is:

38 1. Eighteen years of age or older who is responsible for  
39 the welfare of a child younger than 16 years of age, regardless  
40 of whether the person knows or has reason to know the age of the  
41 child, and who commits an offense under this section against  
42 that child;

43 2. Eighteen years of age or older who is employed at a  
44 private school as defined in s. 1002.01; a school as defined in  
45 s. 1003.01; or a voluntary prekindergarten education program as  
46 described in s. 1002.53(3) (a), (b), or (c) and who commits an  
47 offense under this section against a student of the private  
48 school, school, or voluntary prekindergarten education program;  
49 or

50 3. Twenty-four years of age or older who commits an offense  
51 under this section against a child younger than 16 years of age,  
52 regardless of whether the person knows or has reason to know the  
53 age of the child

54  
55 commits a felony of the second ~~third~~ degree, punishable as  
56 provided in s. 775.082, s. 775.083, or s. 775.084.

57 (b) A person who violates this subsection and who has  
58 previously been convicted of or adjudicated delinquent for any

10-00488-12

2012436\_\_

59 violation of this section commits a felony of the second degree,  
 60 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

61 Section 2. Paragraph (f) of subsection (3) of section  
 62 921.0022, Florida Statutes, is amended to read:

63 921.0022 Criminal Punishment Code; offense severity ranking  
 64 chart.—

65 (3) OFFENSE SEVERITY RANKING CHART

66 (f) LEVEL 6

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.

10-00488-12 2012436\_\_

74	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
75	784.041	3rd	Felony battery; domestic battery by strangulation.
76	784.048(3)	3rd	Aggravated stalking; credible threat.
77	784.048(5)	3rd	Aggravated stalking of person under 16.
78	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
79	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
80	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
81	784.081(2)	2nd	Aggravated assault on specified official or employee.
82	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
83	784.083(2)	2nd	Aggravated assault on code inspector.
	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.

10-00488-12

2012436\_\_

84	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
85	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
86	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
87	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
88	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
89	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
90	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
91	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
92	806.031 (2)	2nd	Arson resulting in great bodily harm to

10-00488-12

2012436\_\_

firefighter or any other person.

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810.02 (3) (c) 2nd Burglary of occupied structure; unarmed;  
no assault or battery.

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810.145 (8) (b) 2nd Video voyeurism; certain minor victims;  
2nd or subsequent offense.

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812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but  
less than \$100,000, grand theft in 2nd  
degree.

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812.014 (6) 2nd Theft; property stolen \$3,000 or more;  
coordination of others.

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812.015 (9) (a) 2nd Retail theft; property stolen \$300 or  
more; second or subsequent conviction.

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812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or  
more; coordination of others.

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812.13 (2) (c) 2nd Robbery, no firearm or other weapon  
(strong-arm robbery).

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817.034 (4) (a) 1. 1st Communications fraud, value greater than  
\$50,000.

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817.4821 (5) 2nd Possess cloning paraphernalia with  
intent to create cloned cellular

10-00488-12

2012436\_\_

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telephones.

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

825.103 (2) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.

827.03 (1) 3rd Abuse of a child.

827.03 (3) (c) 3rd Neglect of a child.

827.071 (2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

836.05 2nd Threats; extortion.

836.10 2nd Written threats to kill or do bodily injury.

843.12 3rd Aids or assists person to escape.





10-00488-12

2012436\_\_

facility.

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951.22(1)            3rd    Intoxicating drug, firearm, or weapon  
introduced into county facility.

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Section 3. This act shall take effect July 1, 2012.