

2012436er

1  
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.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
14

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):~~r~~

29 (a) A person who is under 19 years of age and who violates

2012436er

30 this section commits a misdemeanor of the first degree,  
31 punishable as provided in s. 775.082 or s. 775.083.

32 (b) A person who is 19 years of age or older and who  
33 violates this section commits a felony of the third degree,  
34 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

35 (7) A person who violates this section and who has  
36 previously been convicted of or adjudicated delinquent for any  
37 violation of this section commits a felony of the second ~~third~~  
38 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
39 775.084.

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

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

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

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

57  
58 commits a felony of the second ~~third~~ degree, punishable as

2012436er

59 provided in s. 775.082, s. 775.083, or s. 775.084.

60 (b) A person who violates this subsection and who has  
61 previously been convicted of or adjudicated delinquent for any  
62 violation of this section commits a felony of the second degree,  
63 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

64 Section 2. Paragraph (f) of subsection (3) of section  
65 921.0022, Florida Statutes, is amended to read:

66 921.0022 Criminal Punishment Code; offense severity ranking  
67 chart.—

68 (3) OFFENSE SEVERITY RANKING CHART

69 (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.

75

2012436er

76	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
77	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
78	784.041	3rd	Felony battery; domestic battery by strangulation.
79	784.048 (3)	3rd	Aggravated stalking; credible threat.
80	784.048 (5)	3rd	Aggravated stalking of person under 16.
81	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
82	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
83	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
84	784.081 (2)	2nd	Aggravated assault on specified official or employee.
85	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
	784.083 (2)	2nd	Aggravated assault on code inspector.

2012436er

86	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
87	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
88	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
89	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
90	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
91	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
92	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
93	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.
94	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18

2012436er

			years of age or older.
95			
	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
96			
	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
97			
	<u>810.145(8)(b)</u>	<u>2nd</u>	<u>Video voyeurism; certain minor victims; 2nd or subsequent offense.</u>
98			
	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
99			
	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
100			
	812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
101			
	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
102			
	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
103			
	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.

2012436er

104	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
105	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
106	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
107	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
108	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
109	827.03(1)	3rd	Abuse of a child.
110	827.03(3)(c)	3rd	Neglect of a child.
111	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
112	836.05	2nd	Threats; extortion.
113	836.10	2nd	Written threats to kill or do bodily

2012436er

			injury.
114	843.12	3rd	Aids or assists person to escape.
115	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
116	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
117	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
118	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
119	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
120	944.40	2nd	Escapes.
121	944.46	3rd	Harboring, concealing, aiding escaped prisoners.



