

A bill to be entitled

An act relating to sexual misconduct with students by authority figures; providing a short title; creating s. 775.0862, F.S.; providing definitions; providing for reclassification of specified sexual offenses committed against students by an authority figure; providing for severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

Section 1. This act may be cited as the "Stop Harassing Underage Teens Act."

Section 2. Section 775.0862, Florida Statutes, is created to read:

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

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

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

26 (b) "Educational institution" means an entity providing  
 27 instructional programs of study by means of regular classes,  
 28 activities, or courses, including virtual courses, to students  
 29 in early learning programs or in prekindergarten through grade  
 30 12.

31 (c) "Student" means a child who is enrolled in early  
 32 learning or prekindergarten through grade 12.

33 (2) The felony degree of a violation of:

34 (a) An offense listed in s. 775.21(4)(a)1.; or

35 (b) An 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 an educational institution  
 40 against a student of the 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 3. Subsection (2) of section 921.0022, Florida  
54 Statutes, is amended to read:

55 921.0022 Criminal Punishment Code; offense severity  
56 ranking chart.—

57 (2) The offense severity ranking chart has 10 offense  
58 levels, ranked from least severe, which are level 1 offenses, to  
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 4. This act shall take effect October 1, 2014.