

By Senator Stargel

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1 A bill to be entitled
2 An act relating to sexual misconduct with students by
3 authority figures; providing a short title; creating
4 s. 775.0862, F.S.; providing definitions; providing
5 for reclassification of specified sexual offenses
6 committed against a student by an authority figure;
7 providing for severity ranking of offenses; amending
8 s. 921.0022, F.S.; providing for application of the
9 severity ranking chart of the Criminal Punishment
10 Code; providing an effective date.

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

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14 Section 1. This act may be cited as the "Sexual Misconduct
15 with Students by Authority Figures Act."

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

18 775.0862 Sexual battery offenses against students by
19 authority figures; reclassification.-

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

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

27 (b) "Educational institution" means an entity providing
28 instructional programs of study by means of regular classes,
29 activities, or courses, including virtual courses, to students

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30 in early learning programs or in prekindergarten through grade
31 12.

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

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

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

36 (b) An offense listed in s. 943.0435(1)(a)1.a.

37
38 shall be, unless the offense falls within s. 794.011(4)(g),
39 reclassified as provided in this section if the offense is
40 committed by an authority figure of an educational institution
41 against a student of the educational institution.

42 (3)(a) In the case of a felony of the third degree, the
43 offense is reclassified to a felony of the second degree.

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

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

48
49 For purposes of sentencing under chapter 921 and determining
50 incentive gain-time eligibility under chapter 944, a felony
51 offense that is reclassified under this subsection is ranked one
52 level above the ranking under s. 921.0022 or s. 921.0023 of the
53 offense committed.

54 Section 3. Subsection (2) of section 921.0022, Florida
55 Statutes, is amended to read:

56 921.0022 Criminal Punishment Code; offense severity ranking
57 chart.-

58 (2) The offense severity ranking chart has 10 offense

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59 levels, ranked from least severe, which are level 1 offenses, to
60 most severe, which are level 10 offenses, and each felony
61 offense is assigned to a level according to the severity of the
62 offense. For purposes of determining which felony offenses are
63 specifically listed in the offense severity ranking chart and
64 which severity level has been assigned to each of these
65 offenses, the numerical statutory references in the left column
66 of the chart and the felony degree designations in the middle
67 column of the chart are controlling; the language in the right
68 column of the chart is provided solely for descriptive purposes.
69 Reclassification of the degree of the felony through the
70 application of s. 775.0845, s. 775.0861, s. 775.0862, s.
71 775.087, s. 775.0875, s. 794.023, or any other law that provides
72 an enhanced penalty for a felony offense, to any offense listed
73 in the offense severity ranking chart in this section shall not
74 cause the offense to become unlisted and is not subject to the
75 provisions of s. 921.0023.

76 Section 4. This act shall take effect October 1, 2014.