

1 A bill to be entitled
 2 An act relating to lewd or lascivious acts with
 3 minors; amending s. 794.05, F.S.; providing
 4 definitions; prohibiting certain lewd or lascivious
 5 acts by persons 24 years of age or older with certain
 6 minors; providing penalties; amending s. 921.0022,
 7 F.S.; conforming provisions to changes made by the
 8 act; providing an effective date.

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

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 12 Section 1. Subsections (2) through (4) of section 794.05,
 13 Florida Statutes, are renumbered as subsections (4) through (6),
 14 respectively, present subsection (1) is amended, and new
 15 subsections (1) and (3) are added to that section, to read:

16 794.05 Unlawful sexual activity and lewd or lascivious
 17 acts with certain minors.—

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

19 (a) "Lewd" or "lascivious" mean a wicked, lustful,
 20 unchaste, licentious, or sensual intent on the part of the
 21 person doing the act.

22 (b) "Sexual activity" means oral, anal, or vaginal
 23 penetration by, or union with, the sexual organ of another or
 24 the anal or vaginal penetration of another by any other object;
 25 however, sexual activity does not include an act done for a bona

26 fide medical purpose.

27 (2)~~(1)~~ A person 24 years of age or older who engages in
 28 sexual activity with a person 16 or 17 years of age commits a
 29 felony of the second degree, punishable as provided in s.
 30 775.082, s. 775.083, or s. 775.084. ~~As used in this section,~~
 31 ~~"sexual activity" means oral, anal, or vaginal penetration by,~~
 32 ~~or union with, the sexual organ of another or the anal or~~
 33 ~~vaginal penetration of another by any other object; however,~~
 34 ~~sexual activity does not include an act done for a bona fide~~
 35 ~~medical purpose.~~

36 (3) A person 24 years of age or older who intentionally
 37 touches in a lewd or lascivious manner the breasts, genitals,
 38 genital area, or buttocks, or the clothing covering them, of a
 39 person 16 or 17 years of age, or forces or entices a person 16
 40 or 17 years of age to so touch the perpetrator, commits a felony
 41 of the second degree, punishable as provided in s. 775.082, s.
 42 775.083, or s. 775.084.

43 Section 2. Paragraph (f) of subsection (3) of section
 44 921.0022, Florida Statutes, is amended to read:

45 921.0022 Criminal Punishment Code; offense severity
 46 ranking chart.—

47 (3) OFFENSE SEVERITY RANKING CHART

48 (f) LEVEL 6

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Florida	Felony	Description
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	Statute	Degree	
50	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
51	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
52	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
53	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
54	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
55	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.

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775.0875 (1)	3rd	Taking firearm from law enforcement officer.
784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048 (3)	3rd	Aggravated stalking; credible threat.
784.048 (5)	3rd	Aggravated stalking of person under 16.
784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.

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64	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
65	784.081 (2)	2nd	Aggravated assault on specified official or employee.
66	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
67	784.083 (2)	2nd	Aggravated assault on code inspector.
68	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
69	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
70	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.

71	790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
72	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
73	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
74	<u>794.05(2)</u> 794.05(1)	2nd	Unlawful sexual activity with specified minor.
75	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
76	800.04(6)(b)	2nd	Lewd or lascivious conduct;

			offender 18 years of age or older.
77	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
78	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
79	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
80	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
81	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
82	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.

83	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
84	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
85	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
86	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
87	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
88	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
89	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.

90	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
91	827.03(2)(c)	3rd	Abuse of a child.
92	827.03(2)(d)	3rd	Neglect of a child.
93	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
94	836.05	2nd	Threats; extortion.
95	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
96	843.12	3rd	Aids or assists person to escape.
97	847.011	3rd	Distributing, offering to distribute, or possessing with

intent to distribute obscene materials depicting minors.

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847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

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847.0135(2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

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914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

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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.

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944.40 2nd Escapes.

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944.46 3rd Harboring, concealing, aiding

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escaped prisoners.

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944.47(1)(a)5.

2nd

Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

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951.22(1)(i)

3rd

Firearm or weapon introduced
into county detention facility.

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Section 3. This act shall take effect October 1, 2021.