1	A bill to be entitled
2	An act relating to sexual misconduct battery; amending
3	s. 784.041, F.S.; defining the offense of sexual
4	misconduct battery; providing criminal penalties;
5	amending ss. 775.0861, 921.0022, and 943.0584, F.S.;
6	conforming provisions to changes made by the act;
7	providing an effective date.
8	
9	Be It Enacted by the Legislature of the State of Florida:
10	
11	Section 1. Subsection (3) of section 784.041, Florida
12	Statutes, is renumbered as subsection (4) and amended, and a new
13	subsection (3) is added to that section, to read:
14	784.041 Felony battery; domestic battery by strangulation <u>;</u>
15	sexual misconduct battery
16	(3)(a) A person commits sexual misconduct battery if he or
17	she:
18	1. Actually and intentionally touches or strikes another
19	person against the will of the other person; and
20	2. Touches the sexual organ or anus of the other person.
21	(b) This subsection does not apply to any act of medical
22	diagnosis, treatment, or prescription that is authorized under
23	the laws of this state.
24	<u>(4)</u> A person who commits felony battery <u>, or domestic</u>
25	battery by strangulation, or sexual misconduct battery commits a
	Page 1 of 11

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26	felony of the third degree, punishable as provided in s.
27	775.082, s. 775.083, or s. 775.084.
28	Section 2. Paragraph (d) of subsection (2) of section
29	775.0861, Florida Statutes, is amended to read:
30	775.0861 Offenses against persons on the grounds of
31	religious institutions; reclassification
32	(2) The felony or misdemeanor degree of any violation of:
33	(d) Section 784.041, relating to felony battery, domestic
34	battery by strangulation, and sexual misconduct battery;
35	
36	shall be reclassified as provided in this section if the offense
37	is committed on the property of a religious institution while
38	the victim is on the property for the purpose of participating
39	in or attending a religious service.
40	Section 3. Paragraph (f) of subsection (3) of section
41	921.0022, Florida Statutes, is amended to read:
42	921.0022 Criminal Punishment Code; offense severity
43	ranking chart
44	(3) OFFENSE SEVERITY RANKING CHART
45	(f) LEVEL 6
46	
	Florida Felony
	Statute Degree Description
47	
	316.027(2)(b) 2nd Leaving the scene of a crash
	Page 2 of 11

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FLORIDA	HOUSE	OF REPR	RESENTA	TIVES
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2022

48			involving serious bodily injury.
	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
49	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
50	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
51	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
52	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
53	775.0875(1)	3rd	Taking firearm from law enforcement officer.
			Page 3 of 11

FLORIDA	HOUSE	OF REPF	RESENTA	A T I V E S
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2022

54			
	784.021(1)(a)	3rd	Aggravated assault; deadly
			weapon without intent to kill.
55	784.021(1)(b)	3rd	Aggravated assault; intent to
	/04.021(1)(0)	510	commit felony.
56			
	784.041	3rd	Felony battery; domestic
			battery by strangulation;
			sexual misconduct battery.
57	784.048(3)	3rd	Aggravated stalking; credible
	/04.040(3)	510	threat.
58			
	784.048(5)	3rd	Aggravated stalking of person
			under 16.
59			
	784.07(2)(c)	2nd	Aggravated assault on law
60			enforcement officer.
00	784.074(1)(b)	2nd	Aggravated assault on sexually
			violent predators facility
			staff.
61			
	784.08(2)(b)	2nd	Aggravated assault on a person
I			Page 4 of 11

FLORIDA	HOUSE	OF REP	RESENTA	TIVES
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62			65 years of age or older.
	784.081(2)	2nd	Aggravated assault on specified official or employee.
63	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
64	784.083(2)	2nd	Aggravated assault on code inspector.
65	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
67	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
68	790.164(1)	2nd	False report concerning bomb, Page5of11

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FLORIDA	HOUSE	OF REP	RESENTA	A T I V E S
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			explosive, weapon of mass
			destruction, act of arson or
			violence to state property, or
			use of firearms in violent
			manner.
69			
	790.19	2nd	Shooting or throwing deadly
			missiles into dwellings,
			vessels, or vehicles.
70			
	794.011(8)(a)	3rd	Solicitation of minor to
			participate in sexual activity
			by custodial adult.
71			
	794.05(1)	2nd	Unlawful sexual activity with
			specified minor.
72			
	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.
73			
	800.04(6)(b)	2nd	Lewd or lascivious conduct;
			offender 18 years of age or
			older.
			Page 6 of 11

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FLORIDA	HOUSE	OF REP	RESENTA	A T I V E S
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2022

74	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
75	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
77	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
78	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
79	812.015(9)(a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
80	812.015(9)(b)	2nd	Retail theft; aggregated Page7of11

FLORIDA	HOUSE	OF REP	RESENTA	TIVES
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2022

0.1			property stolen within 30 days is \$3,000 or more; coordination of others.
81	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
83	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
84	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
85	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
86	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
87	825.1025(3)	3rd	Lewd or lascivious molestation Page8of11

FLORIDA	HOUSE	OF REP	RESENTA	TIVES
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2022

			of an elderly person or disabled adult.		
88	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.		
89					
90	827.03(2)(c)	3rd	Abuse of a child.		
	827.03(2)(d)	3rd	Neglect of a child.		
91	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote		
			or direct such performance.		
92			of difect such performance.		
92	836.05	2nd	Threats; extortion.		
93	836.10	2nd	Written or electronic threats to kill, do bodily injury, or		
			conduct a mass shooting or an		
			act of terrorism.		
94			act of terrorism.		
54	843.12	3rd	Aids or assists person to		
			escape.		
95					
Page 9 of 11					

FLOR	IDA H	HOUSE	OFR	REPRE	SENTA	TIVES
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847.011 Distributing, offering to 3rd distribute, or possessing with intent to distribute obscene materials depicting minors. 96 847.012 3rd Knowingly using a minor in the production of materials harmful to minors. 97 847.0135(2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct. 98 914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury. 99 944.35(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. 100 944.40 2nd Escapes. Page 10 of 11

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101 944.46 Harboring, concealing, aiding 3rd escaped prisoners. 102 944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility. 103 951.22(1)(i) 3rd Firearm or weapon introduced into county detention facility. 104 105 Section 4. Paragraph (h) of subsection (2) of section 106 943.0584, Florida Statutes, is amended to read: 107 943.0584 Criminal history records ineligible for court-108 ordered expunction or court-ordered sealing.-109 (2) A criminal history record is ineligible for a 110 certificate of eligibility for expunction or a court-ordered expunction pursuant to s. 943.0585 or a certificate of 111 112 eligibility for sealing or a court-ordered sealing pursuant to s. 943.059 if the record is a conviction for any of the 113 following offenses: 114 115 (h) Felony battery, domestic battery by strangulation or 116 sexual misconduct battery, or aggravated battery, as defined in 117 ss. 784.03, 784.041, and 784.045, respectively; 118 Section 5. This act shall take effect October 1, 2022.

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