

ENROLLED

CS/HB 485

2014 Legislature

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An act relating to sexual offenses against 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 of the school; 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 offenses against students by authority figures; reclassification.-

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

(a) "Authority figure" means a person 18 years of age or older who is employed by, volunteering at, or under contract with a school.

(b) "School" has the same meaning as provided in s. 1003.01 and includes a private school as defined in s. 1002.01, a voluntary prekindergarten education program as described in s.

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27 1002.53(3), early learning programs, a public school as
 28 described in s. 402.3025(1), the Florida School for the Deaf and
 29 the Blind, the Florida Virtual School established under s.
 30 1002.37, and a K-8 Virtual School established under s. 1002.415.
 31 The term does not include facilities dedicated exclusively to
 32 the education of adults.

33 (c) "Student" means a person younger than 18 years of age
 34 who is enrolled at a school.

35 (2) The felony degree of a violation of an offense listed
 36 in s. 943.0435(1)(a)1.a, unless the offense is a violation of s.
 37 794.011(4)(g) or s. 810.145(8)(a)2., shall be reclassified as
 38 provided in this section if the offense is committed by an
 39 authority figure of a school against a student of the school.

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

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

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

46
 47 For purposes of sentencing under chapter 921 and determining
 48 incentive gain-time eligibility under chapter 944, a felony
 49 offense that is reclassified under this subsection is ranked one
 50 level above the ranking under s. 921.0022 or s. 921.0023 of the
 51 offense committed.

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

54 921.0022 Criminal Punishment Code; offense severity
55 ranking chart.—

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

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