

Council Substitute for House Bill No. 537

An act relating to the offense of voyeurism; amending s. 810.145, F.S.; providing that it is a third-degree felony for certain persons who are responsible for the welfare of a child younger than 16 years of age to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against that child; providing that it is a third-degree felony for a person employed at a school or voluntary prekindergarten education program to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against a student of the school or voluntary prekindergarten education program; providing that it is a third-degree felony for a person who is 24 years of age or older to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against a child younger than 16 years of age; providing that it is a second-degree felony for a person who was previously convicted of or adjudicated delinquent for video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination to commit any such third-degree felony against a child younger than 16 years of age or a student; providing criminal penalties; providing an effective date.

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

Section 1. Subsection (6) of section 810.145, Florida Statutes, is amended, present subsection (8) of that section is redesignated as subsection (9), and a new subsection (8) is added to that section, to read:

810.145 Video voyeurism.—

(6) Except as provided in subsections ~~subsection~~ (7) and (8), a person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8)(a) A person who is:

1. Eighteen years of age or older who is responsible for the welfare of a child younger than 16 years of age, regardless of whether the person knows or has reason to know the age of the child, and who commits an offense under this section against that child;

2. Eighteen years of age or older who is employed at a private school as defined in s. 1002.01; a school as defined in s. 1003.01; or a voluntary prekindergarten education program as described in s. 1002.53(3)(a), (b), or (c) and who commits an offense under this section against a student of the private school, school, or voluntary prekindergarten education program; or

3. Twenty-four years of age or older who commits an offense under this section against a child younger than 16 years of age, regardless of whether the person knows or has reason to know the age of the child

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who violates this subsection and who has previously been convicted of or adjudicated delinquent for any violation of this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect July 1, 2008.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.