2026 SECURITY REPORT

2025-2026 Academic Year

2025 Crime Statistics

Lake-Sumter State College

CAMPUS SAFETY AND SECURITY

What Everyone on Campus Needs to Know

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FortifyFL App





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LSSC Safety App

Lake-Sumter State College works hard to keep our campuses safe. As a member of the campus community, you have a role in campus safety as well. The information provided here will assist you in making the right decisions concerning your own safety and security. With you assistance, we can provide a safer campus environment.

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THE JEANNE CLERY CAMPUS SAFETY ACT

Lake-Sumter State College (LSSC) prepares this Annual Security Report in compliance with the Jeanne Clery Campus Safety Act, commonly known as the Clery Act. The 2026 Annual Security Report is prepared by the College's Safety and Security Department in cooperation with local and jurisdictional law enforcement agencies.

Crime, arrest, and referral statistics are collected from applicable law enforcement agencies, including the College's Safety and Security Department. The College compiles and submits these statistics to the U.S. Department of Education and publishes the report annually by October 1. The report is available on the College's Annual Security Report website at https://www.lssc.edu/safety.

The Annual Security Report includes crime statistics for the three most recent calendar years and discloses applicable crimes reported on campus and in public areas immediately adjacent to College campuses. The College is responsible for collecting, compiling, and reporting crime data in accordance with Clery Act requirements.

History of the Clery Act

In April 1986, Jeanne Clery, a 19-year-old freshman at Lehigh University, was assaulted and murdered in her residence hall room. Her death brought national attention to the importance of campus safety and transparency regarding crime on college campuses.

The Jeanne Clery Campus Safety Act, commonly known as the Clery Act, was enacted in response to the recognition that greater awareness of campus crime can help prevent victimization. The Act requires colleges and universities that participate in federal financial aid programs to collect and disclose information about certain crimes reported on and near their campuses.

Compliance with the Clery Act is monitored by the U.S. Department of Education, which may impose significant financial penalties for violations. LSSC is committed to fulfilling its obligations under the Clery Act and maintaining a safe, informed campus community through the publication of this Annual Security Report.

LAKE-SUMTER STATE COLLEGE SAFETY AND SECURITY

The LSSC Safety and Security Department is committed to supporting a safe, secure, and welcoming environment for students, faculty, staff, visitors, and the College community. The department's approach to campus safety is guided by the College's core values of **Care, Communicate, Collaborate, and Celebrate**.

- **Care:** The Safety and Security Department prioritizes the safety, well-being, and security of the College community by responding to concerns, providing assistance, and promoting a safe campus environment.
- **Communicate:** The department promotes timely, clear, and appropriate communication regarding safety concerns, emergencies, security procedures, and available resources.
- **Collaborate:** The department works in partnership with College departments, students, employees, local law enforcement agencies, emergency responders, and community partners to address safety concerns and support effective emergency response.
- **Celebrate:** The department supports a positive campus environment by recognizing and promoting a culture in which safety, preparedness, responsible behavior, and community engagement are valued.

LAW ENFORCEMENT RELATIONSHIPS AND JURISDICTION

LSSC Safety and Security officers are not sworn law enforcement personnel and do not possess law enforcement authority, including the authority to make arrests. The department's jurisdiction is limited to College-owned, leased, operated, or otherwise controlled buildings, facilities, and property.

To supplement campus security operations, the College contracts with local law enforcement officers for special events or as needed. When local law enforcement officers are not readily available on campus, Safety and Security personnel are directed to contact the appropriate law enforcement agency in the area.

LSSC maintains cooperative working relationships with the Leesburg Police Department, Clermont Police Department, Lake County Sheriff's Office, and Sumter County Sheriff's Office. These agencies respond to College campuses within their respective jurisdictions to address emergencies, complete police reports, and conduct criminal investigations.

Although LSSC does not maintain a formal memorandum of understanding with any law enforcement agency, the College encourages the accurate and prompt reporting of all crimes and emergencies occurring on or near its campuses. Reports are encouraged regardless of whether a victim elects, or is able, to make a report directly to law enforcement.

CAMPUS GEOGRAPHY

LSSC owns and operates multiple instructional locations throughout Lake and Sumter Counties.

Leesburg Campus
The College's Leesburg Campus is located at 9501 U.S. Highway 441, Leesburg, Florida. The campus is bordered by U.S. Highway 441 to the south, College Drive to the west, Silver Lake Drive to the north, and residential and commercial property to the east. The Leesburg Campus is located within the city limits of Leesburg, FL.

South Lake Campus
The College's South Lake Campus is located at 1250 N. Hancock Road, Clermont, Florida. The campus is bordered by commercial property to the south, commercial and residential property to the west, Oakley Seaver Road to the north, and N. Hancock Road to the east.
The South Lake Campus includes a joint-use library operated in partnership with Lake County, a softball field leased to community partners, and facilities serving students in grades 9 through 12 at Pinecrest Lakes Academy, as well as students enrolled in several Lake Technical College programs. The joint-use library is located at 2525 Oakley Seaver Road, Clermont, Florida. The South Lake Campus is located within the city limits of Clermont, FL.

Sumter County Center
The College operates a center in Sumter County located at 1423 County Road 526A, Sumterville, Florida. The center offers a Commercial Driver's License (CDL) program, an Electrical Distribution Technology (Lineman) program, and Adult Education classes for the Sumter County School System. The Sumter County Center is bordered by County Road 528 to the south, County Road 526A to the west, and agricultural land to the north and east. The Sumter County Center is in the unincorporated part of Sumter County, FL.

Four Corners Center
The College's Four Corners Center is located at 16744 Cagan Crossings Boulevard, Clermont, Florida, within the Cagan Crossings mixed-use development. The center serves students enrolled in general education courses and students participating in Lake Technical College GED and English for Speakers of Other Languages (ESOL) programs. The Four Corners Center is in the unincorporated part of Lake County, FL.

Dedicated Educational Unit
In partnership with AdventHealth, the College operates a Dedicated Educational Unit (DEU) for nursing program instruction at AdventHealth Waterman, located at 1000 Waterman Way, Tavares, Florida.

CAMPUS ACCESS AND STUDENT HOUSING

LSSC does not own or operate student housing.
The College maintains an open-campus environment. During normal business hours, College facilities are accessible to students, faculty, staff, and members of the public, subject to applicable College policies and procedures. Members of the LSSC community and visitors are expected to comply with all College policies, procedures, and applicable laws.

Outside of normal business hours, access to College facilities is limited to authorized individuals and may be permitted through electronic access credentials, issued keys, or admission by LSSC Safety and Security.

To support the safety and security of the College community, access to classrooms, laboratories, and similar instructional spaces outside of normal operating hours is limited to situations in which an authorized faculty or staff member is present and responsible for the space.

In the event of an emergency closure or other restriction on campus access, entry to College facilities will be limited to individuals who have received prior authorization.
LSSC Safety and Security discourages employees from occupying College facilities alone for extended periods outside of normal business hours, particularly when Safety and Security personnel are not present on campus.

COLLEGE IDENTIFICATION CARDS AND BUILDING ACCESS

LSSC issues identification cards to students, employees, and authorized contract workers. All students and employees are required to obtain an LSSC identification card.

Employees are required to visibly display their LSSC identification card while on campus. Students are required to carry their LSSC identification card and present it upon request by a College employee.

Employee and authorized contractor identification cards may also provide electronic access to designated campus buildings through the College's card reader system when buildings are secured. Access is limited to authorized individuals and designated areas based on their role and assigned access privileges.

REPORTING EMERGENCIES AND CRIME ON CAMPUS

All College faculty and staff are issued **Raptor Alert Badges**, which when activated connect to 911, and initiate campus wide messaging. An emergency shall be immediately

reported by utilizing a Raptor emergency alert badge or calling 911. Campus Safety should be notified as soon as safe to do so. Individuals may also report crimes or incidents that are no longer in progress by contacting a campus safety office, submitting an online incident report via the college's online reporting form: https://www.lssc.edu/safety/report-a-concern/ .

LSSC also offers a safety app for employees and students. Through the application, users may also report incidents and suspicious activity directly to the College. Additionally, **Lake-Sumter Safe App** provides access to the **LSSC Emergency Operations Plan** and a variety of campus support services. For questions about Lake-Sumter Safe App and how it is used, contact your Campus Safety and Security department. https://www.lssc.edu/safety/lake-sumter-safe-app/

CONFIDENTIAL CRIME REPORTING PROCEDURES

Individuals who are victims of a crime and choose not to pursue action through the College or the criminal justice system are still encouraged to report the incident. Reporting provides the College with information that can assist in identifying patterns of criminal activity, assessing campus safety concerns, and determining whether additional measures are needed to protect the campus community.

Reports made to College representatives are generally not confidential because the College has legal and institutional responsibilities to respond to reported incidents. However, the College will consider a victim's request for confidentiality when determining an appropriate response, consistent with applicable federal and state laws and reporting requirements.

Reporting an incident also enables the College to maintain an accurate record of crimes involving students and identify patterns associated with specific locations, methods, or alleged perpetrators. Reported incidents may further assist the College in determining whether a timely warning or other safety notification should be issued to the campus community.

Crimes reported through this process are included, as applicable, in the College's annual crime statistics and daily crime log in accordance with applicable federal and state requirements.

Individuals who witness a crime or disruptive behavior on campus and wish to report it anonymously may do so through the College's **Online Anonymous Reporting Form**: https://www.lssc.edu/safety/report-a-concern/

Individuals may also report suspicious activity, threats, or other safety concerns anonymously through **FortifyFL**, Florida's statewide suspicious activity reporting tool: https://www.getfortifyfl.com/ .

EMERGENCY NOTIFICATION AND EVACUATION PROCEDURES

Raptor Badges Alert System

LSSC utilizes the Raptor Badges alert system as part of its campus safety and emergency notification practices. The system provides a means for all College staff and faculty to receive and respond to safety-related alerts and notifications.

The College also utilizes **Raptor Alert** as part of its emergency notification capabilities. Depending on the nature and scope of an emergency, Raptor Alert may disseminate notifications through multiple communication channels, including **visual and audible indicators such as strobe lights, digital/message boards, screen takeovers, and other available campus display systems**, as well as contacting 911.

The system is one component of LSSC's overall approach to maintaining a safe and secure campus environment and supporting timely communication during emergency or safety-related incidents.

LAKE-SUMTER SAFE Mobile App

The Lake-Sumter Safe app provides students and employees with a convenient way to contact the College's Safety and Security Department during an emergency. In an emergency, users can simultaneously place a call to Campus Safety and Security and share their location with the department to facilitate a timely response.

The app also provides access to a variety of safety and support features, including:

- Emergency Contacts
- Campus Safety and Security Contacts
- Campus Maps
- Notification History
- Friend Walk
- Report a Concern
- Safety Toolbox
- Emergency Plans
- Parking and Decals
- Support Resources

During an emergency, supplemental notifications may be issued through the Lake-Sumter Safe app, and the College's safety website will be updated as additional information becomes available.

For questions regarding the Lake-Sumter Safe app, Raptor Alert, or how these systems are used, contact the Safety and Security Department at your campus.

Emergency Notification

LSSC has established **Administrative Procedure 7-13** to provide timely notification to the College community when a significant emergency or dangerous situation poses an immediate threat to the health or safety of students, faculty, or staff on any College campus.

When an emergency notification is warranted, LSSC may use multiple communication methods through the LSSC Alert system, including text messages, email, telephone calls, social media, push notifications through the Lake-Sumter Safe mobile application, and the Informacast emergency notification system. Students, faculty, and staff are automatically enrolled in the LSSC Alert system upon joining the College.

The College will provide supplemental information and updates through applicable emergency notification systems as information becomes available.

Emergency Notification Criteria

LSSC will issue an emergency notification when the College becomes aware of a significant emergency or dangerous situation occurring on campus that poses an immediate threat to the health or safety of the campus community. The situation may be ongoing or may present an imminent threat to a specific campus location.

Emergency notifications will be issued as soon as reasonably possible after the College confirms or becomes aware of an emergency or threatened emergency, when circumstances permit. Notifications will provide timely and actionable information to help members of the College community take appropriate protective measures.

Authority to Issue Emergency Notifications

All College staff and faculty have the power to activate their Raptor Alert Badge which notifies everyone on campus of an active threat. Additionally, the following personnel may issue alerts for other emergencies:

- **AVP OF CAMPUS SAFETY AND SECURITY**
- **EXECUTIVE VP**
- **VP OF FACILITIES**
- **EXECUTIVE DIRECTOR (ED) OF STRATEGIC COMMUNICATIONS**
- **LSSC PRESIDENT**

LSSC may use one or more emergency notification methods depending on the nature and severity of the emergency, the information available at the time of notification, and the need to communicate timely and actionable information to the College community.

EMERGENCY OPERATIONS: PLANS AND DRILLS

LSSC maintains an **all-hazards Emergency Operations Plan (EOP)** that is reviewed and updated annually by the Associate Vice President, Safety/Security Risk Mgmt. The EOP establishes procedures for responding to a wide range of emergencies and is designed to support the safety and protection of students, faculty, staff, and visitors.

As part of the College's emergency preparedness program, LSSC conducts at least **one emergency drill per year on each campus**. Drills may include evacuation or shelter-in-place exercises and are designed to evaluate emergency procedures, identify areas for improvement, and enhance the College community's preparedness and response capabilities.

Campus Safety also notifies local emergency responders of the drill date and time.

Following each drill, Campus Safety personnel and other individuals involved in monitoring the exercise meet to evaluate the drill and identify strengths, deficiencies, and opportunities for improvement. An after-action report is prepared as part of this evaluation process. The Associate Vice President, Safety/Security Risk Mgmt. completes an **Emergency Drill Report within 48 hours** of the conclusion of the drill.

Evacuations

Buildings on all campuses are equipped with systems used to provide emergency notifications and evacuation instructions. Depending on the building, these systems may provide an audible alarm and/or voice evacuation instructions.

The College determines the appropriate notification methods based on the circumstances of the emergency and the information available at the time.

Security personnel will provide assistance to individuals with disabilities or other physical limitations who require assistance during an evacuation, as needed or requested.

TIMELY WARNING NOTIFICATIONS

LSSC has established **Administrative Procedure 7-14** to provide timely warnings to the College community when certain crimes covered by the **Jeanne Clery Campus Safety Act (Clery Act)** are reported to Campus Safety and Security or a local law enforcement agency and are determined to

represent a serious or continuing threat to the health or safety of students, faculty, or staff.

When a timely warning is warranted, LSSC may use the LSSC Alert system to notify the College community through text messages, email, telephone calls, social media, push notifications through the Lake-Sumter Safe mobile application, and the Informacast emergency notification system. Students, faculty, and staff are automatically enrolled in the LSSC Alert system upon joining the College.

Criteria for Issuing a Timely Warning

A timely warning is intended to notify the College community about a Clery Act crime that has already occurred but may continue to pose a serious or ongoing threat. LSSC will consider issuing a timely warning when a Clery Act crime is reported to Campus Safety and Security or a local law enforcement agency and the crime occurred within the Clery Act geography of an LSSC campus or other applicable College location.

When a timely warning is warranted, the College will issue the notification as soon as pertinent information is available and circumstances permit. In determining whether and how to issue a timely warning, the College will consider the nature of the crime, whether a serious or continuing threat exists, and whether the notification could compromise ongoing law enforcement efforts.

Timely Warning Process

The AVP of Campus Safety and Security Executive VP, VP of Facilities, Executive Director (ED) of Strategic Communications, or the LSSC President, is authorized to issue timely warning notifications through the LSSC Alert system.

Once the College becomes aware of a Clery Act crime occurring within its Clery Act geography, the Emergency Management Group may convene to assess the incident and determine the appropriate content of the timely warning. Depending on the circumstances, the entire group or designated members may participate in the review.

The review may consider factors including:

- The nature and severity of the incident
- Whether the incident presents a continuing threat to the College community
- The potential risk of compromising ongoing law enforcement efforts
- The information available at the time of the notification
- The need to provide timely and actionable safety information

Timely warnings will contain information intended to promote safety and assist members of the College community in taking appropriate precautions to reduce the risk of similar crimes. Once the content of the warning has been determined, the authorized individual will issue the notification through the LSSC Alert system.

A timely warning may be updated or supplemented when additional pertinent information becomes available. Timely warnings will be issued by authorized members of the LSSC Campus Safety and Security Department through LSSC Alert to students, faculty, and staff.

SECURITY AWARENESS PROGRAMS AND CRIME PREVENTION

Staying safe on campus both students and the general public are welcome at any of Lake Sumter State College campuses during normal hours of operation: 7:00 a.m. to 10:00 p.m. Monday through Friday (hours may vary slightly during the weekends, holidays and during the summer). Although college campuses are among the safest places in our society, like any other public place, there is a need to remain aware and alert. Suggestions for staying safe while on campus include the following:

- Walk in groups.
- Call security for an escort anytime you feel uncomfortable walking on campus.
- Stay in areas that are well lit.
- Remain alert and report suspicious activity to campus security, Campus Security Authority and staff, and/or law enforcement.
- If you suspect an imminent threat from someone you see on campus, notify security immediately and do not approach the person who concerns you.
- Call 911.

Lighting, Locks, Patrols, and Other Safety Measures

Lake Sumter State College continually looks at ways to improve safety. We have allocated substantial resources to improve lighting, alarms, communications, staffing and other important safety measures. When warranted, we have the capacity to remotely lock down most of the exterior doors to every building on every campus within moments of a notification of an event, reducing the possibility of a “moving threat.” To meet safety and security regulations, the college also performs the following:

- Campus maintenance teams regularly inspect the campuses and facilities for safety and security issues.
- All reported safety and security related issues are acknowledged immediately.
- The college operations teams and security work closely together to ensure a safe and secure campus environment.

The Lake Sumter State College Campus Safety department partners with Allied Universal under the auspices of the office of Associate Vice President, Safety and Security Risk Management. All officers are trained and licensed under the State of Florida Statutes Chapter 493 or equivalent. Officers also receive training in the following areas:

- CPR
- AED
- Stop the Bleed
- Emergency evacuation procedures
- C.E.R.T training
- Run, Hide, Fight
- Tabletop Exercises: Severe Weather (supervisor and above)

OBTAINING INFORMATION REGARDING SECURITY PROCEDURES AND PRACTICES

Lake Sumter State College offers information regarding security practices and procedures through the following avenues:

- New employee and student orientation program
- LSSC Campus Safety website
- Campus Safety tabling events and presentations
- Campus training sessions

Response to Active Threat

RUN, HIDE, FIGHT Surviving an Active Shooter Event

An active threat is a situation in which an individual or group is actively attempting to harm or kill others. These incidents may occur in populated areas, may involve firearms or other weapons, and can escalate rapidly from a targeted attack to indiscriminate acts of violence. Because active threat situations are unpredictable and can develop quickly, immediate action by individuals and law enforcement is critical.

When confronted with an active threat, individuals should use the **Run, Hide, Fight** response based on the circumstances:

- **Run:** If a safe escape route is available, leave the area immediately. Move away from the threat, leave personal belongings behind, and encourage others to evacuate if it is safe to do so. Once in a safe location, call 911 and provide information about the threat.

- **Hide:** If evacuation is not possible, find a secure location out of the threat's view. Lock or barricade doors, silence electronic devices, remain quiet, and stay out of sight. Do not leave the location until law enforcement determines it is safe.

- **Fight:** If you are unable to run or hide and your life is in imminent danger, be prepared to defend yourself. Use available objects or other means to disrupt or incapacitate the attacker and create an opportunity to escape.

When law enforcement arrives, remain calm, follow instructions, keep your hands visible, and avoid making sudden movements. Do not stop officers to ask for assistance while they are moving toward the threat. Provide information about the location and description of the threat when it is safe to do so.

CPTED Surveys

Crime Prevention Through Environmental Design (CPTED) is a multi-disciplinary approach to deterring criminals and designing our crime behavior through effective environmental design. CPTED's goal is to prevent crime by designing a physical environment that positively influences human behavior. The theory is based on four principles: natural access control, natural surveillance, territoriality and maintenance. CPTED strategies rely upon the ability to influence potential offender decisions that precede criminal acts. The primary goal of CPTED is to deter criminal activity by specifically altering the physical design of the communities in which humans reside and congregate. CPTED principles of design affect elements of the built environment ranging from the small-scale to the overarching, including building form of an entire urban neighborhood and the amount of opportunity for "eyes on the street." CPTED practitioners with the college conduct assessments of the college's campuses to identify areas where opportunities exist to increase the level of safety and security that the campus provides. Practitioners work with multiple departments within the college. CPTED reviews also include our law enforcement community partners.

Security Escorts

Escort services are provided to students and staff upon request. This service is offered through the college's Campus Safety department. Upon request, a security officer will provide a walking escort to and from your vehicle. Requests can also be made through the Lake-Sumter Safe app.

Campus Security Advisory Committees

Meetings are held with various members representing different areas across the campus. The purpose behind these meetings is to provide an opportunity for faculty, staff, and students to participate in an open forum to provide feedback concerning the level of service being delivered and types of programs being offered by the Campus Safety department. The goals of the committee are to identify and resolve safety and security issues, as well as promote security awareness within the college community.

Threat Assessment Team (TAT)

As a result of the recent House Bill 757, the LSSC Threat Assessment Team (TAT) was established for the 2026–2027 academic year. The team follows established protocols to review **concerning behavior**, assess potential threats, and take appropriate action to reduce risk and promote the safety of the LSSC community.

The TAT is comprised of four (4) members ("Core Four"), at a minimum, including an administrator, a sworn law enforcement officer, a student services or counseling team member, and a member with expertise in instruction, which may be a faculty member, dean, or department head. The LSSC President is responsible for appointing TAT members.

TAT members meet monthly, or as often as needed, to discuss reported behaviors, share relevant information, and receive training on what to look for and how to appropriately respond to concerning behavior.

The LSSC Anonymous Reporting Form, which can be found on the college's website or through our **Lake-Sumter Safe app** is intended for reporting incidents that have occurred and have been observed by an individual who wishes to remain anonymous. Anonymous reports can also be submitted through the **FortifyFL** app and their website, https://getfortifyfl.com/.

Individuals are encouraged to provide as much detail as is available at the time of the report. Reports submitted through either reporting form are reviewed and addressed as appropriate.

We ask for everyone to be aware of their surroundings and report any threatening behavior in order to keep us all safe.

AND REMEMBER, IF YOU "SEE SOMETHING, SAY SOMETHING!"

POLICIES ON ALCOHOL AND ILLEGAL DRUG USE ON CAMPUS

LSSC is committed to maintaining a drug-free and alcohol-free workplace and educational environment. The College's Drug-Free Rules establish zero tolerance for the unlawful possession, use, sale, distribution, or other transactions involving illegal drugs. The College's Alcohol-Free Rules prohibit the possession or use of alcoholic beverages when such conduct may compromise the safety and well-being of employees, students, or others, or interfere with the effective operation of College business.

In accordance with applicable federal and Florida law, violations of these requirements may result in criminal or civil penalties, in addition to disciplinary action by the College.

The LSSC Student Code of Conduct prohibits the possession, use, sale, barter, exchange, gift, distribution, or other transactions involving drugs in violation of Florida law, as well as the unlawful possession or consumption of alcoholic beverages. Students found responsible for committing or attempting to commit drug- or alcohol-related offenses may be subject to disciplinary action, up to and including expulsion from the College.

College employees and students are prohibited from the unlawful possession, use, or distribution of alcohol or drugs on College property or as part of College activities, as established by **Board Rules 2.04 and 2.14 and Administrative Procedure 5-24.**

COUNSELING, TREATMENT, AND REHABILITATION RESOURCES

LSSC provides information about drug and alcohol counseling, treatment, and rehabilitation services to employees and students. Available resources include employee assistance services, student wellness services, mental health counseling, and the LSSC Care Team.

Employee Resources

Information regarding available drug and alcohol counseling, treatment, and rehabilitation services is

provided to employees through the Human Resources Department.

The College's Employee Assistance Program (EAP) is available 24 hours a day, 7 days a week, to employees and their eligible family members. The EAP provides access to trained counselors by telephone and includes a limited number of complimentary in-person counseling sessions.

Employees may access the EAP by calling 1-800-607-1522.

Student Resources

Students seeking information about drug, alcohol, mental health counseling, treatment, or rehabilitation services may contact:

Carolyn Scott, Dean of Students
Phone: 352-536-2211
Email: scottc@lssc.edu

Director of Student Wellness

LSSC has a Director of Student Wellness who supports the overall well-being of the College community. The Director is responsible for:

- Monitoring wellness research and emerging behavioral trends affecting college students.
- Developing connections and partnerships to address student wellness needs.
- Developing College-wide wellness initiatives and educational programming.
- Promoting healthy behaviors and practices that support student success and well-being.

The Director of Student Wellness may be contacted at **Millere@lssc.edu** or **352-435-6335**.

LSSC Care Team

The LSSC Care Team is a multidisciplinary group of College professionals dedicated to supporting the well-being of students. The Care Team works collaboratively to identify students who may benefit from additional support, coordinate appropriate resources, and address behaviors or circumstances that may affect a student's academic success and personal well-being of the College community.

The primary goals of the Care Team include:

- **Identifying students:** Assisting students who may be experiencing distress, exhibiting concerning or disruptive behaviors, or facing circumstances that may affect their academic success or personal well-being.
- **Assessing risk:** Utilizing research-informed practices and appropriate assessment tools to help inform intervention, support, and follow-up strategies.
- **Coordinating support:** Connecting students with appropriate College and community resources and services based on their individual needs.
- **Monitoring progress:** Following up with students who have been referred to the Care Team, as appropriate, to assess whether additional support or resources may be needed.
- **Promoting campus safety:** Addressing behaviors and circumstances of concern and coordinating appropriate interventions intended to reduce the potential for campus crises and promote a safe and supportive learning environment.

Student Mental Health Support

In addition to the resources available through the Care Team, LSSC students have access to two mental health support options:

- **Option 1: BetterMynd 24/7 Online Support:** Enrolled LSSC students who are 18 years of age or older, excluding dual enrollment students, have access to 24/7 online counseling through BetterMynd. Students may connect with licensed mental health counselors in Florida and select a counselor based on factors such as demographics, identities, lived experiences, and areas of specialization.
- **Option 2: LifeStream Local Support:** All enrolled LSSC students, including dual enrollment students and students under 18 years of age, may access counseling through the College's local private provider, LifeStream. Students may receive up to five complimentary, face-to-face counseling sessions. Students may begin the referral process through the College's designated LifeStream referral link.

POLICY ON SEXUAL ASSAULT

LSSC is committed to protecting the health and safety of every member of the College community and expects students and employees to treat one another with dignity and respect. Sexual assault, interpersonal

violence, stalking, and other related misconduct are prohibited under the College's **Discrimination, Harassment, and Related Misconduct Policy in Administrative Procedure 2-21**. Violations may result in disciplinary action and sanctions, including, but not limited to, student suspension or expulsion and employee separation from employment.

College disciplinary proceedings are separate from the criminal justice process. College action does not prevent or preclude the filing of criminal charges or the pursuit of other remedies through law enforcement or the courts.

Sexual assault encompasses a range of conduct, including rape and other forms of nonconsensual sexual contact. Sexual assault may be committed by a stranger, acquaintance, dating partner, or other person known to the victim and can occur on or off College property and in a variety of settings.

LSSC has established procedures for receiving, investigating, and resolving allegations of sexual assault and other prohibited conduct in accordance with the **Discrimination, Harassment, and Related Misconduct Policy in Administrative Procedure 2-21**.

WHAT TO DO IF YOU ARE SEXUALLY ASSAULTED

- Get to a location where you will be safe from further attack. -
- For your own protection, call the police immediately, especially if the assailant is nearby. The police will help you whether or not you choose to prosecute the assailant. To contact police 24 hours a day, dial 911.
- Contact Campus Security. Our officers have also been trained to assist rape victims and can help with reporting an assault to the proper authorities.
- Get medical attention immediately. The primary purpose of a medical examination following a rape is to check for physical injury, the presence of sexually transmitted diseases or pregnancy as a result of the rape.
- The secondary purpose of a medical examination is to aid police investigation and legal proceedings.
- Do not bathe or douche. You might be literally washing away valuable evidence and hindering the investigation. It is imperative that you have an examination and/or talk with medical personnel.
- It is alright to change your clothes, but save your clothing and do not throw away anything that you were wearing. Your clothing could be used as evidence for prosecution. Place each item of clothing in a separate paper bag for the police. Extremely valuable physical evidence can be obtained from the Reporting Party, the Reporting Party's clothing and objects from the scene of the crime.

VICTIM ASSISTANCE AGENCIES

If you or someone you know is the victim of a crime, it is important you contact the Lake Sumter State College Campus Safety Department to help you address the matter. We recommend you add security numbers to your cell phone for each campus you attend. Listed below are some additional agencies that may be able to assist you:

CAMPUS SECURITY	**PHONE NUMBER**
Four Corners Campus	352-516-4283
Leesburg Campus	352-516-3795
South Lake Campus	352-516-5074
Sumterville Campus	352-303-7296
LAW ENFORCEMENT OFFICES	
Clermont Police Department	352-394-5588
Leesburg Police Department	352-728-9860
Lake County Sherriff Office	352-742-4000
Sumter County Sherriff Office	352-569-1600
SEXUAL ASSAULT/ RAPE CRISIS	
Haven of Lake & Sumter Counties, INC.	352-787-1379

REPORT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

In addition to or in lieu of reporting to law enforcement, you may report an alleged offense to the Equal Opportunity Office, via telephone, email, in person, or check out our resources on our LSSC website.

In accordance with the US Department of Education regulations surrounding Title IX, in order for the College to begin a formal review of Title IX Sexual

Misconduct, a reporting party must submit a formal complaint of Title IX Sexual Misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator.

To file a report or formal complaint:

Darren Norris
Associate Vice President, Safety, Security and Risk Management**; Title IX Coordinator**
352- 323-3615
NorrisD@lssc.edu

Carol A. Tolx Ed. D.
Associate Vice President, Human Resources**; Deputy Title IX Coordinator for Employees, Contractors, Visitors**
352-365-3507
TolxC@lssc.edu

Dr. Maureen Miller
Director, Student Wellness; **Deputy Title IX Coordinator for Students**
352-435-6335
MillerE@lssc.edu

Michael Worden
Student Activities Specialist; **Deputy Title IX Coordinator for Students**
352-323-3650
WordenM@lssc.edu

Carolyn Scott
Dean of Students; **Title IX Hearing Officer**
352-536-2211
ScottC@lssc.edu

The College also has designated "Responsible Employees." Responsible Employees are defined as: "Employees designated by the College to be required to report any allegation of discrimination, harassment, or related misconduct to the Title IX Coordinator or a Title IX Deputy Coordinator. This includes employees who have been designated as Campus Security Authorities. These individuals do not have the authority in their role as a Responsible Employee to institute corrective measures for allegations of discrimination or harassment based on a protected status."

The College's Responsible Employees include, but are not limited to, the following employees or categories of employees who serve in a managerial, leadership or supervisory position who have significant responsibility for the welfare of LSSC students, faculty, and staff:

Senior Leadership (e.g., College President, Vice Presidents, Deans, including Associates and Assistants)

- Other Administrative/ Professional Staff (e.g., deans, directors, program directors, chairpersons/discipline coordinators, and supervisors- in all administrative and academic areas)
- Other Designated Staff (e.g., Title IX Coordinator; Director and Assistant Director, Equal Opportunity, Student Affairs Staff; and select Organizational Development and Human Resources staff)
- All faculty and staff members who accompany students on College-related trips, both within the U.S. and abroad
- All faculty or staff advisors to students and/or organizations or activities
- Counselors
- Ombudspersons
- Staff who serve in tutoring roles
- Campus Safety staff

CONFIDENTIALITY FOR VICTIMS AND OTHER RELEVANT PARTIES

Privacy generally means that information related to a report made under the Discrimination, Harassment & Related Misconduct Policy will be shared only with College employees who have a legitimate need to know in order to assist with the review, investigation, or resolution of the report. Although these individuals are not legally bound by confidentiality, they are expected to exercise discretion and respect the privacy of all individuals involved.

If the College determines that disciplinary action against a respondent is warranted, information related to the report may be shared with the respondent as necessary to provide an appropriate process. In certain circumstances, the final outcome of a formal process may also be shared with the complainant. Information regarding a report may be shared with either party's parents or guardians when permitted under the Family Educational Rights and Privacy Act (FERPA).

A complainant's request for privacy may affect the College's ability to proceed with Title IX Sexual Misconduct procedures as outlined in the Discrimination, Harassment & Related Misconduct Policy.

Confidentiality means that information shared with designated community professionals identified in the Discrimination, Harassment & Related Misconduct Policy as External Confidential Resources will not be disclosed without the individual's express written permission, except when disclosure is required or permitted by law. Examples of circumstances requiring or permitting disclosure may include a continuing threat of serious violence to the individual or others, or a legal obligation to report information, such as suspected abuse or neglect of a minor.

No College employees are designated as legally protected confidential resources. However, LSSC provides students and employees with access to External Confidential Resources that can offer confidential support and services.

PROCEDURES FOR RESOLVING CASES OF ALLEGED DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

Specific procedures outlining the College's response to allegations of sexual misconduct and Title IX Sexual Misconduct are listed in **Administrative Procedures 2-21, which are available on the LSSC website.**

Upon receipt of a report of prohibited conduct under the above referenced policy, the College will contact the complainant or reporting party to assess what action, if any, the complainant is seeking, and to discuss interim protective measures as appropriate.

Based on the type of information shared and the specific details regarding the alleged conduct, staff from the Equal Opportunity Office will discuss the applicable procedures and steps available for the complainant.

For allegations that do not fall under the scope of Title IX, the College procedures outline two possible resolutions to address the alleged misconduct, a remedies-based resolution or an investigation.

The remedies-based solution is a voluntary approach designed to address possible discrimination or harassment without taking disciplinary action against a respondent.

In an investigation, the investigator(s) will prepare a written investigation report that summarizes the information gathered and synthesizes the contested and uncontested issues of fact and any supporting information or accounts. In preparing the investigation report, the investigator(s) will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation.

When the respondent is an employee:

Possible sanctions for college employees may include: any form of responsive action or progressive discipline as set forth in college policies and procedures, including training and/or disciplinary action, such as reprimand, return to annual contract, suspension, and/or dismissal.

When the respondent is a student, disciplinary action may include:

- Removal from specific courses or activities
- Suspension from the college
- Expulsion from the college
- Other actions listed in the College Policy/ Student Code of Conduct.

DEFINITIONS OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING AND CONSENT

The State of Florida defines "dating violence" in criminal law as: Fla. Stat. **§ 784.046** (1) (d) "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous
4. basis during the course of the relationship. 9 Florida criminal law defines "domestic violence" as: Fla. Stat. **§741.28** Domestic violence; definitions.--- As used in **§ 741.28-741.31**:

(1) "Department" means the Florida Department of Law Enforcement.

(2) "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

(3) "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

(4) "Law enforcement officer" means any person who is elected, appointed, or employed by any municipality or the state or any political subdivision thereof who meets the minimum qualifications established in § 943.13 and is certified as a law enforcement officer under § 943.1395. Under Florida criminal law "Sexual Assault" is called "Sexual Battery" defined as: Fla. Stat. § 794.0115 Sexual battery.

(1) As used in this chapter:

(a) "Consent" means intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

(b) "Mentally defective" means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.

(c) "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.

(d) "Offender" means a person accused of a sexual offense in violation of a provision of this chapter.

(e) "Physically helpless" means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

(f) "Retaliation" includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.

(g) "Serious personal injury" means great bodily harm or pain, permanent disability, or permanent disfigurement.

(h) "Sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

(i) "Victim" means a person who has been the object of a sexual offense.

(j) "Physically incapacitated" means bodily impaired or handicapped and substantially limited in ability to resist or flee.

(2) (a) A person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a capital felony, punishable as provided in § 775.082 and § 921.141.

(b) A person less than 18 YOA who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 YOA commits a life felony, punishable as provided in § 775.082, § 775.083, § 775.084, or § 794.0115.

(3) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury commits a life felony, punishable as provided in § 775.082, § 775.083, § 775.084, or § 794.0115.

(4) (a) A person 18 years of age or older who commits sexual battery upon a person 12 years of age or older but younger than 18 years of age without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in § 775.082, § 775.083, § 775.084, or § 794.0115.

(b) A person 18 years of age or older who commits sexual battery upon a person 18 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable as provided in § 775.082, § 775.083, § 775.084, or § 794.0115.

(c) A person younger than 18 years of age who commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable as provided in § 775.082, § 775.083, § 775.084, or § 794.0115.

(d) A person commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in § 775.082, § 775.083, § 775.084, or § 794.0115 if the person commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), and such person was previously convicted of a violation of:

1. Section 787.01(2) or § 787.02(2) when the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed against the minor a sexual battery under this chapter or a lewd act under § 800.04 or § 847.0135(5);

2. Section 787.01(3) (a) 2. Or 3.

3. Section 787.02(3) (a) 2. Or 3.

4. Section 800.04;

5. Section 825.1025;

6. Section 847.0135(5); or

7. This chapter, excluding subsection (10) of this section.
(e) The following circumstances apply to paragraphs (a)-(d):

1. The victim is physically helpless to resist.

2. The offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat.

3. The offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future.

4.The offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance that mentally or physically incapacitates the victim.

5. The victim is mentally defective, and the offender has reason to believe this or has actual knowledge of this fact.

6. The victim is physically incapacitated.

7. The offender is a law enforcement officer, correctional officer, or correctional probation officer as defined in § 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified under § 943.1395 or is an elected official exempt from such certification by virtue of § 943.253, or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and such officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of government.

(5)(a) A person 18 years of age or older who commits sexual battery upon a person 12 years of age or older but younger than 18 years of age, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the first degree, punishable as provided in § 775.082, § 775.083, § 775.084, or § 794.0115.

(b) A person 18 years of age or older who commits sexual battery upon a person 18 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree, punishable as provided in § 775.082, § 775.083, § 775.084, or § 794.0115.

(c) A person younger than 18 years of age who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree, punishable as provided in § 775.082, § 775.083, § 775.084, or § 794.0115.

(d) A person commits a felony of the first degree, punishable as provided in § 775.082, § 775.083, § 775.084, or § 794.0115 if the person commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury and the person was previously convicted of a violation of:

1.Section 787.01 (2) or § 787.02 (2) when the violation involves a victim who was a minor and, in the course of committing that violation, the defendant committed against the minor a sexual battery under this chapter or a lewd act under § 800.04 or § 847.0135(5);

2.Section 787.01(3) (a) 2. Or 3.

3.Section 787.02(3) (a) 2. Or 3.

4.Section 800.04;

5.Section 825.1025;

6.Section § 847.0135(5); or

7.This chapter, excluding subsection (10) of this section.

(6)(a) The offenses described in paragraphs (5) (a)-(c) are included in any sexual battery offense charged under subsection (3).

(b) The offense described in paragraph (5) (a) is included in an offense charged under paragraph (4) (a).

(c) The offense described in paragraph (5) (b) is included in an offense charged under paragraph (4) (b).

(d) The offense described in paragraph (5) (c) is included in an offense charged under paragraph (4) (c).

(e) The offense described in paragraph (5) (d) is included in an offense charged under paragraph (4) (d).

(7) A person who is convicted of committing a sexual battery on or after October 1, 1992, is not eligible for basic gain-time under § 944.275. For sentences imposed for offenses committed on or after July 1, 2023, a person who is convicted of committing or attempting, soliciting, or conspiring to commit a sexual battery in violation of this section is not eligible for basic gain-time under § 944.275. This subsection may be cited as the "Junny Rios-Martinez, Jr. Act of 1992."

(8) Without regard to the willingness or consent of the victim, which is not a defense to prosecution under this subsection, a person who is in a position of familial or custodial authority to a person less than 18 years of age and who:

(a) Solicits that person to engage in any act which would constitute sexual battery under paragraph (1) (h) commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, § 775.084.

(b) Engages in any act with that person while the person is 12 years of age or older but younger than 18 years of age which constitutes sexual battery under paragraph (1)(h) commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in § 775.082, § 775.083, or § 775.084.

(c) Engages in any act with that person while the person is less than 12 years of age which constitutes sexual battery under paragraph (1) (h), or in an attempt to commit sexual battery injures the sexual organs of such person commits a capital or life felony, punishable pursuant to subsection (2).

(9) For prosecution under paragraph (4) (a), paragraph (4)(b), paragraph (4) (c), or paragraph (4) (d) which involves an offense committed under any of the circumstances listed in subparagraph (4) (e) 7. acquiescence to a person reasonably believed by the victim to be in a position of authority or control does not constitute consent, and it is not a defense that the perpetrator was not actually in a position of control or authority if the circumstances were such as to lead the victim to reasonably believe that the person was in such a position.

(10) A person who falsely accuses a person listed in subparagraph (4) (e) 7. or other person in a position of control or authority as an agent or employee of government of violating paragraph (4) (a), paragraph

(4)(b), paragraph (4) (c), or paragraph (4) (d) commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

The State of Florida defines "stalking" in criminal law as: Fla. Stat. § 784.048 Stalking; definitions; penalties.

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

(a) "Harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.

(b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.

(c) "Credible threat" means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

(d) "Cyberstalk" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

(2)A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in § 775.082or § 775.083.

(3)A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

(4)A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to § 784.046, or an injunction for protection against domestic violence 12 pursuant to § 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

(5)A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a child under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

(6)A law enforcement officer may arrest, without a warrant, any person that he or she has probable cause to believe has violated this section.

(7) A person who, after having been sentenced for a violation of § 794.011, § 800.04, or § 847.0135(5) and prohibited from contacting the victim of the offense under § 921.244, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks the victim commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

(8) The punishment imposed under this section shall run consecutive to any former sentence imposed for a conviction for any offense under§ 794.011, § 800.04, or § 847.0135 (5).

(9) The sentencing court shall consider, as a part of any sentience, issuing an order restraining the defendant from any contact with the victim, which may be valid for up to 10 years, as determined by the court. It is the intent of the legislature that the length of any such order be based upon the seriousness of the facts before the court, the probability of future violations by the perpetrator and the safety of the victim and his or her family members or individuals closely associated with the victim.

(10) The order may be issued by the court even if the defendant(s) is sentenced to a state prison or a county jail or even if the imposition of the sentence is suspended and the defendant is placed on probation.

Consent is defined in Florida within the criminal statute related to sexual battery: Fla. Stat. § 794.011 Sexual battery.

(a) "Consent" means intelligent, knowing and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

BYSTANDER INTERVENTION

Bystanders are typically individuals who are members of a community and become aware of an issue, such as violence or another high-risk concern. As a member of the LSSC community, you may encounter situations that cause you to ask yourself, *"Should I do something to help?"* You may also

wonder, *"What can I do to help make Lake-Sumter State College a safer place to work and learn?"*

You have the power to make a difference by choosing to take action to help keep our community safe. In addition to our campus security staff, every member of the LSSC community has a responsibility to take action when they see something or become aware of a situation that may threaten the safety or well-being of others.

What does taking action look like? It could be as simple as asking a friend if they are okay, contacting campus security to report a concern, or seeking assistance when you witness a potentially dangerous situation. In some circumstances, it may involve taking a more direct approach, such as helping to de-escalate a conflict or getting others to safety.

You are never expected to put yourself in harm's way. However, you are encouraged to be aware, speak up, and take appropriate action when you can do so safely. By being the person who chooses to act, you can help promote the safety, security, and well-being of everyone in our college community.

FEDERAL CAMPUS SEX CRIMES PREVENTION ACT

The Federal Campus Sex Crimes Prevention Act requires institutions of higher education to notify their campus communities about how to obtain information concerning registered sex offenders through the appropriate state law enforcement agency.

The Act also requires registered sex offenders to provide notice to state officials regarding each institution of higher education at which they are employed or enrolled as a student.

Under Florida Statutes §§ 775.21 and 943.0435, individuals required to register as sexual offenders or sexual predators must register with the Florida Department of Law Enforcement (FDLE) within the timeframes established by Florida law, including within 48 hours of establishing permanent or temporary residence in Florida, as applicable.

FDLE maintains information concerning registered sexual offenders and predators and makes this information available to law enforcement agencies and the public in accordance with Florida law.

The FDLE searchable database is available online or by telephone at **1-888-FL-PREDATOR (1-888-357-7322)**.

SEX OFFENDER REGISTRATION POLICY

In accordance with the Jeanne Clery Act, the College is responsible for advising the campus community where to obtain information on registered sex offenders. Use the following website that is maintained by the state of Florida to access the registry: **https://offender.fdle.state.fl.us/offender/sops/search.jsf**

CAMPUS SECURITY AUTHORITIES

Campus Security Authorities (CSAs) are individuals designated based on their roles or positions within the College and are responsible for reporting certain crimes and incidents in accordance with the Jeanne Clery Campus Safety Act. CSAs receive annual training to ensure they understand their responsibilities under the Clery Act and applicable federal requirements. LSSC conducts annual training for CSAs in accordance with federal mandates.

STOP CAMPUS HAZING ACT

The Stop Campus Hazing Act, enacted in December 2024, amended the Clery Act to strengthen hazing prevention, reporting, and transparency requirements at institutions of higher education.

Among other requirements, the Act requires institutions to include hazing incidents in their Annual Security Reports, maintain a Campus Hazing Transparency Report, provide hazing education and prevention programs, and maintain a policy addressing hazing.

LSSC prohibits hazing in all forms. Soliciting another person to participate in hazing, as well as actively planning or facilitating hazing conduct, is also prohibited. All individuals and organizations are prohibited from engaging in hazing, whether on or off campus. LSSC does not condone hazing under any circumstances.

Definition of Hazing

Hazing is any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation into, admission to,

affiliation with, or the perpetuation or furtherance of a tradition or ritual of an organization.

Hazing includes, but is not limited to:

- Pressuring or coercing a student to violate any federal or state law
- Physical brutality, including whipping, beating, or branding
- Exposure to the elements
- Forced consumption of food, alcohol, drugs, or other substances
- Forced physical activity that could adversely affect the student's physical health or safety
- Sleep deprivation
- Forced exclusion from social contact
- Forced conduct that could result in extreme embarrassment or humiliation
- Other forced activities or conduct that could adversely affect the student's mental health, dignity, or well-being

Hazing does not include customary athletic events or other similar contests or competitions, or activities or conduct that further a lawful and legitimate objective.

Penalties for violations of this policy shall be determined and administered in accordance with Lake Sumter State College **Administrative Procedure: 4-23.**

Hazing Penalties

Violations of LSSC's hazing policy may result in disciplinary action. Penalties may include, but are not limited to:

- Fines
- Withholding of diplomas or transcripts pending compliance with College requirements or payment of fines
- Probation
- Suspension
- Expulsion from the College

For a student organization or club that authorizes hazing in blatant disregard of College policy, disciplinary action may also include rescission of the organization's authorization to operate on College property or otherwise operate under the sanction of the College.

Penalties imposed by LSSC under its hazing policy are in addition to any penalties that may apply under Florida criminal law or any other applicable College policy, rule, or procedure.

Hazing is not excused by consent

Consent is not a defense to a complaint of hazing. A violation may occur regardless of whether:

- The individual who was subjected to the conduct consented to it
- The conduct or activity was not part of an official organization event
- The conduct or activity was not formally sanctioned or approved by the organization
- The conduct or activity was not required as a condition of membership

Individuals and organizations may be held responsible for hazing regardless of whether the conduct was officially sponsored, approved, or required by the organization.

A person may not be found responsible for a violation of this policy if they are present at an event where, as a result of hazing, a hazing victim appeared to be in need of medical assistance and that person was the first person to call 911 or campus security to report the need for immediate medical assistance, provided their name and address of where assistance was needed, a description of the medical issue to the 911 operator or campus security at the time of the call, and remained on the scene with the hazing victim until medical assistance, law enforcement, or campus security arrived.

A person may not be found responsible for a violation of this policy if before medical assistance, law enforcement or campus security arrived on the scene of a hazing event, that person rendered aid to the hazing victim. This policy, by its inclusion in the Student Code of Conduct and other student publications, is provided to each student enrolled in the institution and this policy shall be included in the bylaws of each student club/organization operating under the sanction of Lake Sumter State College.

DAILY CRIME LOG

LSSC maintains a Daily Crime Log of reported crimes and other incidents that occur on College property or within the College's jurisdiction, as applicable. The Daily Crime Log is maintained by the Campus Safety and Security Department and is intended to provide the campus community with information about criminal activity and other reportable incidents.

The Daily Crime Log generally includes the date the incident was reported, the date and time the incident occurred, the nature of the incident, the general location of the incident, and the disposition of the complaint, when known. Information is recorded in a manner consistent with applicable federal and state requirements while protecting information that may be confidential or restricted from public disclosure.

The Daily Crime Log is available for public inspection during normal business hours at the Campus Safety and Security Department. Individuals who wish to review the Daily Crime Log may contact Campus Safety and Security for assistance.

The Daily Crime Log is updated as required to include reported incidents and the status of those incidents, when applicable. The log is maintained separately from the College's Annual Security Report and is intended to provide the campus community with more current information about reported criminal incidents.

The inclusion of an incident in the Daily Crime Log does not necessarily mean that the incident resulted in an arrest, disciplinary action, or finding of responsibility.

CAMPUS SECURITY CRIME AND EMERGENCY NUMBERS

Four Corners Campus

Campus Security: 352-516-4283
Police Jurisdiction: Clermont Police Dept
Emergency: 911
Non-Emergency: 352-394-5588

Leesburg Campus

Campus Security: 352-516-3795
Police Jurisdiction: Leesburg Police Dept
Emergency: 911
Non- Emergency: 352-728-9860

South Lake Campus

Campus Security: 352-516-5074
Police Jurisdiction: Lake County Sherriff's Office
Emergency: 911
Non-Emergency: 352-742-4000

Sumterville Campus

Campus Security: 352-303-7296
Police Jurisdiction: Sumter County Sherriff's Office
Emergency: 911
Non-Emergency: 352-569-1600

Resources

Lake County Fire Rescue (EMS Service for all of Lake County
Emergency: 911
Non-Emergency: 352-343-9458

Sumter County Fire Rescue (EMS Service for all of Sumter County
Emergency: 911
Non-Emergency: 352-689-4400

Victim Service Center of Central Florida
407-500-4325 (Confidential 24- hour Sexual Assault Hotline)
https://victimservicecenter.org/

Haven of Lake & Sumter Counties, Inc.
352-753-5800 (Confidential crisis hotline for domestic abuse)
352-787-1379 (Sexual Assault Line)
https://www.havenlakesumter.org/

Harbor House of Central Florida
407-886-2856
https://www.harborhousefl.com/
(24- hour Domestic Violence Hotline for Lake County)

Florida Department of Children & Family Services
800-962-2873
https://www.myflfamilies.com/services/abuse/abuse-hotline

Florida Domestic Violence Hotline
800-500-1119

Florida Council Against Sexual Violence
888-956-7273
https://www.fcasv.org/

National Domestic Violence Hotline
800-799-7233
https://www.thehotline.org/

RAINN (Rape, Abuse, and Incest National Network)
800-656-4673
https://www.rainn.org/

988 Suicide & Crisis Lifeline
988
https://www.988lifeline.org/

LAKE-SUMTER STATE COLLEGE CRIME STATISTICS

Campus/Center	Leesburg			South Lake			Sumter			Four Corners		
Year	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
CRIMINAL OFFENSES- ON CAMPUS PROPERTY												
a. Murder/Nonnegligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
c. Sex Offenses (rape, fondling, statutory rape, incest)	1	0	0	2	0	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0	0	0	0	0	0
e. Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
f. Burglary	1	0	0	0	0	0	0	0	0	0	0	0
g. Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0	0	0	0	0	0
i. Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
j. Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
k. Stalking	0	0	0	0	0	0	0	0	0	0	0	0
l. Arrests/weapon s violations	0	0	0	0	0	0	0	0	0	0	0	0
m. Arrests/ drug abuse violations	0	0	0	0	0	0	0	0	0	0	0	0
n. Arrests/liquor law violations	0	0	0	0	0	0	0	0	0	0	0	0
CRIMINAL OFFENSES- OFF CAMPUS PROPERTY												
Campus/Center	**Leesburg**			**South Lake**			**Sumter**			**Four Corners**		
Year	**2023**	**2024**	**2025**	**2023**	**2024**	**2025**	**2023**	**2024**	**2025**	**2023**	**2024**	**2025**
a. Murder/Nonnegligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
c. Sex Offenses (rape, fondling, statutory rape, incest)	0	0	0	0	0	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0	0	0	0	0	0

e. Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0	0	0	0	0	0
g. Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0	0	0	0	0	0
i. Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
j. Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
k. Stalking	0	0	0	0	0	0	0	0	0	0	0	0
l. Arrests/ weapons violations	0	0	0	0	0	0	0	0	0	0	0	0
m. Arrests/ drug abuse violations	0	0	0	0	0	0	0	0	0	0	0	0
n. Arrests/ liquor law violations	0	0	0	0	0	0	0	0	0	0	0	0

Campus/Center	**Leesburg**			**South Lake**			**Sumter**			**Four Corners**		
Year	**2023**	**2024**	**2025**	**2023**	**2024**	**2025**	**2023**	**2024**	**2025**	**2023**	**2024**	**2025**
CRIMINAL OFFENSES- ON PUBLIC PROPERTY												
a. Murder/Nonnegligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
c. Sex Offenses (rape, fondling, statutory rape, incest)	0	0	0	0	0	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0	0	0	0	1	0
e. Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0	0	0	0	0	0
g. Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0	0	0	0	0	0
i. Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
j. Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0

k. Stalking	0	0	0	0	0	0	0	0	0	0	0	0
l. Arrests/weapons violations	0	0	0	0	0	0	0	0	0	0	0	0
m. Arrests/ drug abuse violations	0	0	0	0	0	0	0	0	0	0	0	0
n. Arrests/liquor law violations	0	0	0	0	0	0	0	0	0	0	0	0
HATE CRIMES- ON CAMPUS PROPERTY (Bias motivated larceny, simple assault, intimidation, destruction/damage/vandalism)												
a. Race	0	0	0	0	0	0	0	0	0	0	0	0
b. Gender	0	0	0	0	0	0	0	0	0	0	0	0
c. Religion	0	0	0	0	0	0	0	0	0	0	0	0
d. Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0
e. Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0
f. Disability	0	0	0	0	0	0	0	0	0	0	0	0
g. National Origin	0	0	0	0	0	0	0	0	0	0	0	0
h. Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
HATE CRIMES- OFF CAMPUS PROPERTY (Bias motivated larceny, simple assault, intimidation, destruction/damage/vandalism)												
a. Race	0	0	0	0	0	0	0	0	0	0	0	0
b. Gender	0	0	0	0	0	0	0	0	0	0	0	0
c. Religion	0	0	0	0	0	0	0	0	0	0	0	0
d. Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0
e. Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0
f. Disability	0	0	0	0	0	0	0	0	0	0	0	0
g. National Origin	0	0	0	0	0	0	0	0	0	0	0	0
h. Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0

Campus/Center	**Leesburg**			**South Lake**			**Sumter**			**Four Corners**		
Year	**2023**	**2024**	**2025**	**2023**	**2024**	**2025**	**2023**	**2024**	**2025**	**2023**	**2024**	**2025**
HATE CRIMES- ON PUBLIC PROPERTY (Bias motivated larceny, simple assault, intimidation destruction/damage/vandalism												
a. Race	0	0	0	0	0	0	0	0	0	0	0	0
b. Gender	0	0	0	0	0	0	0	0	0	0	0	0
c. Religion	0	0	0	0	0	0	0	0	0	0	0	0
d. Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0
e. Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0

f. Disability	0	0	0	0	0	0	0	0	0	0	0	0
g. National Origin	0	0	0	0	0	0	0	0	0	0	0	0
h. Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
VAWA OFFENSES- ON CAMPUS												
a. Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
b. Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
c. Stalking	1	0	0	0	0	0	0	0	0	0	0	0
VAWA OFFENSES- ON PUBLIC PROPERTY												
a. Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
b. Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
c. Stalking	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS- ON CAMPUS												
a. Weapons violations (carrying, possessing, etc.)	0	0	0	0	0	0	0	0	0	0	0	0
b. Drug Abuse violations	1	0	0	0	0	0	0	0	0	0	0	0
c. Liquor Law violations	0	0	0	1	0	0	0	0	0	0	0	0
ARRESTS- ON PUBLIC PROPERTY												
a. Weapons violations (carrying, possessing, etc.)	0	0	0	0	0	0	0	0	0	0	0	0
b. Drug Abuse violations	0	0	0	0	0	0	0	0	0	0	0	0
c. Liquor Law violations	0	0	0	2	0	0	0	0	0	0	0	0
DISCIPLINARY ACTION- ON CAMPUS												
a. Weapons violations (carrying, possessing, etc.)	0	0	0	0	0	0	0	0	0	0	0	0
b. Drug Abuse violations	0	0	0	1	0	0	0	0	0	0	0	0
c. Liquor Law violations	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY ACTION- ON PUBLIC PROPERTY												
a. Weapons violations (carrying, possessing, etc.)	0	0	0	0	0	0	0	0	0	0	0	0
b. Drug Abuse violations	0	0	0	0	0	0	0	0	0	0	0	0
c. Liquor Law violations	0	0	0	0	0	0	0	0	0	0	0	0
UNFOUNDED CRIMES	0	0	0	0	0	0	0	0	0	0	0	0

LAKE-SUMTER STATE COLLEGE
ADMINISTRATIVE PROCEDURE

TITLE: HAZING & HAZING PREVENTION NUMBER: PRO 4-23

REFERENCE: Admin Pro. 4-15 Student Disciplinary Action
Admin Pro. 2-28 Minors on Campus
Florida Statutes 1006.63
Stop Campus Hazing Act, Pub. L. No. 118-254, 34 U.S.C. §10225 (2024)

PURPOSE

To establish procedures for compliance with the Stop Campus Hazing Act (SCHA), ensuring the institution promotes a safe and transparent environment by preventing, addressing, and documenting hazing incidents.

RESPONSIBILITY

Oversight for this procedure falls under the supervision of the Vice President of Enrollment and Student Affairs and the Vice President of Facilities Planning and Operations.

DEFINITIONS

Hazing: "Any intentional, knowing, or reckless act" committed by a person, whether individually or in concert with others, against another person or persons regardless of the willingness of such other person or persons to participate, that:

a. is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in a student organization; and
b. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

Examples of conduct that "causes or creates a risk," can include:

1. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body or similar activity;
2. causing, coercing or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics or other similar activity;

3. causing, coercing or otherwise inducing another person to consume food, liquid, alcohol, drugs or other substances;
4. causing, coercing or otherwise inducing another person to perform sexual acts;
5. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
6. any activity against another person that includes a criminal violation of local, state, tribal or federal law; and
7. any activity that induces, causes or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal or federal law.

Student Organization as defined by SCHA: Student Organization, as defined by SCHA, refers to any group at the College, such as a club, society, association, athletic team, club sports team, fraternity, sorority, band, or student government, that includes two or more members who are students enrolled at the College. This definition applies regardless of whether the organization is officially established or recognized by the institution. Refer to Admin Pro 4-15 for details on conduct expectations and jurisdiction considerations.

Campus Hazing Transparency Report (CHTR): A publicly available report summarizing findings of hazing policy violations by student organizations.

POLICY REQUIREMENTS

a. Collection of Hazing Statistics

1. The College will collect data on all reported hazing incidents.
2. The Office of Campus Safety will maintain a centralized database for tracking reported hazing cases.
3. Annual Security Reports (ASRs) will include hazing statistics starting with the first report due October 1, 2026.
4. The policies will be prominently featured on the institution's website and included in the catalog and student handbook.

b. Campus Hazing Transparency Report (CHTR)
Starting July 1, 2025, the College will document violations of hazing policies, including:
1. The name of the student organization involved.
2. A general description of the violation.
3. Relevant dates (e.g., date of the incident, investigation, and findings).
4. The CHTR will be published online by December 23, 2025, and updated at least twice annually thereafter.
5. Personal identifiable information (PII) or any information that could reveal PII about an individual student will be omitted in accordance with FERPA requirements.

c. Implementation of Prevention Programs
The College will develop and implement research-informed, campus-wide hazing prevention programs by June 23, 2025. Prevention programs will include:
1. Mandatory training sessions for all student organization members and leaders.

2. Awareness campaigns for students, faculty, and staff.

PROCEDURES FOR REPORTING AND INVESTIGATING HAZING INCIDENTS

a. Reporting Hazing

Anyone who witnesses hazing is responsible for reporting it and may do so by contacting the Office of Campus Safety, the Dean of Students, or by filing a report anonymously online.

b. Investigation & Adjudication Process

Upon receiving a report, the Office of Campus Safety in collaboration with the Dean of Students, will initiate an investigation, beginning within 48 hours.

Investigations will include:

1. Interviews with relevant parties.
2. Review of evidence (e.g., emails, posts, videos).
3. Documentation of investigation within our secure platform.

CONSEQUENCES FOR POLICY VIOLATIONS

Hazing is a violation of the student code of conduct and will be handled in accordance with the LSSC conduct process. (See Admin Pro. 4-15)

Individual students found responsible for hazing may face disciplinary sanctions, up to and including suspension or expulsion. Student organizations found responsible for hazing may face penalties such as suspension, revocation of recognition, or other sanctions.

New: 01/28/2025

LAKE-SUMTER STATE COLLEGE
ADMINISTRATIVE PROCEDURE

TITLE: TITLE IX SEXUAL HARASSMENT AND RELATED MISCONDUCT GRIEVANCES

NUMBER: 2-21

REFERENCE: Board Rule 2.02 and 2.06
Florida Statutes 39.201(1)(a)
Section 304 of the Violence Against Women Reauthorization Act of 2013
Title VII of the Civil Rights Act of 1964
Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (the Clery Act)
Administrative Procedure 2-29
Administrative Procedure 4-15
Administrative Procedure 5-11

I. PURPOSE

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. Federal regulations define the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access educational programs and opportunities. The requirements and protections of this procedure apply equally regardless of sex, sexual orientation, and other protected classes in the College's non-discrimination policy. All requirements and protections are equitably provided to individuals regardless of protected class status or their status as a complainant, respondent, or witness.

II. RESPONSIBILITY

Oversight for this procedure falls under the Title IX Coordinator, the Vice President for Student Affairs, the Vice President of Facilities Planning, and the Associate Vice President of Human Resources.

III. SCOPE

This procedure provides a grievance process for individuals who may have been the subject of prohibited conduct including covered sexual harassment, sexual assault, sexual exploitation, interpersonal violence, stalking, complicity, retaliation and other conducted prohibited by Title IX.

This procedure applies to the conduct of and protects Lake-Sumter State College students, employees, interns, volunteers, and visitors. These provisions also apply to contractors and other third-parties in circumstances where the College has substantial control.

This procedure applies to all prohibited conduct that that occurs on campus (including any campus, center, and other property leased/owned by the College). It also applies to prohibited conduct that occurs off campus, including online or electronic conduct, if the conduct occurs in the context of an employment or education program or activity of the College, has continuing adverse effects on campus, or has continuing adverse effects in an off-campus employment or education program or activity.

In determining whether the College has jurisdiction over off-campus conduct that is not part of an educational program or activity of the College, and in evaluating "continuing adverse effects" the Title IX Coordinator will consider the seriousness of the alleged conduct, the risk of harm involved, whether both parties are members of the campus community, whether the off-campus conduct is part of a series of actions that occurred both on and off campus, the nature/scope of the continuing effect on campus, and whether the alleged conduct has created a hostile environment.

Regardless of when, where, and with whom the conduct occurred, the College will offer reasonably available resources and assistance to individuals covered by this procedure who report or experience prohibited conduct. In cases of sexual assault, interpersonal violence, and stalking, if the responding party is not a member of the College community, the College will assist the reporting party in identifying and contacting external law enforcement agencies and/or community resources.

The Title IX process may proceed independently of any student conduct, employee discipline, law enforcement, or threat assessment process.

This procedure shall apply to all reports alleging violation made on or after July 1, 2026, regardless of when the conduct is alleged to have occurred.

IV. POLICY CONFLICTS

Where information in another administrative procedure conflicts with this one, the information in this procedure shall take precedence.

V. ANNUAL REVIEW

The Title IX Coordinator shall review this procedure on an annual basis. The review will capture evolving legal requirements, evaluate the support and resources available to the parties, and assess the effectiveness of the resolution process (including the fairness of the process, the time needed to complete the process, and the disciplinary sanctions and remedies imposed).

VI. DEFINITIONS

Definitions of applicable terms in this procedure can be found in Appendix A.

VII. NOTICE OF NON-DISCRIMINATION BASED ON PROTECTED STATUS

Lake-Sumter State College assures civil rights for its students, employees, visitors, and contractors. LSSC prohibits discrimination on the basis of race, color, national origin, ethnicity, sex, age, disability, marital status, pregnancy, veteran status, religion, sexual orientation, or genetic information in any of its programs, activities, employment, and contracts.

VIII. ANONYMITY, PRIVACY, AND CONFIDENTIALITY

The College will seek action consistent with the reporting party's request where possible. Where a reporting party makes a report but requests that a name or other identifying information not be shared with the responding party or that no formal action be taken, the College will balance this request with its dual obligation to provide a safe and nondiscriminatory environment for all College community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a responding party. **a. Anonymity**

1. The College will take all reasonable steps to investigate and respond to the report alleging violation consistent with a request for anonymity or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the reporting party. The College will assess any barriers to proceeding, including retaliation, and will inform the reporting party that Title IX prohibits retaliation and the College will take strong responsive action to protect the reporting party.

2. Where the College is unable to take action consistent with the request of the reporting party, the Title IX Coordinator will communicate with the reporting party about the College's chosen course of action, which may include the College's choosing to pursue action against a responding party on its own. Alternatively, the College may take non-disciplinary measures to remedy and limit the effects of the misconduct and prevent any recurrence while protecting the identity of the reporting party.

3. For any report under this procedure, every effort will be made to respect and safeguard the privacy interests of all individuals involved in a manner consistent with the need for a careful assessment of the report and any necessary steps to eliminate the conduct, prevent its recurrence, and address its effects.
b. Privacy

1. Privacy generally means that information related to a report under this procedure will be shared only with those College employees who need to know in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

2. If the decision is made to pursue disciplinary action against a Responding Party, information related to the report made to the College will be shared with the Responding Party.

3. Information regarding a report may be shared with parents or guardians only as authorized under the Family Educational Rights and Privacy Act (FERPA).

4. All complaints and investigations are treated privately to the extent possible, and information disclosed strictly on a need-to-know basis. All records and information pertaining to a complaint or investigation under this procedure will be maintained in secure files.

c. Confidentiality

1. Information shared with designated community professionals, referred to as External Confidential Resources in this procedure (see Appendix D), will be disclosed only with the individual's express written permission. External Confidential Resources will not share information about an individual (including whether that individual has received services) with anyone, including the College, without the individual's express written permission, unless there is a continuing threat of serious violence to the patient/client or to others, or there is a legal obligation to reveal such information.

2. There are no College employees with legally protected confidentiality.

d. Preserved Legal Privileges

1. Information protected by legally recognized privileges, such as attorney-client privilege, doctor-patient privilege, and other similar protections, cannot be used during a Title IX investigation or resolution process unless the individual holding the privilege has knowingly and voluntarily waived that privilege in writing.

IX. PROHIBITED CONDUCT

The College strives to be a community in which all members can learn and work in an atmosphere free from all forms of harassment, including sexual harassment, discrimination, intimidation and/or retaliation. This procedure prohibits sexual harassment, sexual assault, sexual exploitation, interpersonal violence, stalking, complicity, and retaliation. This procedure further prohibits stalking and interpersonal violence, which need not be based on an individual's protected status.

Finally, this procedure prohibits complicity for knowingly assisting in an act that violates this procedure and retaliation against an individual because of his or her good faith participation in the reporting, investigation, and/or adjudication of violations of this procedure.
These behaviors are defined in Appendix A and are collectively referred to in this procedure as prohibited conduct.

Consistent with the definitions provided in Appendix A, conduct that constitutes discrimination and harassment based on protected status:

1. May be blatant and involve an overt action, threat, or reprisal; or may be subtle and indirect, with a coercive aspect that is unstated but implied.
2. May or may not include intent to harm.
3. May not always be directed at a specific individual.
4. May be committed by anyone, regardless of protected status, position, or authority. May be committed by a stranger, an acquaintance, or someone with whom the reporting party has a current or previous relationship, including a romantic or sexual relationship.
5. May be committed by or against an individual or by or against an organization or group.
6. May occur in the classroom, in the workplace, or in any other setting.
7. May be a pattern of behavior or, if sufficiently severe, a one-time event.
8. May be committed in the presence of others, when the reporting party and responding party are alone, or through remote communications, including email, text messages, or social media.
9. May take the form of threats, assault, property damage, economic abuse, and violence or threats of violence.
10. May include harassing or retaliatory behavior directed to a sexual or romantic partner, family member, or friend of the reporting party.

X. REPORTING PROHIBITED CONDUCT

These reporting procedures provide mechanisms for students, faculty, staff, and visitors to receive a fair investigation and hearing on issues. Students and employees are not required to exhaust these procedures with regard to reporting alleged violations before pursuing remedies outside the College with any applicable external enforcement agencies, including local law enforcement, the Equal Employment Opportunity Commission, the Florida Commission on Human Relations, and the U.S. Department of Education's Office for Civil Rights, the Department of Justice, and the Department of Labor.
The College encourages all individuals to report prohibited conduct to the College and, if appropriate, to local law enforcement. College and law enforcement/criminal reporting may be pursued simultaneously.

Although a report may come in through many sources, the College is committed to ensuring that all reports are referred to the Title IX Coordinator, who will ensure consistent application of the procedure to all individuals and allow the College to respond promptly and equitably to eliminate the harassment, prevent its recurrence, and eliminate its effects.

a. Reports to the College

The College provides reporting options through multiple contact points across campuses that are broadly accessible to all College community members. To report an incident involving Prohibited Conduct or discuss any aspect of the procedure, individuals are encouraged to contact the Title IX Coordinator or Deputy Coordinators (see Appendix B).
Students and visitors to the College campus are strongly encouraged to report any information related to prohibited conduct, including partial reports.

Individuals are encouraged to report prohibited conduct as soon as possible. There is no time limit on reporting violations of this procedure. If the responding party is no longer a student or employee at the time of the report, the College may not be able to take disciplinary action against the responding party, but it will still seek to meet its Title IX obligation by providing support for a reporting party and taking steps to end the discrimination or harassment, prevent its recurrence, and address its effects.

An incident does not have to occur on campus to be reported to the College.

Reports may be made anonymously.

Additional information about Title IX reporting is available on the College website at https://www.lssc.edu/title-ix/.

b. Reporting Party Right to Autonomy

The College recognizes that deciding whether to make a report and choosing how to proceed are personal decisions. At the time a report is made, a reporting party does not have to decide whether to request any particular course of action or know how he or she wishes to proceed, if at all. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. The College will make every effort to respect an individual's autonomy in making the determination as to how to proceed, and as described below, will balance agency and autonomy with the College's obligation to provide a safe and non-discriminatory learning and working environment. Resources are available to support the reporting party regardless of the course of action chosen. All individuals are encouraged to make a report, regardless of when, where, or with whom the incident occurred, and to seek any necessary assistance from campus or community resources.

c. Emergency and External Reporting Options

The College encourages all individuals to seek assistance from law enforcement and/or a medical provider as soon as possible after an incident of sexual assault, sexual exploitation, interpersonal violence, or stalking. This is the best option to ensure preservation of evidence and to begin a timely investigation and remedial response.

Contacting law enforcement does not automatically lead to the filing of criminal charges, and a reporting party may discuss available options with local authorities.

The College will assist any College community member in utilizing community resources to obtain safety and will provide transportation to the hospital or law enforcement agency if requested, assist with coordination with a law enforcement investigation, and provide information about on- and off-campus resources and options for resolution.

XI. MANDATORY REPORTING OBLIGATIONS

A report of prohibited conduct should be made to the designated reporting options through the Title IX Coordinator. The College recognizes, however, that an individual may choose to share information with a trusted College employee. **a. Responsible Employees**

Under Title IX, a Responsible Employee is typically any college employee who has the authority to take action to address sex discrimination/harassment or is designated by the institution as someone who must report such information to the Title IX Coordinator.

All College employees are considered Responsible Employees and have an obligation to make reasonable efforts to report instances of known or suspected prohibited conduct. All College employees are required to safeguard an individual's privacy but must share with the Title IX Coordinator all known details of an incident.

b. Reports Involving Minors

Florida Statutes 39.201(1)(a) requires that any person who knows, or has reasonable cause to suspect, that a child under 18 years of age is abused, abandoned, or neglected to immediately report such knowledge to the Florida Department of Children and Family Services (DCF). The law also prohibits any person from knowingly and willfully preventing another person from meeting his or her reporting obligation to DCF.

Reporting child abuse to law enforcement does not negate the statutory obligation to report the abuse to DCF.

The College will share any applicable reports and information it receives with DCF.

XII. NON-INVESTIGATORY MEASURES

The College retains its authority to enact the follow non-investigatory measures available under the Title IX grievance procedures. **a. Supportive Measures**

An individual who reports allegations that could constitute prohibited conduct have the right to receive supportive measures from the College regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive.

b. No Trespass Notification

The College has the authority to issue no trespass notifications when it determines that behavior is disruptive or represents a safety risk to the College community. No trespass notifications will be issued in accordance with Administrative Procedure 2-29.

c. Administrative Leave

The College retains its right to place an employee on administrative leave when determined to be in the best interests of the College. Administrative Procedure 5-11 provides additional information about administrative leave for employees.

XIII. INVESTIGATION PROCESS

a. Initial Assessment

Upon receipt of a report, the Title IX Coordinator, or Deputy Coordinator, will conduct a brief initial assessment to determine whether the reported activity meets the definition of prohibited conduct, the safety of the individual and College community, whether informal resolution is suitable, and determine what supportive measures may be necessary. The goal of this assessment is to provide an integrated and coordinated response to reports of prohibited conduct.

Where possible and as warranted by an assessment of the facts and circumstances, the Title IX Coordinator or Deputy Coordinator will seek action consistent with the Reporting Party's request.

As part of the initial assessment, the Title IX Team will evaluate:

1. Whether the allegations, if true, would constitute prohibited conduct under Title IX
2. Whether the institution has jurisdiction
3. Whether there is an identifiable complainant
4. Whether there are immediate safety concerns requiring supportive measures as part of the initial assessment, the Title IX Team may, as appropriate, for each reported matter:
1. Address immediate physical safety and emotional well-being concerns
2. Notify the reporting party of the right to contact, or decline to contact, law enforcement and seek medical treatment
3. Notify the reporting party of the importance of preservation of evidence
4. Assess whether the reported matter involves minors and if so, follow the mandatory reporting guidelines
5. Provide the reporting party with information about on- and off-campus resources
6. Notify the reporting party of the range of interim accommodations and supportive measures
7. Provide the reporting party with an explanation of procedural options
8. Assess for pattern evidence of other similar conduct by responding party
9. Discuss the reporting party’s expressed preference for manner of resolution and any barriers to proceeding
10. Explain the College’s procedure prohibiting retaliation to the reporting party and responding party
11. Explain the appeal process to the reporting party and responding party

b. Supportive Measures

Supportive measures are individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter prohibited conduct. When a report is received, the Title IX Coordinator, or Deputy Coordinator, may impose reasonable and appropriate supportive measures when necessary to protect the safety of the parties or witnesses involved. The range of supportive measures includes:

1. Assistance in setting up initial appointments off-campus
2. Mutual restrictions on contact between parties
3. Rescheduling of exams and assignments
4. Providing alternative course completion options
5. Change to class schedule, including the ability to drop a course without penalty or to transfer sections
6. Change in work schedule, work location, or job assignment
7. Limiting or prohibiting access to College facilities or activities, pending resolution of the matter
8. Leave of absence (voluntary or involuntary)
9. Providing an escort to ensure safe movement between classes and activities
10. Providing academic support services, such as tutoring
11. College-imposed leave, suspension, or separation for the responding party
12. Any other measure that can be tailored to the individuals involved to achieve the goals of this procedure

Supportive measures may be applied at any time for the reporting party, the responding party, and other involved individuals as appropriate to ensure their safety and wellbeing. Supportive measures may be requested by the parties involved or imposed by the College. Supportive measures will be kept private to the extent practical. Notification of supportive measures will be provided to both the reporting party and the responding party.

Supportive measures are initiated based on the information gathered and generally are not intended to be permanent resolutions. They may be amended, withdrawn, or made permanent during the course of the process.

The Title IX Coordinator will maintain consistent contact with the parties so that safety, emotional, and physical well-being concerns can be reasonably addressed. The Title IX Coordinator will take appropriate, responsive, and prompt action to enforce supportive measures and/or to respond to retaliation by another party or witness.

c. Determination to Proceed to Remedies-Based Resolution or Investigation At the conclusion of the Initial Assessment, the Title IX Coordinator will determine the appropriate manner of resolution, which may include remedies-based resolution, the initiation of an investigation, or referral to the Student Conduct process to determine if disciplinary action is warranted.

The Title IX Coordinator has the discretion to determine which method of resolution is appropriate. Both the reporting party and the responding party must be notified in writing regarding the type of resolution method to be used.

In order to proceed to an investigation, a formal written complaint must be signed by the reporting party or the Title IX Coordinator.

d. Remedies-Based Resolution

Remedies-based resolution is a voluntary approach designed to eliminate a hostile environment without taking disciplinary action against a responding party. Where the initial assessment concludes that remedies-based resolution may be appropriate, the Title IX Coordinator will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the reporting party's access to educational, extracurricular, and employment activities at the College and to eliminate a hostile environment.

The decision to pursue remedies-based resolution will be made when the Title IX Coordinator has sufficient information about the nature and scope of the conduct, which may occur at any time.

Participation in remedies-based resolution is voluntary, and a reporting party or responding party can request to end remedies-based resolution and continue with an investigation at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for remedies-based resolution, which will typically be completed within thirty business days of the initial assessment.

e. Investigation

If the Title IX Coordinator determines that the alleged conduct, if proven, could constitute a violation, the College will initiate a prompt, equitable, and impartial investigation. The purpose of the investigation is to gather and assess all relevant evidence to determine whether prohibited conduct occurred, using the preponderance of evidence standard.

If a formal investigation proceeds, the institution must provide written notice to both parties that includes:

1. Allegations with sufficient detail
2. Identities of parties involved (if known)
3. Description of the conduct at issue
4. Policies allegedly violated
5. Presumption of non-responsibility
6. Information about advisor rights
7. Prohibition on retaliation and false statements

Both parties will have an equal opportunity to participate in the investigation, including the opportunity to:

1. Provide statements and relevant evidence
2. Identify witnesses with relevant information
3. Submit proposed questions for the other party and witnesses
4. Be accompanied by an advisor of their choice

Participation is voluntary; however, the process will proceed based on the information reasonably available.

The Title IX Coordinator will assign a trained, impartial investigator with no conflicts of interest or bias. The investigator may be a College employee or an external professional.

The College bears the burden of gathering sufficient relevant evidence, to the extent reasonably possible.

The investigator will make reasonable efforts to gather relevant and reliable evidence, which may include:

1. Interviews with the reporting party, responding party, and witnesses
2. Documents, communications, and electronic records
3. Other information relevant to the allegations

The investigator will determine the relevance and will exclude information that is duplicative, not relevant or protected by legal privilege.

The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of individual privacy concerns.

The College will seek to complete the investigation within twenty (20) business days of the determination to proceed to investigation, but this time frame may be extended for good cause.

At the request of law enforcement, the Title IX Coordinator may agree to defer fact gathering until after the initial stages of a criminal investigation. The Title IX will communicate with involved parties regarding Title IX rights, procedural options, and the implementation of interim measures to ensure the safety and well-being of all affected individuals. The investigation will promptly resume as soon as law enforcement releases the cases.

f. Right to an Advisor

During an investigation, both the reporting party and responding party have the right to be assisted and accompanied by an advisor of their choice. The advisor observes and provides support during the investigation process. Under no circumstances, however, may the advisor also be a witness.

The advisor may accompany the parties to any meeting with an investigator or College employee. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. During a live hearing, the advisor may cross-examine the opposing party.

If a party does not have an advisor and the process goes to a live hearing, or the party requests an advisor, the College will provide an advisor at no cost.

An advisor may be an attorney, and any party may seek the assistance of an attorney at their own expense. However, this process is not a legal proceeding and should not be regarded as such. Similarly, the College will not recognize or enforce agreements between the parties reached outside of these procedures.

g. Investigation Report

At the conclusion of the investigation, the investigator will prepare a written investigation report that summarizes the information gathered and synthesizes the contested and uncontested issues of fact and any supporting information. In preparing the report, the investigator will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation.

All parties will be provided with access to review evidence obtained during the investigation that is directly related to the allegations, including evidence the investigator does not intend to rely on in the investigation report prior to the finalization of the report.

All parties will have ten (10) business days from receipt of the evidence and investigation report to submit a written response to the evidence, which will be considered by the investigator before finalizing the report.

The final investigation report will be provided to all parties before any hearing to decide whether a respondent is responsible for alleged prohibited conduct.

h. Adjudication

The College will provide a process for questions to be posted to parties and witnesses consistent with Title IX regulations. Questions will be reviewed for relevance and appropriateness before being asked. The College may conduct questioning through the investigator and/or a live hearing process, as outlined below.

1. Live Hearing

To ensure compliance with applicable laws and regulations, the College will provide a live hearing with real-time questioning by advisors where required or deemed appropriate. Hearings will be conducted by a trained, impartial hearing officer (decision maker).

A hearing date must be scheduled at least ten (10) business days after the parties were provided with the final investigation report. A notice of the hearing should include the date, time, location, participants, and the purpose of the hearing to allow parties sufficient time to prepare.

A live hearing may be held virtually with technology that allows all participants to see and hear one another.

The live hearing must be recorded or transcribed, and a copy of the recording or transcription must be made available to the parties for review.

All original documentation, including physical and electronic records, related to the hearing shall be maintained by the Title IX Coordinator and may only be released in accordance with relevant laws.

2. Hearing Officer

When the decision is made to conduct a live hearing, a hearing officer will be designated by the College to review all relevant information in order to make a finding, by a preponderance of the evidence, as to whether the responding party is responsible for conduct in violation of this procedure.

An individual selected as a hearing officer must have training or relevant experience to serve in this capacity.

All parties should be notified of the designation of a hearing officer and the reporting party and responding party shall have five (5) business days to challenge the designation of the hearing officer. Parties may issue this challenge in writing to the Title IX Coordinator when there are reasonable and articulable grounds to establish bias, a conflict of interest, or an inability to be fair and impartial. A designated hearing officer will be removed only if the Title IX Coordinator concludes that the Hearing Officer's bias prevents an impartial hearing of the report. Additionally, any hearing officer who has reason to believe he or she cannot make an objective determination must recuse himself or herself from the process.

3. Live Hearing Process

A live hearing will be conducted in the following order. The hearing officer has the discretion to determine the appropriate amount of time permitted for each step in the process.

i. Opening Statements – Both parties may make opening statements and the reporting party will make their opening statement first.

ii. Presentation of Evidence – The case of the reporting party will be presented first and then that of the responding party. Documents submitted to evidence will be numbered by the hearing officer.

iii. Presentation of Rebuttal Evidence – Both parties may present rebuttal evidence, and the reporting party will present rebuttal evidence first.

iv. Closing Arguments – After all the evidence has been presented, both parties may make closing arguments. The reporting party's advisor will speak first and have a final opportunity to rebut the closing argument of the responding party's advisor.

The presentation of evidence during the hearing may include the testimony of witnesses. An opportunity for cross-examination will be provided to each party. Cross examination must be performed the party's advisor and the party may not conduct cross examination. The hearing officer will determine whether questions are relevant before they are answered. Any rejection of questions will be explained in the hearing record. Witnesses will be present only during the time in which they give their statement and will remain outside of the hearing room. Witnesses and all other persons involved in the hearing are expected to maintain strict confidentiality regarding the proceeding.

The hearing officer should not allow or consider evidence, including during cross-examination, of the reporting party's prior sexual predisposition or sexual behavior unless such evidence is being offered to prove someone other than the responding party committed the alleged conduct, or the evidence relates to the reporting party's prior sexual behavior with respect to the responding party and is being offered to prove consent.

All prior statements from any party or witness who does not attend the hearing, or who chooses not to submit to cross-examination, must be excluded. The hearing office cannot draw adverse inference from the fact that a party or witness does not submit to cross-examination or other questions. The refusal of a party or witness to answer questions asked by the hearing officer does not require exclusion of the person's statements.

A hearing officer cannot draw any inferences about the determination of responsibility based on a party's failure to appear at the hearing.

4. Determination of Responsibility and Notice of Outcome

After consideration of all of the relevant information, the hearing officer will make a finding by the preponderance of the evidence standard as to whether the responding party is responsible for engaging in prohibited conduct.

A written determination of responsibility and sanction (if applicable) will be provided simultaneously to the reporting party and the responding party.
A Notice of Outcome will include:

i. Alleged violation(s)

ii. A description of all steps taken from receipt of the formal complaint through the live hearing process

iii. Specific descriptions and conclusions of findings of fact for each alleged violation(s)

iv. A statement and rationale with respect to each allegation, including determination, disciplinary sanctions and remedial measures

v. Procedures for appeal, including basis upon which parties may appeal. The responding party (when a student) will be informed of any disciplinary sanctions, the date by which the

requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements.

The responding party (when an employee) will be notified that the determination of responsibility and notice of outcome has been sent to the Title IX Coordinator and Executive Vice President of Operations (EVP). After review, the EVP will forward the notice to the employee's vice president who will determine the appropriate sanction(s), in consultation with the EVP and Human Resources. Sanctions may include any form of responsive action or progressive discipline as set forth in the College's Administrative Procedures, including but not limited to, additional training requirements, referral to counseling, written warning, formal reprimand, withholding of promotion or pay increase, reassignment, suspension without pay, and termination. The sanction(s) should address the misconduct, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations.

Sanctions will take effect immediately and will not be stayed pending the resolution of an appeal. The final report and disciplinary sanctions will be kept by Human Resources in the employee's personnel file.

If the responding party reports directly to the President, the EVP should send the notice directly to the President to determine the appropriate sanction(s).

For a student employee who is acting within the scope of their student employment at the time of the incident, sanctions may be imposed as both a student and employee from the Student Code of Conduct and Administrative Procedures. The reporting party will be informed of any disciplinary sanctions and remedies that directly relate to the Reporting Party, including information about the Responding Party's presence on campus (or in a shared class or work space) that may assist a Reporting Party to make informed decisions or work with the College to eliminate Harassment and prevent its recurrence.

i. Right to Appeal

The reporting party and the responding party may appeal the decision of the hearing officer withing five (5) business days of the receipt of the Notice of Outcome. A review of the matter will be prompt and narrowly tailored to the stated appeal grounds. Either party may appeal only the parts of the determination or sanctions that directly related to him or her.

The limited grounds for appeal are:

1. New information that could affect the findings of the hearing officer became available and was not reasonably available through due diligence at the time of the investigation
2. Procedural irregularity that affected the outcome and/or material deviation(s) from written procedures that significantly affected the outcome
3. Title IX Coordinator, Deputy Coordinator(s), investigator(s), or hearing officer had a conflict of interest or bias that affected the outcome

The appeal shall consist of a plan, concise, written statement outlining the grounds for appeal. The appeal should be submitted to the Title IX Coordinator as outlined in the Notice of Outcome.

Upon receipt of the appeal, the Title IX Coordinator will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within

five (5) business days from receipt of notice of the appeal. In the event that both parties initially appeal the findings, each party will be provided notice and a copy of the other party's appeal or response.

Upon receipt of the appeal and responses to the Title IX Coordinator, the College will assign an appeals officer. For appeals involving a responding party who is a student, the appeals officer will typically be the Vice President of Enrollment and Student Affairs. For appeals involving a responding party who is an employee, the appeals officer will typically be a Vice President or other senior administrator. The role of the appeals officer in the appeal process shall consist of:

1. The appeals officer shall consider the facts in support of the request and clarify any facts as deemed necessary
2. The appeals officer shall consider the merits of the appeal only on the basis of the stated grounds for appeal, which must be one of the three limited grounds provided for in this section
3. Except as required to explain the basis of new information unavailable at the time of investigation, review of an investigation will be limited to the written investigation report and all supporting documentation
4. In an appeal, the burden of proof lies with the appealing party, as the original determination and sanction(s) are presumed to have been decided reasonably and appropriately
5. The appeal will be conducted in an impartial manner 6. The appeal shall not be a new review of the underlying matter Upon review of the appeal, the appeals officer may:

1. Affirm the original findings
2. Alter the findings
3. Alter the disciplinary sanctions, if appropriate for the basis of the appeal
4. If the appeal is based on procedures not having been followed in a material manner,
5. the appeals officer can ask that a new investigation and/or adjudication, or other
6. appropriate action, occur
7. In the case of new and relevant information, the appeals officer can recommend that
8. the case be returned to the hearing officer to assess the weight and effect of the new 9. information and render a determination after considering the new facts The decision of the appeals officer is final.

The appeals officer will communicate the result of the appeal to the reporting party and responding party within fourteen (14) business days from the date of submission of all appeal documentation by both parties.

j. Timely Resolution of Cases

The College will make every effort to successfully resolve all reports within sixty (60) business days. All time frames expressed in this procedure are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames for good cause. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening College break or planned leave (vacation/sick/personal) of involved parties, or other unforeseen circumstances.

In the event that the investigation and resolution time frames are extended for good cause, the College will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness, fundamental fairness, and reasonable promptness. All parties involved are entitled to periodic status updates on the process and any subsequent appeals.

k. Obligation to Present Truthful Information

The College takes the validity of information seriously because a report of prohibited conduct may have severe consequences. Any individual who makes a report or provides information as part of an investigation or hearing process that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action and may also violate state criminal statutes and civil defamation laws.

These provisions do not apply to reports or responses made in good faith, even if the facts alleged in the report or the response are not substantiated by an investigation.

l. Retaliation

During the investigation and resolution of violations of this procedure that are alleged in good faith, reasonable steps will be taken to protect the reporting party, the responding party, and other participants in the reporting, investigation, and resolution process from retaliation.

Any individual who engages in retaliation will be subject to prompt and appropriate disciplinary action. Individuals who have a concern about potential or actual retaliation should contact the Title IX Coordinator for assistance in addressing the concern. Retaliation is a violation of the College's Student Code of Conduct and Administrative Procedures and will be handled appropriately as outlined in those procedures.

m. Communication

College-issued is the primary means of communication used by the College. The Title IX Coordinator, Deputy Coordinators, investigator(s), and others will deliver notice to students and employees to College-issued email.

In the event that an individual is prohibited access to their College-issued email, communications will occur by postal mail or alternate email address.

XIV. RECORDS RETENTION & RELEASE OF INFORMATION

The Title IX Coordinator will retain records of all investigations, hearings, informal resolutions and related processes for seven years.

If a report of prohibited conduct discloses a serious and continuing threat to the campus community, the College will issue a timely warning notification to protect the health and safety of the community as required by the Clery Act. This notification will not include identifying information about a reporting party.

Pursuant to the Clery Act and Section 304 of the Violence Against Women Reauthorization Act of 2013, information regarding criminal incidents reported to Campus Security Authorities must be shared with Campus Safety for inclusion in the Daily Crime Log. This information will also be included in the College's Annual Security Report available at www.lssc.edu/safety/.

The College may also share aggregate and not personally identifiable data about reports, outcomes, and disciplinary sanctions. All College proceedings are conducted in accordance with the requirements of Title IX, the Clery Act, the Violence Against Women Act, FERPA, state statute, and College procedures. No information, including the identity of the parties, will be released from such proceedings except as required or permitted by law.

Updated: 09/27/2020, 06/30/2026

APPENDIX A – DEFINITIONS

Advisor
An individual chosen by the reporting or responding party to provide support during the investigation and hearing process. Advisors provide cross examination during the live hearing process. Parties may choose for their advisor to be an attorney, but this it not required. In cases where a reporting or responding party does not have an advisor, the College will provide one at no cost if requested.

Coercion or Force
Conduct, intimidation, and express or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that are employed to persuade or compel someone to engage in sexual contact.

College/Campus Community
This term refers to students, employees, interns, volunteers, and visitors of Lake-Sumter State College. In the physical sense, this applies to all any campus, center, and other location that is leased/owned/operated by the College.

Complicity
Any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person.

Confidentiality
Information that cannot be disclosed without the individual's express written permission. College employees cannot maintain confidentiality, but external confidential resources can and will not share information with anyone, including the College.

Consent
Consent is the communication of an affirmative, conscious, and freely made decision by each participant to engage in agreed upon forms of sexual contact. Consent requires an outward demonstration, through understandable words or actions, which conveys a clear willingness to engage in sexual contact. Consent cannot be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may result in a violation of this procedure. For example, a person who does not physically resist or verbally refuse sexual contact may not necessarily be giving consent. There is no requirement that an individual verbally or physically resist unwelcome sexual contact for there to be a violation.

Consent cannot be inferred from an existing or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual Consent to engage in sexual contact for each occasion and each form of sexual contact. consent to one form of sexual contact does not constitute consent to any other form of sexual contact, nor does consent to sexual contact with one person constitute consent to sexual contact with any other person. Consent cannot be obtained by coercion or force or by taking advantage of a person's inability to give consent because of incapacitation or other circumstances.

A person who has given consent to engage in sexual contact may withdraw consent at any time. However, withdrawal of consent requires an outward demonstration, through understandable words or actions that clearly conveys that a party is no longer willing to engage in sexual contact. Under Florida law, the age of consent is 18. Individuals below this age are generally considered incapable of providing legally valid consent to sexual activity, although limited statutory provisions may affect criminal liability.

Education Program/Activity
Education program or activity means all of operations, including locations, events, or circumstances over which the institution exercises substantial control over both the respondent and the context in which the conduct occurs.

Hostile Environment Harassment
Unwelcome conduct based on protected status that is so severe, persistent, and pervasive that it alters the conditions of education, employment, or participation in a College program or activity, thereby creating an environment that a reasonable

person in similar circumstances and with similar identities would find hostile, intimidating, or abusive under both a subjective and objective assessment. An isolated incident, unless sufficiently severe, does not amount to hostile environment.

Incapacitation
Incapacitation is a state in which an individual is unable to understand the nature of the sexual activity or unable to give knowing, voluntary consent due to the effects of alcohol, drugs, sleep, unconsciousness, or other physical or mental conditions.

Supportive Measures
Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, reasonably available, and without fee or charge to restore or preserve equal access to the education program or activity, protect safety, or deter sex discrimination, without unreasonably burdening any party.

Interpersonal Violence
Interpersonal Violence refers to violence or abuse between individuals in a personal or intimate relationship, including dating violence, domestic violence, stalking, and sexual violence. A reasonable person in similar circumstances would find intimidating, frightening, terrorizing, or threatening. Interpersonal Violence can encompass a broad range of abusive behavior committed by a person who is or has been in a romantic or intimate relationship with the reporting party (of the same or different sex); the reporting party's spouse or partner (of the same or different sex); the reporting party's family member; or the reporting party's cohabitant or household member, including a roommate.

Privacy
Privacy means that information related to a report or complaint is shared only with individuals who have a legitimate need to know in order to assist in the response, investigation, or resolution process.

Quid Pro Quo Harassment
Quid Pro Quo Harassment occurs when an employee conditions the provision of an educational benefit, service, or aid on an individual's participation in unwelcome sexual conduct.

Prohibited Conduct
Prohibited Conduct includes all forms of sex discrimination and sex-based harassment that violate Title IX or institutional policy, including but not limited to sexual harassment, sexual assault, interpersonal violence, stalking, sexual exploitation, retaliation, and any other conduct based on sex that denies or limits an individual's ability to participate in or benefit from the institution's education program or activity.

Remedies-Based Resolution
Remedies-Based Resolution is a voluntary process that resolves a report of sex discrimination or harassment without a formal determination of responsibility, typically through supportive measures and agreed-upon actions designed to restore or preserve equal access.

Reporting Party
Reporting Party (or Complainant) is an individual who is alleged to have experienced conduct that could constitute sex discrimination under Title IX.

Responding Party
Responding Party (or Respondent) is an individual who has been reported to have engaged in conduct that could constitute sex discrimination under Title IX.

Responsible Employees
Responsible Employees are employees designated by the institution who are required to promptly report known or suspected sex discrimination or harassment to the Title IX Coordinator. At Lake-Sumter State College, all employees are considered responsible employees.

Retaliation
Retaliation is any adverse action taken against an individual for reporting, participating in, or refusing to participate in a Title IX process, or for opposing sex discrimination. Retaliation may include
intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith is not substantiated. Retaliation may be committed by the responding party, the reporting party, or any other individual or group of individuals.

Sex-Based Harassment (Sexual Harassment)
Sex-Based Harassment is conduct based on sex that satisfies one or more of the following: quid pro quo harassment by an employee; unwelcome conduct that is sufficiently severe or pervasive that it limits or denies equal access; sexual assault, interpersonal violence, or stalking.

Sex Discrimination
Sex discrimination under Title IX is any unequal treatment, exclusion, or denial of benefits based on sex in an education program or activity that receives federal funding.

Sexual Assault
Sexual Assault refers to any sexual act directed against another person without consent, including when the person is incapable of giving consent.

Sexual Contact
Sexual Contact typically refers to intentional touching of intimate body parts for sexual purposes without consent.

Sexual Exploitation
Sexual Exploitation is taking non-consensual or abusive sexual advantage of another for one's own benefit or for the benefit of anyone other than the individual being exploited, including but not limited to recording or sharing intimate images without consent.

Sexual Orientation
Sexual Orientation refers to an individual's emotional, romantic, or sexual attraction to others.

Stalking
Stalking is engaging in a course of conduct directed at a specific individual that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional, physical, or psychological distress. Stalking includes cyberstalking through electronic means.

Title IX Coordinator
Title IX Coordinator is the individual designated by the institution to coordinate compliance with Title IX, including receiving reports, overseeing investigations, coordinating supportive measures, and ensuring institutional response obligations are met.

Title IX Deputy Coordinator
Title IX Deputy Coordinator is an individual designated to assist the Title IX Coordinator in carrying out compliance responsibilities and may act on behalf of the Title IX Coordinator in specific areas or campus locations.

APPENDIX B – TITLE IX TEAM

Title IX Coordinator
Darren Norris
Associate Vice President, Safety, Security and Risk Management
Student Services Building, Room 144, 9501 U.S. Highway 441, Leesburg, FL 34788
352- 323-3615 norrisD@lssc.edu

Deputy Title IX Coordinators for Students
Dr. Maureen Miller
Director, Student Wellness
Student Center, Room 104, 9501 U.S. Highway 441, Leesburg, FL 34788
(352) 435-6335 millere@lssc.edu

Michael Worden
Student Activities Specialist
Student Center, Room 103, 9501 U.S. Highway 441, Leesburg, FL 34788
(352) 323-3650 wordenm@lssc.edu

Deputy Title IX Coordinator for Employees, Contractors, Visitors
Dr. Carol Tolx
Associate Vice President, Human Resources
Student Services Building, Suite 200, 9501 U.S. Highway 441, Leesburg, FL 34788
(352) 365-3507 tolxc@lssc.edu

Title IX Hearing Officer Carolyn Scott
Dean of Students
Building 2, Room 147, 1250 N. Hancock Rd., Clermont, FL 34711
(352) 536-2211 scottc@lssc.edu

APPENDIX C – LAW ENFORCEMENT AND EMERGENCY MEDICAL CONTACTS

Clermont Police Department
Non-Emergency Number: (352) 394-5588
Emergency Number: 9-1-1
Web: https://www.clermontl.gov/262/Police-Department

Lake County Fire Rescue (EMS Service for all of Lake County)
Non-Emergency Number: (352) 343-9458
Emergency Number: 9-1-1
Web: https://lakecountyl.gov/ire

Lake County Sheriff
Non-Emergency Number: (352) 342-2101
Emergency Number: 9-1-1
Web: www.lcso.org

Leesburg Police Department
Non-Emergency Number: (352) 787-2121
Emergency Number: 9-1-1
Web: https://www.leesburglorida.gov/my_city/departments/police/index.php

Sumter County Fire & EMS (EMS Service for all of Sumter County)
Non-Emergency Number: (352) 689-4400
Emergency Number: 9-1-1
Web: https://www.sumtercountyl.gov/86/Fire-EMS

Sumter County Sheriff
Non-Emergency Number: (352) 569-1600
Emergency Number: 9-1-1
Web: http://sumtercountysheriff.org/

APPENDIX D – EXTERNAL CONFIDENTIAL RESOURCES

Student Assistance Program
Mental health support resources available to currently enrolled students www.lssc.edu/sap

Employee Assistance Program
Mental health support resources available to employees
https://lssc3.sharepoint.com/sites/HumanResources/SitePages/Beneits.aspx

Haven of Lake & Sumter Counties, Inc.
Provides comprehensive, unduplicated services to victims of domestic violence and sexual violence. Their primary objectives are to provide these victims with alternatives to abuse or life-threatening situations, and empowerment to establish a violence-free life.
https://www.havenlakesumter.org/
24/7 Hotline: (352) 753-8500

Victim Service Center of Central Florida
Providing individualized services and resources to victims of sexual assault, violent crime, and traumatic circumstances, through crisis response, advocacy, therapy, education, and community awareness. https://victimservicecenter.org/
24/7 Helpline: (407) 500-4325

Lake County Community Resource Guide
The Lake County Community Resource Guide is a database of resources available to people in our community.
https://lccrg.com/

Florida Department of Children & Family Services
If a child is in immediate danger, call 9-1-1, then contact DCF 24/7 Abuse Hotline
If there is no immediate danger, contact the DCF 24/7 Abuse Hotline
https://www.mylfamilies.com/services/abuse/abuse-hotline
24/7 Abuse Hotline: (800) 962-2873

741.28 Domestic violence; definitions. As used in ss. 741.28-741.31:

(1) ”Department” means the Florida Department of Law Enforcement.

(2) “Domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

(3) “Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

(4) “Law enforcement officer” means any person who is elected, appointed, or employed by any municipality or the state or any political subdivision thereof who meets the minimum qualifications established in s. 943.13 and is certified as a law enforcement officer under s. 943.1395.

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.

(1) There is created a cause of action for an injunction for protection against domestic violence.

(a) Any person described in paragraph (e), who is either the victim of domestic violence as defined in s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

(b) This cause of action for an injunction may be sought whether or not any other cause of action is currently pending between the parties. However, the pendency of any such cause of action shall be alleged in the petition.

(c) In the event a subsequent cause of action is filed under chapter 61, any orders entered therein shall take precedence over any inconsistent provisions of an injunction issued under this section which addresses matters governed by chapter 61.

(d) A person’s right to petition for an injunction shall not be affected by such person having left a residence or household to avoid domestic violence.

(e) This cause of action for an injunction may be sought by family or household members. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

(f) This cause of action for an injunction shall not require that either party be represented by an attorney.

(g) Notwithstanding any other law, attorney fees may not be awarded in any proceeding under this section.

(h) Any person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their attorney, or must present the evidence under oath at a hearing at which all parties are present.

(i) Nothing in this section shall affect the title to any real estate.

(j) The court is prohibited from issuing mutual orders of protection. This does not preclude the court from issuing separate injunctions for protection against domestic violence where each party has complied with the provisions of this section. Compliance with the provisions of this section cannot be waived.

(k) Notwithstanding any provision of chapter 47, a petition for an injunction for protection against domestic violence may be filed in the circuit where the petitioner currently or temporarily resides, where the respondent resides, or where the domestic violence occurred. There is no minimum requirement of residency to petition for an injunction for protection.

(2)(a) Notwithstanding any other provision of law, the assessment of a filing fee for a petition for protection against domestic violence is prohibited effective October 1, 2002. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Office of the State Courts Administrator a certified request for reimbursement for petitions for protection against domestic violence issued by the court, at the rate of $40 per petition. The request for reimbursement shall be submitted in the form and manner prescribed by the Office of the State Courts Administrator. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee shall not exceed $20.

(b) No bond shall be required by the court for the entry of an injunction.

(c)1. The clerk of the court shall assist petitioners in seeking both injunctions for protection against domestic violence and enforcement for a violation thereof as specified in this section.

2. All clerks' offices shall provide simplified petition forms for the injunction, any modifications, and the enforcement thereof, including instructions for completion.

3. The clerk of the court shall advise petitioners of the opportunity to apply for a certificate of indigence in lieu of prepayment for the cost of the filing fee, as provided in paragraph (a).

4. The clerk of the court shall ensure the petitioner's privacy to the extent practical while completing the forms for injunctions for protection against domestic violence.

5. The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement.

6. Clerks of court and appropriate staff in each county shall receive training in the effective assistance of petitioners as provided or approved by the Florida Association of Court Clerks.

7. The clerk of the court in each county shall make available informational brochures on domestic violence when such brochures are provided by local certified domestic violence centers.

8. The clerk of the court in each county shall distribute a statewide uniform informational brochure to petitioners at the time of filing 63 for an injunction for protection against domestic or repeat violence when such brochures become available. The brochure must include information about the effect of giving the court false information about domestic violence.

(3)(a) The sworn petition shall allege the existence of such domestic violence and shall include the specific facts and circumstances upon the basis of which relief is sought.

(b) The sworn petition shall be in substantially the following form:

PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name), who has been sworn and says that the following statements are true:

(a) Petitioner resides at: (address)

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: (last known address)

(c) Respondent's last known place of employment: (name of business and address)

(d) Physical description of respondent:

- **Race**
- **Sex**
- **Date of birth**
- **Height**
- **Weight**
- **Eye color**
- **Hair color**
- **Distinguishing marks or scars**

(e) Aliases of respondent:

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent:

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt.

Case numbers should be included if available.

(h) Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has (mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or visitation exchange):

committed or threatened to commit domestic violence defined in s. 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another. With the exception of persons who are parents of a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

previously threatened, harassed, stalked, or physically abused the petitioner.

attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

threatened to conceal, kidnap, or harm the petitioner's child or children.

intentionally injured or killed a family pet.

used, or has threatened to use, against the petitioner any weapons such as guns or knives.

physically restrained the petitioner from leaving the home or calling law enforcement.

a criminal history involving violence or the threat of violence (if known).

another order of protection issued against him or her previously or from another jurisdiction (if known).

destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

A minor child or minor children reside with the petitioner whose names and ages are as follows:

Petitioner needs the exclusive use and possession of the dwelling that the parties share.

Petitioner is unable to obtain safe alternative housing because:

Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because:

(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

Immediately restraining the respondent from committing any acts of domestic violence.

Restraining the respondent from committing any acts of domestic violence.

Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

Providing a temporary parenting plan, including a temporary time-sharing schedule, with regard to the minor child or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party.

Establishing temporary support for the minor child or children or the petitioner.

Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. 39.901, Florida Statutes.

Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(c) Every petition for an injunction against domestic violence shall contain, directly above the signature line, a statement in all capital letters and bold type not smaller than the surrounding text, as follows:

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES. (initials)

(d) If the sworn petition seeks to determine a parenting plan and time-sharing schedule with regard to the minor child or children of the parties, the sworn petition shall be accompanied by or shall incorporate the allegations required by s. 61.522 of the Uniform Child Custody Jurisdiction and Enforcement Act.

(4) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, prior to the hearing.

(5)(a) If it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in s. 61.13, providing the petitioner a temporary parenting plan, including a time-sharing schedule, which may award the petitioner up to 100 percent of the time-sharing. The temporary parenting plan remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

(b) Except as provided in s. 90.204, in a hearing ex parte for the purpose of obtaining such ex parte temporary injunction, no evidence other than verified pleadings or affidavits shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing. A denial of a petition for an ex parte injunction shall be by written order noting the legal grounds for denial. When the only ground for denial is no appearance of an immediate and present danger of domestic violence, the court shall set a full hearing on the petition for injunction with notice at the earliest possible time. Nothing herein affects a petitioner's right to promptly amend any petition, or otherwise be heard in person on any petition consistent with the Florida Rules of Civil Procedure.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing before or during a hearing for good cause shown by any party, which shall include a continuance to obtain service of process. Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.

(6)(a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in chapter 61, providing the petitioner with 100 percent of the time-sharing in a temporary parenting plan that remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner. An order of temporary support remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting child support.

5. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated

by the court, must provide the respondent with a list of batterers? intervention programs from which the respondent must choose a program in which to participate.

6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.

7. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

(b) In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.

2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.

4. Whether the respondent has intentionally injured or killed a family pet.

5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.

6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.

7. Whether the respondent has a criminal history involving violence or the threat of violence.

8. The existence of a verifiable order of protection issued previously or from another jurisdiction.

9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.

10. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence. In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs 1.-10.

(c) The terms of an injunction restraining the respondent under subparagraph (a)1. or ordering other relief for the protection of the victim under subparagraph (a)7. shall remain in effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. No specific allegations are required. Such relief may be granted in addition to other civil or criminal remedies.

(d) A temporary or final judgment on injunction for protection against domestic violence entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date respondent was served with the temporary or final order, if obtainable.

(e) An injunction for protection against domestic violence entered pursuant to this section, on its face, may order that the respondent attend a batterers' intervention program as a condition of the injunction. Unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why batterers? intervention programs would be inappropriate, the court shall order the respondent to attend a batterers' intervention program if:

1. It finds that the respondent willfully violated the ex parte injunction;

2. The respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; or

3. The respondent, in this state or any other state, has had at any time a prior injunction for protection entered against the respondent after a hearing with notice.

(f) The fact that a separate order of protection is granted to each opposing party shall not be legally sufficient to deny any remedy to either party or to prove that the parties are equally at fault or equally endangered.

(g) A final judgment on injunction for protection against domestic violence entered pursuant to this section must, on its face, indicate that it is a violation of s. 790.233, and a first degree misdemeanor, for the respondent to have in his or her care, custody, possession, or control any firearm or ammunition.

(h) All proceedings under this subsection shall be recorded. Recording may be by electronic means as provided by the Rules of Judicial Administration.

(7) The court shall allow an advocate from a state attorney's office, an advocate from a law enforcement agency, or an advocate from a certified domestic violence center who is registered under s. 39.905 to be present with the petitioner or respondent during any court proceedings or hearings related to the injunction for protection, provided the petitioner or respondent has made such a request and the advocate is able to be present.

(8)(a)1. The clerk of the court shall furnish a copy of the petition, financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of an injunction that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. In addition, if the sheriff is in possession of an injunction for protection that has been certified by the clerk of the court, the sheriff may transmit a facsimile copy of that injunction to a law enforcement officer who shall serve it in the same manner as a certified copy. The clerk of the court shall be responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency serving injunctions pursuant to this section shall use service and verification procedures consistent with those of the sheriff.

2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an injunction for protection against domestic violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

3. All orders issued, changed, continued, extended, or vacated subsequent to the original service of documents enumerated under subparagraph 1., shall be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. In the event a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

If the respondent has been served previously with the temporary injunction and has failed to appear at the initial hearing on the temporary injunction, any subsequent petition for injunction seeking an extension of time may be served on the respondent by the clerk of the court by certified mail in lieu of personal service by a law enforcement officer.

(b) There shall be created a Domestic and Repeat Violence Injunction Statewide Verification System within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

(c)1. Within 24 hours after the court issues an injunction for protection against domestic violence or changes, continues, extends, or vacates an injunction for protection against domestic violence, the clerk of the court must forward a certified copy of the injunction for service to the sheriff with jurisdiction over the residence of the petitioner. The injunction must be served in accordance with this subsection.

2. Within 24 hours after service of process of an injunction for protection against domestic violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against domestic violence, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

5.a. Subject to available funding, the Florida Association of Court Clerks and Comptrollers shall develop an automated process by which a petitioner may request notification of service of the injunction for protection against domestic violence and other court actions related to the injunction for protection. The automated notice shall be made within 12 hours after the sheriff or other law enforcement officer serves the injunction upon the respondent. The notification must include, at a minimum, the date, time, and location where the injunction for protection against domestic violence was served. When a petitioner makes a request for notification, the clerk must apprise the petitioner of her or his right to request in writing that the information specified in sub-subparagraph b. be held exempt from public records requirements for 5 years. The Florida Association of Court Clerks and Comptrollers may apply for any available grants to fund the development of the automated process.

b. Upon implementation of the automated process, information held by clerks and law enforcement agencies in conjunction with the automated process developed under sub-subparagraph a. which reveals the home or employment telephone number, cellular telephone number, home or employment address, electronic mail address, or other electronic means of identification of a petitioner requesting notification of service of an injunction for protection against domestic violence and other court actions related to the injunction for protection is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the petitioner. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding this sub-subparagraph. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

6. Within 24 hours after an injunction for protection against domestic violence is vacated, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

(9)(a) The court may enforce a violation of an injunction for protection against domestic violence through a civil or criminal contempt proceeding, or the state attorney may prosecute it as a criminal violation under s. 741.31. The court may enforce the respondent's compliance with the injunction through any appropriate civil and criminal remedies, including, but not limited to, a monetary assessment or a fine. The clerk of the court shall collect and receive such assessments or fines. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Domestic Violence Trust Fund established in s. 741.01.

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) or for a violation of s. 741.31, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.
(10) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time. 741.31 Violation of an injunction for protection against domestic violence.

(1) In the event of a violation of the injunction for protection against domestic violence when there has not been an arrest, the petitioner may contact the clerk of the circuit court of the county in which the violation is alleged to have occurred. The clerk shall either assist the petitioner in the preparation of an affidavit in support of the violation or direct the petitioner to the office operated by the court within the circuit that has been designated by the chief judge of that circuit as the central intake point for injunction violations and where the petitioner can receive assistance in the preparation of the affidavit in support of the violation.

(2) The affidavit shall be immediately forwarded by the office assisting the petitioner to the state attorney of that circuit and to such court or judge as the chief judge of that circuit determines to be the recipient of affidavits of violation. If the affidavit alleges a crime has been committed, the office assisting the petitioner shall also forward a copy of the petitioner's affidavit to the appropriate law enforcement agency for investigation. No later than 20 days after receiving the initial report, the local law enforcement agency shall complete their investigation and forward the report to the state attorney. The policy adopted by the state attorney in each circuit under s. 741.2901(2), shall include a policy regarding intake of alleged violations of injunctions for protection against domestic violence under this section. The intake shall be supervised by a prosecutor who, pursuant to s. 741.2901(1), has been designated and assigned to handle domestic violence cases. The state attorney shall determine within 30 working days whether its office will proceed to file criminal charges, or prepare a motion for an order to show cause

as to why the respondent should not be held in criminal contempt, or prepare both as alternative findings, or file notice that the case remains under investigation or is pending subject to some other action.

(3) If the court has knowledge, based on its familiarity with the case, that the petitioner, the children of the petitioner, or another person is in immediate danger if the court fails to act prior to the decision of the state attorney to prosecute, it should immediately issue an order of appointment of the state attorney to file a motion for an order to show cause as to why the respondent should not be held in contempt. If the court does not issue an order of appointment of the state attorney, it shall immediately notify the state attorney that the court is proceeding to enforce the violation through criminal contempt.

(4)(a) A person who willfully violates an injunction for protection against domestic violence issued pursuant to s. 741.30, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, by:

1. Refusing to vacate the dwelling that the parties share;

2. Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

3. Committing an act of domestic violence against the petitioner;

4. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;

5. Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;

6. Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;

7. Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or

8. Refusing to surrender firearms or ammunition if ordered to do so by the court commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except as provided in paragraph (c).

(b) 1. It is a violation of s. 790.233, and a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person to violate a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.

2. It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this paragraph shall not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

(c) A person who has two or more prior convictions for violation of an injunction or foreign protection order, and who subsequently commits a violation of any injunction or foreign protection order against the same victim, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084. For purposes of this paragraph, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(5) Whether or not there is a criminal prosecution under subsection (4), the court shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate.

(6) Any person who suffers an injury and/or loss as a result of a violation of an injunction for protection against domestic violence may be awarded economic damages for that injury and/or loss by the court issuing the injunction. Damages includes costs and attorneys? fees for enforcement of the injunction.

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.

(1)(a) Except as provided in paragraph (b), a person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in a determination that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.

(b)1. A person who actually killed, intended to kill, or attempted to kill the victim and who is convicted under s. 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age shall be punished by a term of imprisonment for life if, after a sentencing hearing conducted by the court in accordance with s. 921.1401, the court finds that life imprisonment is an appropriate sentence. If the court finds that life imprisonment is not an appropriate sentence, such person shall be punished by a term of imprisonment of at least 40 years. A person sentenced pursuant to this subparagraph is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(a).

2. A person who did not actually kill, intend to kill, or attempt to kill the victim and who is convicted under s. 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life if, after a sentencing hearing conducted by the court in accordance with s. 921.1401, the court finds that life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

3. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(a) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1). No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a)1. For a life felony committed before October 1, 1983, by a term of imprisonment for life or for a term of at least 30 years.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. Except as provided in subparagraph 4., for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

4.a. Except as provided in sub-subparagraph b., for a life felony committed on or after September 1, 2005, which is a violation of s. 800.04(5)(b), by:

(I) A term of imprisonment for life; or

(II) A split sentence that is a term of at least 25 years? imprisonment and not exceeding life imprisonment, followed by probation or community control for the remainder of the person's natural life, as provided in s. 948.012(4).

b. For a life felony committed on or after July 1, 2008, which is a person's second or subsequent violation of s. 800.04(5)(b), by a t erm of imprisonment for life.

5. Notwithstanding subparagraphs 1.-4., a person who is convicted under s. 782.04 of an offense that was reclassified as a life felony which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401 and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence.

a. A person who actually killed, intended to kill, or attempted to kill the victim and is sentenced to a term of imprisonment of more than 25 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(b).

b. A person who did not actually kill, intend to kill, or attempt to kill the victim and is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

c. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(b) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

6. For a life felony committed on or after October 1, 2014, which is a violation of s. 787.06(3)(g), by a term of imprisonment for life.

(b)1. For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.

2. Notwithstanding subparagraph 1., a person convicted under s. 782.04 of a first degree felony punishable by a term of years not exceeding life imprisonment, or an offense that was reclassified as a first degree felony punishable by a term of years not exceeding life, which was committed before the person attained 18 years of age may be punished by a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401 and finds that a term of years equal to life imprisonment is an appropriate sentence.

a. A person who actually killed, intended to kill, or attempted to kill the victim and is sentenced to a term of imprisonment of more than 25 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(b).

b. A person who did not actually kill, intend to kill, or attempt to kill the victim and is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

c. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(b) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

(c) Notwithstanding paragraphs (a) and (b), a person convicted of an offense that is not included in s. 782.04 but that is an offense that is a life felony or is punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, or an offense that was reclassified as a life felony or an offense punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401 and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of more than 20 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(d).

(d) For a felony of the second degree, by a term of imprisonment not exceeding 15 years.

(e) For a felony of the third degree, by a term of imprisonment not exceeding 5 years.

(4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;

(b) For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.

(5) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county.

(6) Nothing in this section shall be construed to alter the operation of any statute of this state authorizing a trial court, in its discretion, to impose a sentence of imprisonment for an indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1).

(7) This section does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

(8)(a) The sentencing guidelines that were effective October 1, 1983, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1983, and before January 1, 1994, and to all felonies, except capital felonies and life felonies, committed before October 1, 1983, when the defendant affirmatively selects to be sentenced pursuant to such provisions.

(b) The 1994 sentencing guidelines, that were effective January 1, 1994, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after January 1, 1994, and before October 1, 1995.

(c) The 1995 sentencing guidelines that were effective October 1, 1995, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1995, and before October 1, 1998.

(d) The Criminal Punishment Code applies to all felonies, except capital felonies, committed on or after October 1, 1998. Any revision to the Criminal Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after the effective date of the revision.

(e) Felonies, except capital felonies, with continuing dates of enterprise shall be sentenced under the sentencing guidelines or the Criminal Punishment Code in effect on the beginning date of the criminal activity.

(9)(a)1. "Prison releasee reoffender" means any defendant who commits, or attempts to commit:

- **Treason;**
- **Murder;**
- **Manslaughter;**
- **Sexual battery;**
- **Carjacking;**
- **Home-invasion robbery;**
- **Robbery;**
- **Arson;**
- **Kidnapping;**
- **Aggravated assault with a deadly weapon;**
- **Aggravated battery;**
- **Aggravated stalking;**
- **Aircraft piracy;**
- **Unlawful throwing, placing, or discharging of a destructive device or bomb;**
- **Any felony that involves the use or threat of physical force or violence against an individual;**
- **Armed burglary;**
- **Burglary of a dwelling or burglary of an occupied structure; or**
- **Any felony violation of s. 790.07, s. 800.04, s. 827.03, s. 827.071, or s. 847.0135(5);**

within 3 years after being released from a state correctional facility operated by the Department of Corrections or a private vendor or within 3 years after being released from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

2. "Prison releasee reoffender" also means any defendant who commits or attempts to commit any offense listed in sub-subparagraphs (a)1.a.-r. while the defendant was serving a prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

3. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

a) For a felony punishable by life, by a term of imprisonment for life;
b) For a felony of the first degree, by a term of imprisonment of 30 years;
c) For a felony of the second degree, by a term of imprisonment of 15 years; and
d) For a felony of the third degree, by a term of imprisonment of 5 years.

(b) A person sentenced under paragraph (a) shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. Any person sentenced under paragraph (a) must serve 100 percent of the court-imposed sentence.

(c) Nothing in this subsection shall prevent a court from imposing a greater sentence of incarceration as authorized by law, pursuant t o s. 775.084 or any other provision of law.

(d)1. It is the intent of the Legislature that offenders previously released from prison who meet the criteria in paragraph (a) be punished to the fullest extent of the law and as provided in this subsection, unless the state attorney determines that extenuating circumstances exist which preclude the just prosecution of the offender, including whether the victim recommends that the offender not be sentenced as provided in this subsection.

2. For every case in which the offender meets the criteria in paragraph (a) and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney.

(10) If a defendant is sentenced for an offense committed on or after July 1, 2009, which is a third degree felony but not a forcible felony as defined in s. 776.08, and excluding any third degree felony violation under chapter 810, and if the total sentence points pursuant to s. 921.0024 are 22 points or fewer, the court must sentence the offender to a nonstate prison sanction. However, if the court makes written findings that a nonstate prison sanction could present a danger to the public, the court may sentence the offender to a state correctional facility pursuant to this section.

(11) The purpose of this section is to provide uniform punishment for those crimes made punishable under this section and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

775.083 Fines.

(1) A person who has been convicted of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment described in s. 775.082; when specifically authorized by statute, he or she may be sentenced to pay a fine in lieu of any punishment described in s. 775.082. A person who has been convicted of a noncriminal violation may be sentenced to pay a fine. Fines for designated crimes and for noncriminal violations shall not exceed:

(a) $15,000, when the conviction is of a life felony.
(b) $10,000, when the conviction is of a felony of the first or second degree.
(c) $5,000, when the conviction is of a felony of the third degree.
(d) $1,000, when the conviction is of a misdemeanor of the first degree.
(e) $500, when the conviction is of a misdemeanor of the second degree or a noncriminal violation.
(f) Any higher amount equal to double the pecuniary gain derived from the offense by the offender or double the pecuniary loss suffered by the victim.

(g) Any higher amount specifically authorized by statute.

Fines imposed in this subsection shall be deposited by the clerk of the court in the fine and forfeiture fund established pursuant to s. 142.01. If a defendant is unable to pay a fine, the court may defer payment of the fine to a date certain. As used in this subsection, the term "convicted" or "conviction" means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

(2) In addition to the fines set forth in subsection (1), court costs shall be assessed and collected in each instance a defendant pleads nolo contendere to, or is convicted of, or adjudicated delinquent for, a felony, a misdemeanor, or a criminal traffic offense under state law, or a violation of any municipal or county ordinance if the violation constitutes a misdemeanor under state law. The court costs imposed by this section shall be $50 for a felony and $20 for any other offense and shall be deposited by the clerk of the court into an appropriate county account for disbursement for the purposes provided in this subsection. A county shall account for the funds separately from other county funds as crime prevention funds. The county, in consultation with the sheriff, must expend such funds for crime prevention programs in the county.

(3) The clerk of the court of each county is the entity responsible for collecting payment of fines, fees, service charges, and court costs. Unless otherwise designated by the court, a person who has been ordered to pay court obligations under this section shall immediately contact the clerk to pay fines, fees, service charges, and court costs in full or to apply for enrollment in a payment plan pursuant to s. 28.246(4).

(4) The purpose of this section is to provide uniform penalty authorization for criminal offenses and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

775.084 Violent career criminals; habitual felony offenders and habitual violent felony offenders; three-time violent felony offenders; definitions; procedure; enhanced penalties or mandatory minimum prison terms.

(1) As used in this act:

(a) Habitual felony offender? means a defendant for whom the court may impose an extended term of imprisonment, as provided in paragraph (4)(a), if it finds that:

1. The defendant has previously been convicted of any combination of two or more felonies in this state or other qualified offenses.

2. The felony for which the defendant is to be sentenced was committed:

a. While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for a felony or other qualified offense; or

b. Within 5 years of the date of the conviction of the defendant's last prior felony or other qualified offense, or within 5 years of the defendant's release from a prison sentence, probation, community control, control release, conditional release, parole

or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later.

3. The felony for which the defendant is to be sentenced, and one of the two prior felony convictions, is not a violation of s. 893.13 relating to the purchase or the possession of a controlled substance.

4. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this paragraph.

5. A conviction of a felony or other qualified offense necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(b) "Habitual violent felony offender" means a defendant for whom the court may impose an extended term of imprisonment, as provided in paragraph (4)(b), if it finds that:

1. The defendant has previously been convicted of a felony or an attempt or conspiracy to commit a felony and one or more of such convictions was for:

a. Arson;
b. Sexual battery;
c. Robbery;
d. Kidnapping;
e. Aggravated child abuse;
f. Aggravated abuse of an elderly person or disabled adult;
g. Aggravated assault with a deadly weapon;
h. Murder;
i. Manslaughter;
j. Aggravated manslaughter of an elderly person or disabled adult;
k. Aggravated manslaughter of a child;
l. Unlawful throwing, placing, or discharging of a destructive device or bomb;
m. Armed burglary;
n. Aggravated battery; or
o. Aggravated stalking.

2. The felony for which the defendant is to be sentenced was committed:

a. While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for an enumerated felony; or

b. Within 5 years of the date of the conviction of the last prior enumerated felony, or within 5 years of the defendant?s release from a prison sentence, probation, community control, control release, conditional release, parole, or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for an enumerated felony, whichever is later.

3. The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this paragraph.

4. A conviction of a crime necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(c) "Three-time violent felony offender" means a defendant for whom the court must impose a mandatory minimum term of imprisonment, as provided in paragraph (4)(c), if it finds that:

1. The defendant has previously been convicted as an adult two or more times of a felony, or an attempt to commit a felony, and two or more of such convictions were for committing, or attempting to commit, any of the following offenses or combination thereof:

a. Arson;
b. Sexual battery;
c. Robbery;
d. Kidnapping;
e. Aggravated child abuse;
f. Aggravated abuse of an elderly person or disabled adult;
g. Aggravated assault with a deadly weapon;
h. Murder;
i. Manslaughter;

j. Aggravated manslaughter of an elderly person or disabled adult;
k. Aggravated manslaughter of a child;
l. Unlawful throwing, placing, or discharging of a destructive device or bomb;
m. Armed burglary;
n. Aggravated battery;
o. Aggravated stalking;
p. Home invasion/robbery;
q. Carjacking; or
r. An offense which is in violation of a law of any other jurisdiction if the elements of the offense are substantially similar to the elements of any felony offense enumerated in sub-subparagraphs a.-q., or an attempt to commit any such felony offense.
2. The felony for which the defendant is to be sentenced is one of the felonies enumerated in sub-subparagraphs 1.a.-q. and was committed:

a. While the defendant was serving a prison sentence or other sentence imposed as a result of a prior conviction for any offense enumerated in sub-subparagraphs 1.a.-r.; or

b. Within 5 years after the date of the conviction of the last prior offense enumerated in sub-subparagraphs 1.a.-r., or within 5 years after the defendant's release from a prison sentence, probation, community control, or other sentence imposed as a result of a prior conviction for any offense enumerated in sub-subparagraphs 1.a.-r., whichever is later.

3. The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this paragraph.

4. A conviction of a crime necessary to the operation of this paragraph has not been set aside in any postconviction proceeding. (d) "Violent career criminal" means a defendant for whom the court must impose imprisonment pursuant to paragraph (4)(d), if it finds that: 1. The defendant has previously been convicted as an adult three or more times for an offense in this state or other qualified offense that is:

a. Any forcible felony, as described in s. 776.08;

b. Aggravated stalking, as described in s. 784.048(3) and (4);

c. Aggravated child abuse, as described in s. 827.03(2)(a);

d. Aggravated abuse of an elderly person or disabled adult, as described in s. 825.102(2);

e. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, as described in s. 800.04 or s. 847.0135(5);

f. Escape, as described in s. 944.40; or

g. A felony violation of chapter 790 involving the use or possession of a firearm.

2. The defendant has been incarcerated in a state prison or a federal prison.

3. The primary felony offense for which the defendant is to be sentenced is a felony enumerated in subparagraph 1. and was committed on or after October 1, 1995, and:

a. While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for an enumerated felony; or

b. Within 5 years after the conviction of the last prior enumerated felony, or within 5 years after the defendant's release from a prison sentence, probation, community control, control release, conditional release, parole, or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for an enumerated felony, whichever is later.

4. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this paragraph. 5. A conviction of a felony or other qualified offense necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(e) "Qualified offense" means any offense, substantially similar in elements and penalties to an offense in this state, which is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction, that was punishable under the law of such jurisdiction at the time of its commission by the defendant by death or imprisonment exceeding 1 year.

(2) For the purposes of this section, the placing of a person on probation or community control without an adjudication of guilt shall be treated as a prior conviction.

(3)(a) In a separate proceeding, the court shall determine if the defendant is a habitual felony offender or a habitual violent felony offender. The procedure shall be as follows:

1. The court shall obtain and consider a presentence investigation prior to the imposition of a sentence as a habitual felony offender or a habitual violent felony offender.

2. Written notice shall be served on the defendant and the defendant's attorney a sufficient time prior to the entry of a plea or prior to the imposition of sentence in order to allow the preparation of a submission on behalf of the defendant.

3. Except as provided in subparagraph 1., all evidence presented shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

4. Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall *be appealable to the extent normally applicable to similar findings.

5. For the purpose of identification of a habitual felony offender or a habitual violent felony offender, the court shall fingerprint the defendant pursuant to s. 921.241.

6. For an offense committed on or after October 1, 1995, if the state attorney pursues a habitual felony offender sanction or a habitual violent felony offender sanction against the defendant and the court, in a separate proceeding pursuant to this paragraph, determines that the defendant meets the criteria under subsection (1) for imposing such sanction, the court must sentence the defendant as a habitual felony offender or a habitual violent felony offender, subject to imprisonment pursuant to this section unless the court finds that such sentence is not necessary for the protection of the public. If the court finds that it is not necessary for the protection of the public to sentence the defendant as a habitual felony offender or a habitual violent felony offender, the court shall provide written reasons; a written transcript of orally stated reasons is permissible, if filed by the court within 7 days after the date of sentencing. Each month, the court shall submit to the Office of Economic and Demographic Research of the Legislature the written reasons or transcripts in each case in which the court determines not to sentence a defendant as a habitual felony offender or a habitual violent felony offender as provided in this subparagraph.

(b) In a separate proceeding, the court shall determine if the defendant is a three-time violent felony offender. The procedure shall be as follows:

1. The court shall obtain and consider a presentence investigation prior to the imposition of a sentence as a three-time violent felony offender.

2. Written notice shall be served on the defendant and the defendant's attorney a sufficient time prior to the entry of a plea or prior to the imposition of sentence in order to allow the preparation of a submission on behalf of the defendant.

3. Except as provided in subparagraph 1., all evidence presented shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

4. Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable to the extent normally applicable to similar findings.

5. For the purpose of identification of a three-time violent felony offender, the court shall fingerprint the defendant pursuant to s. 921.241.

6. For an offense committed on or after the effective date of this act, if the state attorney pursues a three-time violent felony offender sanction against the defendant and the court, in a separate proceeding pursuant to this paragraph, determines that the defendant meets the criteria under subsection (1) for imposing such sanction, the court must sentence the defendant as a three-time violent felony offender, subject to imprisonment pursuant to this section as provided in paragraph (4)(c).

(c) In a separate proceeding, the court shall determine whether the defendant is a violent career criminal with respect to a primary offense committed on or after October 1, 1995. The procedure shall be as follows:

1. Written notice shall be served on the defendant and the defendant's attorney a sufficient time prior to the entry of a plea or prior to the imposition of sentence in order to allow the preparation of a submission on behalf of the defendant.

2. All evidence presented shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

3. Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable only as provided in paragraph (d).

4. For the purpose of identification, the court shall fingerprint the defendant pursuant to s. 921.241.

5. For an offense committed on or after October 1, 1995, if the state attorney pursues a violent career criminal sanction against the defendant and the court, in a separate proceeding pursuant to this paragraph, determines that the defendant meets the criteria under subsection (1) for imposing such sanction, the court must sentence the defendant as a violent career criminal, subject to imprisonment pursuant to this section unless the court finds that such sentence is not necessary for the protection of the public. If the court finds that it is not necessary for the protection of the public to sentence the defendant as a violent career criminal, the court shall provide written reasons; a written transcript of orally stated reasons is permissible, if filed by the court within 7 days after the date of sentencing. Each month, the court shall submit to the Office of Economic and Demographic Research of the Legislature the written reasons or transcripts in each case in which the court determines not to sentence a defendant as a violent career criminal as provided in this subparagraph.

(d)1. A person sentenced under paragraph (4)(d) as a violent career criminal has the right of direct appeal, and either the state or the defendant may petition the trial court to vacate an illegal sentence at any time. However, the determination of the trial court to impose or not to impose a violent career criminal sentence is presumed appropriate and no petition or motion for collateral or other postconviction relief may be considered based on an allegation either by the state or the defendant that such sentence is inappropriate, inadequate, or excessive.

2. It is the intent of the Legislature that, with respect to both direct appeal and collateral review of violent career criminal sentences, all claims of error or illegality be raised at the first opportunity and that no claim should be filed more than 2 years after the judgment and sentence became final, unless it is established that the basis for the claim could not have been ascertained at the time by the exercise of due diligence. Technical violations and mistakes at trials and sentencing proceedings involving violent career criminals that do not affect due process or fundamental fairness are not appealable by either the state or the defendant.

3. It is the intent of the Legislature that no funds, resources, or employees of the state or its political subdivisions be used, directly or indirectly, in appellate or collateral proceedings based on violent career criminal sentencing, except when such use is constitutionally or statutorily mandated.

(4)(a) The court, in conformity with the procedure established in paragraph (3)(a), may sentence the habitual felony offender as follows:

1. In the case of a life felony or a felony of the first degree, for life.

2. In the case of a felony of the second degree, for a term of years not exceeding 30.

3. In the case of a felony of the third degree, for a term of years not exceeding 10.

(b) The court, in conformity with the procedure established in paragraph (3)(a), may sentence the habitual violent felony offender as follows:

1. In the case of a life felony or a felony of the first degree, for life, and such offender shall not be eligible for release for 15 years.

2. In the case of a felony of the second degree, for a term of years not exceeding 30, and such offender shall not be eligible for release for 10 years.

3. In the case of a felony of the third degree, for a term of years not exceeding 10, and such offender shall not be eligible for release for 5 years.

(c)1. The court, in conformity with the procedure established in paragraph (3)(b), must sentence the three-time violent felony offender to a mandatory minimum term of imprisonment, as follows:

a. In the case of a felony punishable by life, to a term of imprisonment for life;
b. In the case of a felony of the first degree, to a term of imprisonment of 30 years;
c. In the case of a felony of the second degree, to a term of imprisonment of 15 years; or
d. In the case of a felony of the third degree, to a term of imprisonment of 5 years.

2. Nothing in this subsection shall prevent a court from imposing a greater sentence of incarceration as authorized by law.

(d) The court, in conformity with the procedure established in paragraph (3)(c), shall sentence the violent career criminal as follows:

1. In the case of a life felony or a felony of the first degree, for life.

2. In the case of a felony of the second degree, for a term of years not exceeding 40, with a mandatory minimum term of 30 years' imprisonment.

3. In the case of a felony of the third degree, for a term of years not exceeding 15, with a mandatory minimum term of 10 years' imprisonment.

(e) If the court finds, pursuant to paragraph (3)(a) or paragraph (3)(c), that it is not necessary for the protection of the public to sentence a defendant who meets the criteria for sentencing as a habitual felony offender, a habitual violent felony offender, or a violent career criminal, with respect to an offense committed on or after October 1, 1995, sentence shall be imposed without regard to this section.

(f) At any time when it appears to the court that the defendant is eligible for sentencing under this section, the court shall make that determination as provided in paragraph (3)(a), paragraph (3)(b), or paragraph (3)(c).

(g) A sentence imposed under this section shall not be increased after such imposition.

(h) A sentence imposed under this section is not subject to s. 921.002.

(i) The provisions of this section do not apply to capital felonies, and a sentence authorized under this section does not preclude the imposition of the death penalty for a capital felony.

(j) The provisions of s. 947.1405 shall apply to persons sentenced as habitual felony offenders and persons sentenced as habitual violent felony offenders.

(k)1. A defendant sentenced under this section as a habitual felony offender, a habitual violent felony offender, or a violent career criminal is eligible for gain-time granted by the Department of Corrections as provided in s. 944.275(4)(b).

2. For an offense committed on or after October 1, 1995, a defendant sentenced under this section as a violent career criminal is not eligible for any form of discretionary early release, other than pardon or executive clemency, or conditional medical release granted pursuant to s. 947.149.

3. For an offense committed on or after July 1, 1999, a defendant sentenced under this section as a three-time violent felony offender shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release.

(5) In order to be counted as a prior felony for purposes of sentencing under this section, the felony must have resulted in a conviction sentenced separately prior to the current offense and sentenced separately from any other felony conviction that is to be counted as a prior felony.

(6) The purpose of this section is to provide uniform punishment for those crimes made punishable under this section, and to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

784.046 Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption.

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

(a) "Violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.

(b) "Repeat violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.

(c) "Sexual violence" means any one incident of:

1. Sexual battery, as defined in chapter 794;

2. A lewd or lascivious act, as defined in chapter 800, committed upon or in the presence of a person younger than 16 years of age;

3. Luring or enticing a child, as described in chapter 787;

4. Sexual performance by a child, as described in chapter 827; or

5. Any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

(d) "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;

2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and

3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

(2) There is created a cause of action for an injunction for protection in cases of repeat violence, there is created a separate cause of action for an injunction for protection in cases of dating violence, and there is created a separate cause of action for an injunction for protection in cases of sexual violence.

(a) Any person who is the victim of repeat violence or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against repeat violence on behalf of the minor child has standing in the circuit court to file a sworn petition for an injunction for protection against repeat violence.

(b) Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of that minor child, has standing in the circuit court to file a sworn petition for an injunction for protection against dating violence.

(c) A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence has standing in the circuit court to file a sworn petition for an injunction for protection against sexual violence on his or her own behalf or on behalf of the minor child if:

1. The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent, regardless of whether criminal charges based on the sexual violence have been filed, reduced, or dismissed by the state attorney; or

2. The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

(d) A cause of action for an injunction may be sought whether or not any other petition, complaint, or cause of action is currently available or pending between the parties.

(e) A cause of action for an injunction does not require that the petitioner be represented by an attorney.

(3)(a) The clerk of the court shall provide a copy of this section, simplified forms, and clerical assistance for the preparation and filing of such a petition by any person who is not represented by counsel.

(b) Notwithstanding any other law, the clerk of the court may not assess a fee for filing a petition for protection against repeat violence, sexual violence, or dating violence. However, subject to legislative appropriation, the clerk of the court may, each quarter, submit to the Office of the State Courts Administrator a certified request for reimbursement for petitions for protection issued by the court under this section at the rate of $40 per petition. The request for reimbursement shall be submitted in the form and manner prescribed by the Office of the State Courts Administrator. From this reimbursement, the clerk shall pay the law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed $20.

(c) No bond shall be required by the court for the entry of an injunction.

(d) The clerk of the court shall provide the petitioner with a certified copy of any injunction for protection against repeat violence, sexual violence, or dating violence entered by the court.

(4)(a) The sworn petition shall allege the incidents of repeat violence, sexual violence, or dating violence and shall include the specific facts and circumstances that form the basis upon which relief is sought. With respect to a minor child who is living at home, the parent or legal guardian seeking the protective injunction on behalf of the minor child must:

1. Have been an eyewitness to, or have direct physical evidence or affidavits from eyewitnesses of, the specific facts and circumstances that form the basis upon which relief is sought, if the party against whom the protective injunction is sought is also a parent, stepparent, or legal guardian of the minor child; or

2. Have reasonable cause to believe that the minor child is a victim of repeat sexual or dating violence to form the basis upon which relief is sought, if the party against whom the protective injunction is sought is a person other than a parent, stepparent, or legal guardian of the minor child.

(b) The sworn petition must be in substantially the following form:

PETITION FOR INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE, SEXUAL VIOLENCE, OR DATING VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name), who has been sworn and says that the following statements are true:

1. Petitioner resides at (address) (A petitioner for an injunction for protection against sexual violence may furnish an address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of his or her current residence to be confidential pursuant to s. 119.071(2)(j), Florida Statutes.)

2. Respondent resides at (address).

3.a. Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has: (enumerate incidents of violence)

b. Petitioner has suffered sexual violence as demonstrated by the fact that the respondent has: (enumerate incident of violence and include incident report number from law enforcement agency or attach notice of inmate release.)

c. Petitioner is a victim of dating violence and has reasonable cause to believe that he or she is in imminent danger of becoming the victim of another act of dating violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of dating violence, as demonstrated by the fact that the respondent has: (list the specific incident or incidents of violence and describe the length of time of the relationship, whether it has been in existence during the last 6 months, the nature of the relationship of a romantic or intimate nature, the frequency and type of interaction, and any other facts that characterize the relationship.)

4. Petitioner genuinely fears repeat violence by the respondent.

5. Petitioner seeks: an immediate injunction against the respondent, enjoining him or her from committing any further acts of violence; an injunction enjoining the respondent from committing any further acts of violence; and an injunction providing any terms the court deems necessary for the protection of the petitioner and the petitioner's immediate family, including any injunctions or directives to law enforcement agencies.

(5) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, notice of hearing, and temporary injunction, if any, prior to the hearing.

(6)(a) When it appears to the court that an immediate and present danger of violence exists, the court may grant a temporary injunction which may be granted in an ex parte hearing, pending a full hearing, and may grant such relief as the court deems proper, including an injunction enjoining the respondent from committing any acts of violence.

(b) Except as provided in s. 90.204, in a hearing ex parte for the purpose of obtaining such temporary injunction, no evidence other than the verified pleading or affidavit shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. However, an ex parte temporary injunction granted under subparagraph (2)(c)2. is effective for 15 days following the date the respondent is released from incarceration. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the ex parte injunction and the full hearing before or during a hearing, for good cause shown by any party.

(7) Upon notice and hearing, the court may grant such relief as the court deems proper, including an injunction:

(a) Enjoining the respondent from committing any acts of violence.

(b) Ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies, as provided in this section.

(c) The terms of the injunction shall remain in full force and effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. Such relief may be granted in addition to other civil or criminal remedies.

(d) A temporary or final judgment on injunction for protection against repeat violence, sexual violence, or dating violence entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date that the respondent was served with the temporary or final order, if obtainable.

(8)(a)1. The clerk of the court shall furnish a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon t hereafter as possible on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of an injunction that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. In addition, if the sheriff is in possession of an injunction for protection that has been certified by the clerk of the court, the sheriff may transmit a facsimile copy of that injunction to a law enforcement officer who shall serve it in the same manner as a certified copy. The clerk of the court shall be responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the chief judge's jurisdiction to effect this type of service and to receive a portion of the service fee. No person shall be authorized or permitted to serve or execute an injunction issued under this section unless the person is a law enforcement officer as defined in chapter 943.

2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an injunction for protection against repeat violence, sexual violence, or dating violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

(b) There shall be created a Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions, dating violence injunctions, sexual violence injunctions, and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

(c)1. Within 24 hours after the court issues an injunction for protection against repeat violence, sexual violence, or dating violence or changes or vacates an injunction for protection against repeat violence, sexual violence, or dating violence, the clerk of the court must forward a copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner.

2. Within 24 hours after service of process of an injunction for protection against repeat violence, sexual violence, or dating violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against repeat violence, sexual violence, or dating violence, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

5.a. Subject to available funding, the Florida Association of Court Clerks and Comptrollers shall develop an automated process by which a petitioner may request notification of service of the injunction for protection against repeat violence, sexual violence, or dating violence and other court actions related to the injunction for protection. The automated notice shall

be made within 12 hours after the sheriff or other law enforcement officer serves the injunction upon the respondent. The notification must include, at a minimum, the date, time, and location where the injunction for protection against repeat violence, sexual violence, or dating violence was served. When a petitioner makes a request for notification, the clerk must apprise the petitioner of her or his right to request in writing that the information specified in sub-subparagraph b. be held exempt from public records requirements for 5 years. The Florida Association of Court Clerks and Comptrollers may apply for any available grants to fund the development of the automated process.

b. Upon implementation of the automated process, information held by clerks and law enforcement agencies in conjunction with the automated process developed under sub-subparagraph a. which reveals the home or employment telephone number, cellular telephone number, home or employment address, electronic mail address, or other electronic means of identification of a petitioner requesting notification of service of an injunction for protection against repeat violence, sexual violence, or dating violence and other court actions related to the injunction for protection is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the petitioner. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding this sub-subparagraph. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

6. Within 24 hours after an injunction for protection against repeat violence, sexual violence, or dating violence is lifted, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff or local law enforcement agency receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

(9)(a) The court shall enforce, through a civil or criminal contempt proceeding, a violation of an injunction for protection. The court may enforce the respondent's compliance with the injunction by imposing a monetary assessment. The clerk of the court shall collect and receive such assessments. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Crimes Compensation Trust Fund established in s. 960.21.

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) for committing an act of repeat violence, sexual violence, or dating violence in violation of an injunction for protection, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.

(10) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

(11) Any law enforcement officer who investigates an alleged incident of dating violence shall assist the victim to obtain medical treatment if such is required as a result of the alleged incident to which the officer responds. Any law enforcement officer who investigates an alleged incident of dating violence shall advise the victim of such violence that there is a domestic violence center from which the victim may receive services. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the Department of Law Enforcement. As necessary, the Department of Law Enforcement shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of this section, using simple English as well as Spanish, and shall distribute the notice as a model form to be used by all law enforcement agencies throughout the state. The notice shall include:

(a) The resource listing, including telephone number, for the area domestic violence center designated by the Department of Children and Families; and

(b) A copy of the following statement: "IF YOU ARE THE VICTIM OF DATING VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from dating violence which may include, but need not be limited to, provisions that restrain the abuser from further acts of abuse; direct the abuser to leave your household; and prevent the abuser from entering your residence, school, business, or place of employment."

(12) When a law enforcement officer investigates an allegation that an incident of dating violence has occurred, the officer shall handle the incident pursuant to the arrest policy provided in s. 901.15(7), and as developed in accordance with subsections (13), (14), and (16). Whether or not an arrest is made, the officer shall make a written police report that is complete and clearly indicates that the alleged offense was an incident of dating violence. Such report shall be given to the officer's supervisor and filed with the law enforcement agency in a manner that will permit data on dating violence cases to be compiled. Such report must include:

(a) A description of physical injuries observed, if any.

(b) If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the grounds for not arresting anyone or for arresting two or more parties.

(c) A statement which indicates that a copy of the legal rights and remedies notice was given to the victim.

Whenever possible, the law enforcement officer shall obtain a written statement from the victim and witnesses concerning the alleged dating violence. The officer shall submit the report to the supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made. The law enforcement agency shall, without charge, send a copy of the initial police report, as well as any subsequent, supplemental, or related report, which excludes victim or witness statements or other materials that are part of an active criminal investigation and are exempt from disclosure under chapter 119, to the nearest locally certified domestic violence center within 24 hours after the agency's receipt of the report. The report furnished to the domestic violence center must include a narrative description of the dating violence incident.

(13) Whenever a law enforcement officer determines upon probable cause that an act of dating violence has been committed within the jurisdiction, or that a person has violated a condition of pretrial release as provided in s. 903.047 and the original arrest was for an act of dating violence, the officer may arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge shall not require consent of the victim or consideration of the relationship of the parties.

(14)(a) When complaints are received from two or more parties, the officers shall evaluate each complaint separately to determine whether there is probable cause for arrest.

(b) If a law enforcement officer has probable cause to believe that two or more persons have committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer shall try to determine who was the primary aggressor. Arrest is the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner to protect or defend himself or herself or another family or household member from dating violence.

(15) A person who willfully violates a condition of pretrial release provided in s. 903.047, when the original arrest was for an act of dating violence as defined in this section, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and shall be held in custody until his or her first appearance.

(16) A law enforcement officer acting in good faith under this section and the officer's employing agency shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed by reason of the officer's or agency's actions in carrying out the provisions of this section.

784.048 Stalking; definitions; penalties.

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

(a) "Harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.

(b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.

(c) "Credible threat" means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

(d) "Cyberstalk" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

(2) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a child under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) A law enforcement officer may arrest, without a warrant, any person that he or she has probable cause to believe has violated this section.

(7) A person who, after having been sentenced for a violation of s. 794.011, s. 800.04, or s. 847.0135(5) and prohibited from contacting the victim of the offense under s. 921.244, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks the victim commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) The punishment imposed under this section shall run consecutive to any former sentence imposed for a conviction for any offense under s. 794.011, s. 800.04, or s. 847.0135(5).

(9)(a) The sentencing court shall consider, as a part of any sentence, issuing an order restraining the defendant from any contact with the victim, which may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any such order be based upon the seriousness of the facts before the court, the probability of future violations by the perpetrator, and the safety of the victim and his or her family members or individuals closely associated with the victim.

(b) The order may be issued by the court even if the defendant is sentenced to a state prison or a county jail or even if the imposition of the sentence is suspended and the defendant is placed on probation.

787.01 Kidnapping; kidnapping of child under age 13, aggravating circumstances.

(1)(a) The term "kidnapping" means forcibly, secretly, or by threat confining, abducting, or imprisoning another person against her or his will and without lawful authority, with intent to:

1. Hold for ransom or reward or as a shield or hostage.

2. Commit or facilitate commission of any felony.

3. Inflict bodily harm upon or to terrorize the victim or another person.

4. Interfere with the performance of any governmental or political function.

(b) Confinement of a child under the age of 13 is against her or his will within the meaning of this subsection if such confinement is without the consent of her or his parent or legal guardian.

(2) A person who kidnaps a person is guilty of a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) A person who commits the offense of kidnapping upon a child under the age of 13 and who, in the course of committing the offense, commits one or more of the following:

1. Aggravated child abuse, as defined in s. 827.03;

2. Sexual battery, as defined in chapter 794, against the child;

3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);

4. A violation of former s. 796.03 or s. 796.04, relating to prostitution, upon the child;

5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; or

6. A violation of s. 787.06(3)(g), relating to human trafficking, commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Pursuant to s. 775.021(4), nothing contained herein shall be construed to prohibit the imposition of separate judgments and sentences for the life felony described in paragraph (a) and for each separate offense enumerated in subparagraphs (a)1.-5.

787.02 False imprisonment; false imprisonment of child under age 13, aggravating circumstances.

(1)(a) The term "false imprisonment" means forcibly, by threat, or secretly confining, abducting, imprisoning, or restraining another person without lawful authority and against her or his will.

(b) Confinement of a child under the age of 13 is against her or his will within the meaning of this section if such confinement is without the consent of her or his parent or legal guardian.

(2) A person who commits the offense of false imprisonment is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) A person who commits the offense of false imprisonment upon a child under the age of 13 and who, in the course of committing the offense, commits any offense enumerated in 1 subparagraphs 1.-5., commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

1. Aggravated child abuse, as defined in s. 827.03;

2. Sexual battery, as defined in chapter 794, against the child;

3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);

4. A violation of former s. 796.03 or s. 796.04, relating to prostitution, upon the child;

5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; or

6. A violation of s. 787.06(3)(g) relating to human trafficking.

(b) Pursuant to s. 775.021(4), nothing contained herein shall be construed to prohibit the imposition of separate judgments and sentences for the first degree offense described in paragraph (a) and for each separate offense enumerated in subparagraphs (a)1.-5. 787.025 Luring or enticing a child.

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

(a) "Structure" means a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage t hereof.

(b) "Dwelling" means a building or conveyance of any kind, either temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging together therein at night, together with the curtilage thereof.

(c) "Conveyance" means any motor vehicle, ship, vessel, railroad car, trailer, aircraft, or sleeping car.

(d) "Convicted" means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

(2)(a) A person 18 years of age or older who intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person 18 years of age or older who, having been previously convicted of a violation of paragraph (a), intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person 18 years of age or older who, having been previously convicted of a violation of chapter 794, s. 800.04 or s. 847.0135(5), or a violation of a similar law of another jurisdiction, intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) It is an affirmative defense to a prosecution under this section that:

(a) The person reasonably believed that his or her action was necessary to prevent the child from being seriously injured.

(b) The person lured or enticed, or attempted to lure or entice, the child under the age of 12 into a structure, dwelling, or conveyance for a lawful purpose.

(c) The person's actions were reasonable under the circumstances and the defendant did not have any intent to harm the health, safety, or welfare of the child.

794.011 Sexual battery.

(1) As used in this chapter:

(a) "Consent" means intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

(b) "Mentally defective" means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.

(c) "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.

(d) "Offender" means a person accused of a sexual offense in violation of a provision of this chapter.

(e) "Physically helpless" means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

(f) "Retaliation" includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.

(g) "Serious personal injury" means great bodily harm or pain, permanent disability, or permanent disfigurement.

(h) "Sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

(i) "Victim" means a person who has been the object of a sexual offense.

(j) "Physically incapacitated" means bodily impaired or handicapped and substantially limited in ability to resist or flee.

(2)(a) A person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a capital felony, punishable as provided in s. 775.082 and 921.141.

(b) A person less than 18 years of age who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a life felony, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(3) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process t hereof uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury commits a life felony, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(4)(a) A person 18 years of age or older who commits sexual battery upon a person 12 years of age or older but younger than 18 years of age without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(b) A person 18 years of age or older who commits sexual battery upon a person 18 years of age or older without that person?s consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(c) A person younger than 18 years of age who commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(d) A person commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the person commits sexual battery upon a person 12 years of age or older

without that person's consent, under any of the circumstances listed in paragraph (e), and such person was previously convicted of a violation of:

1. Section 787.01(2) or s. 787.02(2) when the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed against the minor a sexual battery under this chapter or a lewd act under s. 800.04 or s. 847.0135(5);

2. Section 787.01(3)(a)2. or 3.;

3. Section 787.02(3)(a)2. or 3.;

4. Section 800.04;

5. Section 825.1025;

6. Section 847.0135(5); or

7. This chapter, excluding subsection (10) of this section.

(e) The following circumstances apply to paragraphs (a)-(d):

1. The victim is physically helpless to resist.

2. The offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat.

3. The offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future.

4. The offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance that mentally or physically incapacitates the victim.

5. The victim is mentally defective, and the offender has reason to believe this or has actual knowledge of this fact.

6. The victim is physically incapacitated.

7. The offender is a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified under s. 943.1395 or is an elected official exempt from such certification by virtue of s. 943.253, or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and such officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of government.

(5)(a) A person 18 years of age or older who commits sexual battery upon a person 12 years of age or older but younger than 18 years of age, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(b) A person 18 years of age or older who commits sexual battery upon a person 18 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(c) A person younger than 18 years of age who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(d) A person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the person commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury and the person was previously convicted of a violation of:

1. Section 787.01(2) or s. 787.02(2) when the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed against the minor a sexual battery under this chapter or a lewd act under s. 800.04 or s. 847.0135(5);

2. Section 787.01(3)(a)2. or 3.;

3. Section 787.02(3)(a)2. or 3.;

4. Section 800.04;

5. Section 825.1025;

6. Section 847.0135(5); or

7. This chapter, excluding subsection (10) of this section.

(6)(a) The offenses described in paragraphs (5)(a)-(c) are included in any sexual battery offense charged under subsection (3).

(b) The offense described in paragraph (5)(a) is included in an offense charged under paragraph (4)(a).

(c) The offense described in paragraph (5)(b) is included in an offense charged under paragraph (4)(b).

(d) The offense described in paragraph (5)(c) is included in an offense charged under paragraph (4)(c).

(e) The offense described in paragraph (5)(d) is included in an offense charged under paragraph (4)(d).

(7) A person who is convicted of committing a sexual battery on or after October 1, 1992, is not eligible for basic gain-time under s. 944.275. This subsection may be cited as the "Junny Rios-Martinez, Jr. Act of 1992."

(8) Without regard to the willingness or consent of the victim, which is not a defense to prosecution under this subsection, a person who is in a position of familial or custodial authority to a person less than 18 years of age and who:

(a) Solicits that person to engage in any act which would constitute sexual battery under paragraph (1)(h) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Engages in any act with that person while the person is 12 years of age or older but younger than 18 years of age which constitutes sexual battery under paragraph (1)(h) commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Engages in any act with that person while the person is less than 12 years of age which constitutes sexual battery under paragraph (1)(h), or in an attempt to commit sexual battery injures the sexual organs of such person commits a capital or life felony, punishable pursuant to subsection (2).

(9) For prosecution under paragraph (4)(a), paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d) which involves an offense committed under any of the circumstances listed in subparagraph (4)(e)7., acquiescence to a person reasonably believed by the victim to be in a position of authority or control does not constitute consent, and it is not a defense that the perpetrator was not actually in a position of control or authority if the circumstances were such as to lead the victim to reasonably believe that the person was in such a position.

(10) A person who falsely accuses a person listed in subparagraph (4)(e)7. or other person in a position of control or authority as an agent or employee of government of violating paragraph (4)(a), paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

794.0115 Dangerous sexual felony offender; mandatory sentencing.

(1) This section may be cited as the "Dangerous Sexual Felony Offender Act."

(2) Any person who is convicted of a violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or (4); or s. 847.0145; or of any similar offense under a former designation, which offense the person committed when he or she was 18 years of age or older, and the person:

(a) Caused serious personal injury to the victim as a result of the commission of the offense;

(b) Used or threatened to use a deadly weapon during the commission of the offense;

(c) Victimized more than one person during the course of the criminal episode applicable to the offense;

(d) Committed the offense while under the jurisdiction of a court for a felony offense under the laws of this state, for an offense that is a felony in another jurisdiction, or for an offense that would be a felony if that offense were committed in this state; or

(e) Has previously been convicted of a violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or (4); s. 847.0145; of any offense under a former statutory designation which is similar in

elements to an offense described in this paragraph; or of any offense that is a felony in another jurisdiction, or would be a felony if that offense were committed in this state, and which is similar in elements to an offense described in this paragraph,

is a dangerous sexual felony offender, who must be sentenced to a mandatory minimum term of 25 years imprisonment up to, and including, life imprisonment. If the offense described in this subsection was committed on or after October 1, 2014, a person who qualifies as a dangerous sexual felony offender pursuant to this subsection must be sentenced to a mandatory minimum term of 50 years imprisonment up to, and including, life imprisonment.

(3) "Serious personal injury" means great bodily harm or pain, permanent disability, or permanent disfigurement.

(4) The offense described in subsection (2) which is being charged must have been committed after the date of commission of the last prior conviction for an offense that is a prior conviction described in paragraph (2)(e).

(5) It is irrelevant that a factor listed in subsection (2) is an element of an offense described in that subsection. It is also irrelevant that such an offense was reclassified to a higher felony degree under s. 794.023 or any other law.

(6) Notwithstanding s. 775.082(3), chapter 958, any other law, or any interpretation or construction thereof, a person subject to sentencing under this section must be sentenced to the mandatory term of imprisonment provided under this section. If the mandatory minimum term of imprisonment imposed under this section exceeds the maximum sentence authorized under s. 775.082, s. 775.084, or chapter 921, the mandatory minimum term of imprisonment under this section must be imposed. If the mandatory minimum term of imprisonment under this section is less than the sentence that could be imposed under s. 775.082, s. 775.084, or chapter 921, the sentence imposed must include the mandatory minimum term of imprisonment under this section.

(7) A defendant sentenced to a mandatory minimum term of imprisonment under this section is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, before serving the minimum sentence.

794.02 Common-law presumption relating to age abolished. The common-law rule "that a boy under 14 years of age is conclusively presumed to be incapable of committing the crime of rape" shall not be in force in this state.

794.021 Ignorance or belief as to victim's age no defense.? When, in this chapter, the criminality of conduct depends upon the victim's being below a certain specified age, ignorance of the age is no defense. Neither shall misrepresentation of age by such person nor a bona fide belief that such person is over the specified age be a defense.

794.023 Sexual battery by multiple perpetrators; reclassification of offenses.

(1) The Legislature finds that an act of sexual battery, when committed by more than one person, presents a great danger to the public and is extremely offensive to civilized society. It is therefore the intent of the Legislature to reclassify offenses for acts of sexual battery committed by more than one person.

(2) A violation of s. 794.011 shall be reclassified as provided in this subsection if it is charged and proven by the prosecution that, during the same criminal transaction or episode, more than one person committed an act of sexual battery on the same victim.

(a) A felony of the second degree is reclassified to a felony of the first degree.

(b) A felony of the first degree is reclassified to a life felony.

This subsection does not apply to life felonies or capital felonies. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

794.05 Unlawful sexual activity with certain minors.

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

(2) The provisions of this section do not apply to a person 16 or 17 years of age who has had the disabilities of nonage removed under chapter 743.

(3) The victim's prior sexual conduct is not a relevant issue in a prosecution under this section.

(4) If an offense under this section directly results in the victim giving birth to a child, paternity of that child shall be established as described in chapter 742. If it is determined that the offender is the father of the child, the offender must pay child support pursuant to the child support guidelines described in chapter 61.

800.04 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

(1) DEFINITIONS. As used in this section:

(a) "Sexual activity" means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.

(b) "Consent" means intelligent, knowing, and voluntary consent, and does not include submission by coercion.

(c) "Coercion" means the use of exploitation, bribes, threats of force, or intimidation to gain cooperation or compliance.

(d) "Victim" means a person upon whom an offense described in this section was committed or attempted or a person who has reported a violation of this section to a law enforcement officer.

(2) PROHIBITED DEFENSES. - Neither the victim's lack of chastity nor the victim's consent is a defense to the crimes proscribed by this section.

(3) IGNORANCE OR BELIEF OF VICTIM'S AGE. The perpetrator's ignorance of the victim's age, the victim's misrepresentation of his or her age, or the perpetrator's bona fide belief of the victim's age cannot be raised as a defense in a prosecution under this section.

(4) LEWD OR LASCIVIOUS BATTERY. -

(a) A person commits lewd or lascivious battery by:

1. Engaging in sexual activity with a person 12 years of age or older but less than 16 years of age; or

2. Encouraging, forcing, or enticing any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity.

(b) Except as provided in paragraph (c), an offender who commits lewd or lascivious battery commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 if the person is an offender 18 years of age or older who commits lewd or lascivious battery and was previously convicted of a violation of:

1. Section 787.01(2) or s. 787.02(2) when the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed against the minor a sexual battery under chapter 794 or a lewd act under this section or s. 847.0135(5);

2. Section 787.01(3)(a)2. or 3.;

3. Section 787.02(3)(a)2. or 3.;

4. Chapter 794, excluding s. 794.011(10);

5. Section 825.1025;

6. Section 847.0135(5); or

7. This section. (5) LEWD OR LASCIVIOUS MOLESTATION. -

(a) A person who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation.

(b) An offender 18 years of age or older who commits lewd or lascivious molestation against a victim less than 12 years of age commits a life felony, punishable as provided in s. 775.082(3)(a)4.

(c)1. An offender less than 18 years of age who commits lewd or lascivious molestation against a victim less than 12 years of age; or

2. An offender 18 years of age or older who commits lewd or lascivious molestation against a victim 12 years of age or older but less than 16 years of age commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) An offender less than 18 years of age who commits lewd or lascivious molestation against a victim 12 years of age or older but less than 16 years of age commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) A person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 if the person is 18 years of age or older and commits lewd or lascivious molestation against a victim 12 years of age or older but less than 16 years of age and the person was previously convicted of a violation of:

1. Section 787.01(2) or s. 787.02(2) when the violation involved a victim who was a minor and, in the course of committing the violation, the defendant committed against the minor a sexual battery under chapter 794 or a lewd act under this section or s. 847.0135(5);

2. Section 787.01(3)(a)2. or 3.;

3. Section 787.02(3)(a)2. or 3.;

4. Chapter 794, excluding s. 794.011(10);

5. Section 825.1025;

6. Section 847.0135(5); or

7. This section.

(6) LEWD OR LASCIVIOUS CONDUCT. -

(a) A person who:

1. Intentionally touches a person under 16 years of age in a lewd or lascivious manner; or

2. Solicits a person under 16 years of age to commit a lewd or lascivious act commits lewd or lascivious conduct.

(b) An offender 18 years of age or older who commits lewd or lascivious conduct commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) An offender less than 18 years of age who commits lewd or lascivious conduct commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) LEWD OR LASCIVIOUS EXHIBITION. -

(a) A person who:

1. Intentionally masturbates;

2. Intentionally exposes the genitals in a lewd or lascivious manner; or

3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a victim who is less than 16 years of age, commits lewd or lascivious exhibition.

(b) An offender 18 years of age or older who commits a lewd or lascivious exhibition commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) An offender less than 18 years of age who commits a lewd or lascivious exhibition commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) EXCEPTION. - A mother's breastfeeding of her baby does not under any circumstance constitute a violation of this section. 825.1025 Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person. -

(1) As used in this section, "sexual activity" means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.

(2)(a) "Lewd or lascivious battery upon an elderly person or disabled person" occurs when a person encourages, forces, or entices an elderly person or disabled person to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity, when the person knows or reasonably should know that the elderly person or disabled person either lacks the capacity to consent or fails to give consent.

(b) A person who commits lewd or lascivious battery upon an elderly person or disabled person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) "Lewd or lascivious molestation of an elderly person or disabled person" occurs when a person intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of an elderly person or disabled person when the person knows or reasonably should know that the elderly person or disabled person either lacks the capacity to consent or fails to give consent.

(b) A person who commits lewd or lascivious molestation of an elderly person or disabled person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) "Lewd or lascivious exhibition in the presence of an elderly person or disabled person" occurs when a person, in the presence of an elderly person or disabled person:

1. Intentionally masturbates;

2. Intentionally exposes his or her genitals in a lewd or lascivious manner; or

3. Intentionally commits any other lewd or lascivious act that does not involve actual physical or sexual contact with the elderly person or disabled person, including but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity, when the person knows or reasonably should know that the elderly person or disabled person either lacks the capacity to consent or fails to give consent to having such act committed in his or her presence.

(b) A person who commits a lewd or lascivious exhibition in the presence of an elderly person or disabled person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

827.071 Sexual performance by a child; penalties. -

(1) As used in this section, the following definitions shall apply:

(a) "Deviate sexual intercourse" means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

(b) "Intentionally view" means to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.

(c) "Performance" means any play, motion picture, photograph, or dance or any other visual representation exhibited before an audience.

(d) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do the same.

(e) "Sadomasochistic abuse" means flagellation or torture by or upon a person, or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction from inflicting harm on another or receiving such harm oneself.

(f) "Sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, "sexual battery" does not include an act done for a bona fide medical purpose.

(g) "Sexual bestiality" means any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or vagina of the other.

(h) "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."

(i) "Sexual performance" means any performance or part thereof which includes sexual conduct by a child of less than 18 years of age.

(j) "Simulated" means the explicit depiction of conduct set forth in paragraph

(h) which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

(2) A person is guilty of the use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child less than 18 years of age to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. Whoever violates this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child less than 18 years of age. Whoever violates this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes any sexual conduct by a child. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. Whoever violates this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(a) It is unlawful for any person to knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include any sexual conduct by a child. The possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes sexual conduct by more than one child, then each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly possessed, controlled, or intentionally viewed is a separate offense. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) This subsection does not apply to material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

(6) Prosecution of any person for an offense under this section shall not prohibit prosecution of that person in this state for a violation of any law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

847.0135 Computer pornography; prohibited computer usage; traveling to meet minor; penalties. -

(1) SHORT TITLE. - This section shall be known and may be cited as the "Computer Pornography and Child Exploitation Prevention Act."

(2) COMPUTER PORNOGRAPHY. - A person who:

(a) Knowingly compiles, enters into, or transmits by use of computer;

(b) Makes, prints, publishes, or reproduces by other computerized means;

(c) Knowingly causes or allows to be entered into or transmitted by use of computer; or

(d) Buys, sells, receives, exchanges, or disseminates, any notice, statement, or advertisement of any minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with any minor, or the visual depiction of such conduct, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense under this section shall not constitute a defense to a prosecution under this section.

(3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES PROHIBITED. - Any person who knowingly uses a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

(a) Seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child, to commit any illegal act described in chapter 794, chapter 800, or chapter 827, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child; or

(b) Solicit, lure, or entice, or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in chapter 794, chapter 800, or chapter 827, or to otherwise engage in any sexual conduct, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any person who, in violating this subsection, misrepresents his or her age, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775084. Each separate use of a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission wherein an offense described in this section is committed may be charged as a separate offense.

(4) TRAVELING TO MEET A MINOR.- Any person who travels any distance either within this state, to this state, or from this state by any means, who attempts to do so, or who causes another to do so or to attempt to do so for the purpose of engaging in any illegal act described in chapter 794, chapter 800, or chapter 827, or to otherwise engage in other unlawful sexual conduct with a child or with another person believed by the person to be a child after using a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

(a) Seduce, solicit, lure, or entice or attempt to seduce, solicit, lure, or entice a child or another person believed by the person to be a child, to engage in any illegal act described in chapter 794, chapter 800, or chapter 827, or to otherwise engage in other unlawful sexual conduct with a child; or

(b) Solicit, lure, or entice or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in chapter 794, chapter 800, or chapter 827, or to otherwise engage in any sexual conduct, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) CERTAIN COMPUTER TRANSMISSIONS PROHIBITED. -

(a) A person who:

1. Intentionally masturbates;

2. Intentionally exposes the genitals in a lewd or lascivious manner; or

3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity live over a computer online service, Internet service, or local bulletin board service and who knows or should know or has reason to believe that the transmission is viewed on a computer or television monitor by a victim who is less than 16 years of age, commits lewd or lascivious exhibition in violation of this subsection. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense under this subsection shall not constitute a defense to a prosecution under this subsection.

(b) An offender 18 years of age or older who commits a lewd or lascivious exhibition using a computer commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) An offender less than 18 years of age who commits a lewd or lascivious exhibition using a computer commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) A mother's breastfeeding of her baby does not under any circumstance constitute a violation of this subsection.

(6) OWNERS OR OPERATORS OF COMPUTER SERVICES LIABLE. - It is unlawful for any owner or operator of a computer online service, Internet service, or local bulletin board service knowingly to permit a subscriber to use the service to commit a violation of this section. Any person who violates this section commits a misdemeanor of the first degree, punishable by a fine not exceeding $2,000.

(7) STATE CRIMINAL JURISDICTION. - A person is subject to prosecution in this state pursuant to chapter 910 for any conduct proscribed by this section which the person engages in, while either within or outside this state, if by such conduct the person commits a violation of this section involving a child, a child's guardian, or another person believed by the person to be a child or a child's guardian.

(8) EFFECT OF PROSECUTION. - Prosecution of any person for an offense under this section shall not prohibit prosecution of that person in this state or another jurisdiction for a violation of any law of this state, including a law providing for greater

penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

847.0145 Selling or buying of minors; penalties. -

(1) Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, either:

(a) With knowledge that, as a consequence of the sale or transfer, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

(b) With intent to promote either:

1. The engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

2. The rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct; shall be guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever purchases or otherwise obtains custody or control of a minor, or offers to purchase or otherwise obtain custody or control of a minor, either:

(a) With knowledge that, as a consequence of the purchase or obtaining of custody, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct;

(b) With intent to promote either:

1. The engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

2. The rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct; shall be guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

921.0022 Criminal Punishment Code; offense severity ranking chart. -

(1) The offense severity ranking chart must be used with the Criminal Punishment Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998.

(2) The offense severity ranking chart has 10 offense levels, ranked from least severe, which are level 1 offenses, to most severe, which are level 10 offenses, and each felony offense is assigned to a level according to the severity of the offense. For purposes of determining which felony offenses are specifically listed in the offense severity ranking chart and which severity level has been assigned to each of these offenses, the numerical statutory references in the left column of the chart and the felony degree designations in the middle column of the chart are controlling; the language in the right column of the chart is provided solely for descriptive purposes. Reclassification of the degree of the felony through the application of s. 775.0845, s. 775.085, s. 775.0861, s. 775.0862, s. 775.0863, s. 775.087, s. 775.0875, s. 794.023, or any other law that provides an enhanced penalty for a felony offense, to any offense listed in the offense severity ranking chart in this section shall not cause the offense to become unlisted and is not subject to the provisions of s. 921.0023.

921.0023 Criminal Punishment Code; ranking unlisted felony offenses. -

A felony offense committed on or after October 1, 1998, that is not listed in s. 921.0022 is ranked with respect to offense severity level by the Legislature, commensurate with the harm or potential harm that is caused by the offense to the community. Until the Legislature specifically assigns an offense to a severity level in the offense severity ranking chart, the severity level is within the following parameters:

(1) A felony of the third degree within offense level 1.

(2) A felony of the second degree within offense level 4.

(3) A felony of the first degree within offense level 7.

(4) A felony of the first degree punishable by life within offense level 9.

(5) A life felony within offense level 10.

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence. -

(1) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY. - Upon conviction or adjudication of guilt of a defendant of a capital felony, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in chapter 913 to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In the proceeding, evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the character of the defendant and shall include matters relating to any of the aggravating factors enumerated in subsection (6) and for which notice has been provided pursuant to s. 782.04(1)(b) or mitigating circumstances enumerated in subsection (7). Any such evidence that the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the Constitution of the State of Florida. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against sentence of death.

(2) FINDINGS AND RECOMMENDED SENTENCE BY THE JURY. -This subsection applies only if the defendant has not waived his or her right to a sentencing proceeding by a jury.

(a) After hearing all of the evidence presented regarding aggravating factors and mitigating circumstances, the jury shall deliberate and determine if the state has proven, beyond a reasonable doubt, the existence of at least one aggravating factor set forth in subsection (6).

(b) The jury shall return findings identifying each aggravating factor found to exist. A finding that an aggravating factor exists must be unanimous. If the jury:

1. Does not unanimously find at least one aggravating factor, the defendant is ineligible for a sentence of death.

2. Unanimously finds at least one aggravating factor, the defendant is eligible for a sentence of death and the jury shall make a recommendation to the court as to whether the defendant shall be sentenced to life imprisonment without the possibility of parole or to death. The recommendation shall be based on a weighing of all of the following:

a. Whether sufficient aggravating factors exist.

b. Whether aggravating factors exist which outweigh the mitigating circumstances found to exist.

c. Based on the considerations in sub-subparagraphs a. and b., whether the defendant should be sentenced to life imprisonment without the possibility of parole or to death.

(c) If a unanimous jury determines that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of death. If a unanimous jury does not determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of life imprisonment without the possibility of parole.

(3) IMPOSITION OF SENTENCE OF LIFE IMPRISONMENT OR DEATH. –

(a) If the jury has recommended a sentence of:

1. Life imprisonment without the possibility of parole, the court shall impose the recommended sentence.

2. Death, the court, after considering each aggravating factor found by the jury and all mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may consider only an aggravating factor that was unanimously found to exist by the jury.

(b) If the defendant waived his or her right to a sentencing proceeding by a jury, the court, after considering all aggravating factors and mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may impose a sentence of death only if the court finds that at least one aggravating factor has been proven to exist beyond a reasonable doubt.

(4) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF DEATH.- In each case in which the court imposes a sentence of death, the court shall, considering the records of the trial and the sentencing proceedings, enter a written order addressing the aggravating factors set forth in subsection (6) found to exist, the mitigating circumstances in subsection (7) reasonably established by the evidence, whether there are sufficient aggravating factors to warrant the death penalty, and whether the aggravating factors outweigh the mitigating circumstances reasonably established by the evidence. If the court does not

issue its order requiring the death sentence within 30 days after the rendition of the judgment and sentence, the court shall impose a sentence of life imprisonment without the possibility of parole in accordance with s. 775.082. following parameters:

(1) A felony of the third degree within offense level 1.

(2) A felony of the second degree within offense level 4.

(3) A felony of the first degree within offense level 7.

(4) A felony of the first degree punishable by life within offense level 9.

(5) A life felony within offense level 10.

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence. –

(1) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY. - Upon conviction or adjudication of guilt of a defendant of a capital felony, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in chapter 913 to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In the proceeding, evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the character of the defendant and shall include matters relating to any of the aggravating factors enumerated in subsection (6) and for which notice has been provided pursuant to s. 782.04(1)(b) or mitigating circumstances enumerated in subsection (7). Any such evidence that the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the Constitution of the State of Florida. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against sentence of death.

(2) FINDINGS AND RECOMMENDED SENTENCE BY THE JURY. - This subsection applies only if the defendant has not waived his or her right to a sentencing proceeding by a jury.

(a) After hearing all of the evidence presented regarding aggravating factors and mitigating circumstances, the jury shall deliberate and determine if the state has proven, beyond a reasonable doubt, the existence of at least one aggravating factor set forth in subsection (6).

(b) The jury shall return findings identifying each aggravating factor found to exist. A finding that an aggravating factor exists must be unanimous. If the jury:

1. Does not unanimously find at least one aggravating factor, the defendant is ineligible for a sentence of death.

2. Unanimously finds at least one aggravating factor, the defendant is eligible for a sentence of death and the jury shall make a recommendation to the court as to whether the defendant shall be sentenced to life imprisonment without the possibility of parole or to death. The recommendation shall be based on a weighing of all of the following:

a. Whether sufficient aggravating factors exist.

b. Whether aggravating factors exist which outweigh the mitigating circumstances found to exist.

c. Based on the considerations in sub-subparagraphs a. and b., whether the defendant should be sentenced to life imprisonment without the possibility of parole or to death.

(3) IMPOSITION OF SENTENCE OF LIFE IMPRISONMENT OR DEATH. –

(a) If the jury has recommended a sentence of:

1. Life imprisonment without the possibility of parole, the court shall impose the recommended sentence.

(c) If a unanimous jury determines that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of death. If a unanimous jury does not determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of life imprisonment without the possibility of parole.

2. Death, the court, after considering each aggravating factor found by the jury and all mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may consider only an aggravating factor that was unanimously found to exist by the jury.

(b) If the defendant waived his or her right to a sentencing proceeding by a jury, the court, after considering all aggravating factors and mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may impose a sentence of death only if the court finds that at least one aggravating factor has been proven to exist beyond a reasonable doubt.

(4) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF DEATH.- In each case in which the court imposes a sentence of death, the court shall, considering the records of the trial and the sentencing proceedings, enter a written order addressing the aggravating factors set forth in subsection (6) found to exist, the mitigating circumstances in subsection (7) reasonably established by the evidence, whether there are sufficient aggravating factors to warrant the death penalty, and whether the aggravating factors outweigh the mitigating circumstances reasonably established by the evidence. If the court does not issue its order requiring the death sentence within 30 days after the rendition of the judgment and sentence, the court shall impose a sentence of life imprisonment without the possibility of parole in accordance with s. 775.082.

(5) REVIEW OF JUDGMENT AND SENTENCE. -The judgment of conviction and sentence of death shall be subject to automatic review by the Supreme Court of Florida and disposition rendered within 2 years after the filing of a notice of appeal. Such review by the Supreme Court shall have priority over all other cases and shall be heard in accordance with rules adopted by the Supreme Court.

(6) AGGRAVATING FACTORS. - Aggravating factors shall be limited to the following:

(a) The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment or placed on community control or on felony probation.

(b) The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.

(c) The defendant knowingly created a great risk of death to many persons.

(d) The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any: robbery; sexual battery; aggravated child abuse; abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; arson; burglary; kidnapping; aircraft piracy; or unlawful throwing, placing, or discharging of a destructive device or bomb.

(e) The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.

(f) The capital felony was committed for pecuniary gain.

(g) The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.

(h) The capital felony was especially heinous, atrocious, or cruel.

(i) The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification.

(j) The victim of the capital felony was a law enforcement officer engaged in the performance of his or her official duties.

(k) The victim of the capital felony was an elected or appointed public official engaged in the performance of his or her official duties if the motive for the capital felony was related, in whole or in part, to the victim's official capacity.

(l) The victim of the capital felony was a person less than 12 years of age.

(m) The victim of the capital felony was particularly vulnerable due to advanced age or disability, or because the defendant stood in a position of familial or custodial authority over the victim.

(n) The capital felony was committed by a criminal gang member, as defined in s. 874.03.

(o) The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21 or a person previously designated as a sexual predator who had the sexual predator designation removed.

(p) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

(7) MITIGATING CIRCUMSTANCES. - Mitigating circumstances shall be the following:

(a) The defendant has no significant history of prior criminal activity.

(b) The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.

(c) The victim was a participant in the defendant's conduct or consented to the act.

(d) The defendant was an accomplice in the capital felony committed by another person and his or her participation was relatively minor.

(e) The defendant acted under extreme duress or under the substantial domination of another person.

(f) The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired.

(g) The age of the defendant at the time of the crime.

(h) The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty.

(8) VICTIM IMPACT EVIDENCE. - Once the prosecution has provided evidence of the existence of one or more aggravating factors as described in subsection (6), the prosecution may introduce, and subsequently argue, victim impact evidence to the jury. Such evidence shall be designed to demonstrate the victim's uniqueness as an individual human being and the resultant loss to the community's members by the victim's death. Characterizations and opinions about the crime, the defendant, and the appropriate sentence shall not be permitted as a part of victim impact evidence.

(9) APPLICABILITY. - This section does not apply to a person convicted or adjudicated guilty of a capital drug trafficking felony under s. 893.135.

921.244 Order of no contact; penalties. –

(1) At the time of sentencing an offender convicted of a violation of s. 794.011, s. 800.04, s. 847.0135(5), or any offense in s. 775.084(1)(b)1.a.-o., the court shall order that the offender be prohibited from having any contact with the victim, directly or indirectly, including through a third person, for the duration of the sentence imposed. The court may reconsider the order upon the request of the victim if the request is made at any time after the victim has attained 18 years of age. In considering the request, the court shall conduct an evidentiary hearing to determine whether a change of circumstances has occurred which warrants a change in the court order prohibiting contact and whether it is in the best interest of the victim that the court order be modified or rescinded.

(2) Any offender who violates a court order issued under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) The punishment imposed under this section shall run consecutive to any former sentence imposed for a conviction for any offense under s. 794.011, s. 800.04, s. 847.0135(5), or any offense in s. 775.084(1)(b)1. a.-o.

943.10 Definitions; ss. 943.085-943.255.?

The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(1) "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law 90 enforcement officers but does not include support personnel employed by the employing agency.

(2) "Correctional officer" means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the

supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel.

(3) "Correctional probation officer" means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controlees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.

(4) "Employing agency" means any agency or unit of government or any municipality or the state or any political subdivision thereof, or any agent thereof, which has constitutional or statutory authority to employ or appoint persons as officers. The term also includes any private entity which has contracted with the state or county for the operation and maintenance of a non-juvenile detention facility.

(5) "Commission" means the Criminal Justice Standards and Training Commission.

(6) "Part-time law enforcement officer" means any person employed or appointed less than full time, as defined by an employing agency, with or without compensation, who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

(7) "Part-time correctional officer" means any person who is employed or appointed less than full time, as defined by the employing or appointing agency, with or without compensation, whose responsibilities include the supervision, protection, care, custody, and control of inmates within a correctional institution.

(8) "Auxiliary law enforcement officer" means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time or part-time law enforcement officer, has the authority to arrest and perform law enforcement functions.

(9) "Auxiliary correctional officer" means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility.

(10) "Private criminal justice training school" means any private school, corporation, or institution, for profit or not for profit, devoted wholly or in part to instruction, by correspondence or otherwise, in criminal justice services, administration, training, and education, which awards any type of certificate, diploma, degree, or recognition for attendance, graduation, study, or participation to students, enrollees, or participants. This definition applies to all such schools operating wholly or in part within the state, including those chartered, incorporated, or formed outside the state.

(11) "Support personnel" means any person employed or appointed by an employing agency who is not an officer or, as specified by the commission, other professional employee in the criminal justice system.

(12) "Program" means the Criminal Justice Professionalism Program of the Department of Law Enforcement.

(13) "Head of the department" means the Governor and Cabinet, as provided for in ss. 20.201 and 20.03(4).

(14) "Officer" means any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer.

(15) "Public criminal justice training school" means any academy operated by an employing agency that is certified by the commission to conduct criminal justice training courses.

(16) "Criminal justice training school" means any private or public criminal justice training school certified by the commission.

(17) "Training center director" means a full-time salaried employee of a criminal justice training school who is responsible for the scheduling and general management of criminal justice courses and supervision and evaluation of criminal justice instructors.

(18) "Auxiliary correctional probation officer" means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional probation officer and who, while under the supervision of a full-time or part-time correctional probation officer, has the same authority as a full-time or part-time correctional probation officer for the purpose of providing supervision of offenders in the community.

(19) "Part-time correctional probation officer" means a person who is employed less than full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controlees within institutions of the Department of Corrections or in the community.

(20) "Diverse population" means members of a cultural group with common origins, customs, and styles of living. This definition includes both ethnic and religious minorities.

(21) "Criminal justice executive" includes executives of law enforcement, correctional, and correctional probation agencies.

(22) "Special operations forces? means those active and reserve component forces of the military services designated by the Secretary of Defense and specifically organized, trained, and equipped to conduct and support special operations. The term includes, but is not limited to, service members of the United States Army Special Forces and the United States Army 75th Ranger Regiment; the United States Navy SEALs and Special Warfare Combatant-Craft Crewmen; the United States Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; the United States Marine Corps Critical Skills Operators; and any other component of the United States Special Operations Command approved by the commission.

943.13 Officers' minimum qualifications for employment or appointment. -

On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private 91 entity under contract to the Department of Corrections, to a county commission, or to the Department of Management Services shall:

(1) Be at least 19 years of age.

(2) Be a citizen of the United States, notwithstanding any law of the state to the contrary.

(3) Be a high school graduate or its "equivalent" as the commission has defined the term by rule.

(4) Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subsection, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer.

(5) Have documentation of his or her processed fingerprints on file with the employing agency or, if a private correctional officer, have documentation of his or her processed fingerprints on file with the Department of Corrections or the Criminal Justice Standards and Training Commission. The department shall retain and enter into the statewide automated biometric identification system authorized by s. 943.05 all fingerprints submitted to the department as required by this section. Thereafter, the fingerprints shall be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051. The department shall search all arrest fingerprints received pursuant to s. 943.051 against the fingerprints retained in the statewide automated biometric identification system pursuant to this section and report to the employing agency any arrest records that are identified with the retained employee's fingerprints. These fingerprints must be forwarded to the department for processing and retention.

(6) Have passed a physical examination by a licensed physician, physician assistant, or licensed advanced practice registered nurse, based on specifications established by the commission. In order to be eligible for the presumption set forth in s. 112.18 while employed with an employing agency, a law enforcement officer, correctional officer, or correctional probation officer must have successfully passed the physical examination required by this subsection upon entering into service as a law enforcement officer, correctional officer, or correctional probation officer with the employing agency, which examination must have failed to reveal any evidence of tuberculosis, heart disease, or hypertension. A law enforcement officer, correctional officer, or correctional probation officer may not use a physical examination from a former employing agency for purposes of claiming the presumption set forth in s. 112.18 against the current employing agency.

(7) Have a good moral character as determined by a background investigation under procedures established by the commission.

(8) Execute and submit to the employing agency or, if a private correctional officer, submit to the appropriate governmental entity an affidavit-of-applicant form, adopted by the commission, attesting to his or her compliance with subsections (1)-(7). The affidavit shall be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit

shall include conspicuous language that the intentional false execution of the affidavit constitutes a misdemeanor of the second degree. The affidavit shall be retained by the employing agency.

(9) Complete a commission-approved basic recruit training program for the applicable criminal justice discipline, unless exempt under this subsection. An applicant who has:

(a) Completed a comparable basic recruit training program for the applicable criminal justice discipline in another state or for the Federal Government and served as a full-time sworn officer in another state or for the Federal Government for at least 1 year, provided there is no more than an 8-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete application for an exemption under this subsection is submitted; or

(b) Served in the special operations forces for a minimum of 5 years, provided there is no more than a 4-year break from the applicant's special operations forces experience, as measured from the separation date from the special operations forces to the time a complete application for an exemption under this subsection is submitted, is exempt in accordance with s. 943.131(2) from completing the commission-approved basic recruit training program.

(10) Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline.

(11) Comply with the continuing training or education requirements of s. 943.135.

943.1395 Certification for employment or appointment; concurrent certification; reemployment or reappointment; inactive status; revocation; suspension; investigation. –

(1) The commission shall certify, under procedures established by rule, any person for employment or appointment as an officer if:

(a) The person complies with s. 943.13(1)-(10); and

(b) The employing agency complies with s. 943.133(2) and (3).

(2) An officer who is certified in one discipline and who complies with s. 943.13 in another discipline shall hold concurrent certification and may be assigned in either discipline within his or her employing agency.

(3) Any certified officer who has separated from employment or appointment and who is not reemployed or reappointed by an employing agency within 4 years after the date of separation must meet the minimum qualifications described in s. 943.13, except for the requirement found in s. 943.13(9). Further, such officer must complete any training required by the commission by rule in compliance with s. 943.131(2). Any such officer who fails to comply with the requirements provided in s. 943.131(2) must meet the minimum qualifications described in s. 943.13, to include the requirement of s. 943.13(9).

(4) The certification of an officer who fails to comply with s. 943.135(1) shall be inactive, and the officer may not be employed or appointed as an officer until he or she complies with the provisions of s. 943.135(1).

(5) The employing agency must conduct an internal investigation if it has cause to suspect that an officer is not in compliance with, or has failed to maintain compliance with, s. 943.13(4) or (7). If an officer is not in compliance with, or has failed to maintain compliance with, s. 943.13(4) or (7), the employing agency must submit the investigative findings and supporting information and documentation to the commission in accordance with rules adopted by the commission. The commission may inspect and copy an employing agency's records to ensure compliance with this subsection.

(6) The commission shall revoke the certification of any officer who is not in compliance with the provisions of s. 943.13(4) or who intentionally executes a false affidavit established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

(a) The commission shall cause to be investigated any ground for revocation from the employing agency pursuant to s. 943.139 or from the Governor, and the commission may cause verifiable complaints to be investigated. Any investigation initiated by the commission pursuant to this section must be completed within 6 months after receipt of the completed report of the disciplinary or internal affairs investigation from the employing agency or Governor's office. A verifiable complaint shall be completed within 1 year after receipt of the complaint. An investigation shall be considered completed upon a finding by a probable cause panel of the commission. These time periods shall be tolled during the appeal of a termination or other disciplinary action through the administrative or judicial process or during the period of any criminal prosecution of the officer.

(b)1. The report of misconduct and all records or information provided to or developed by the commission during the course of an investigation conducted by the commission are exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and, except as otherwise provided by law, such information shall be subject to public disclosure only after a determination as to probable cause has been made or until the investigation becomes inactive.

2. However, not more than 30 days before the results of an investigation are to be presented to a probable cause panel, an officer who is being investigated, or the officer's attorney, may review any documents or other information regarding the investigation which was developed by or provided to the commission.

(c) When an officer's certification is revoked in any discipline, his or her certification in any other discipline shall simultaneously be revoked.

(7) Upon a finding by the commission that a certified officer has not maintained good moral character, the definition of which has been adopted by rule and is established as a statewide standard, as required by s. 943.13(7), the commission may enter an order imposing one or more of the following penalties:

(a) Revocation of certification.

(b) Suspension of certification for a period not to exceed 2 years.

(c) Placement on a probationary status for a period not to exceed 2 years, subject to terms and conditions imposed by the commission. Upon the violation of such terms and conditions, the commission may revoke certification or impose additional penalties as enumerated in this subsection.

(d) Successful completion by the officer of any basic recruit, advanced, or career development training or such retraining deemed appropriate by the commission.

(e) Issuance of a reprimand.

(8)(a) The commission shall, by rule, adopt disciplinary guidelines and procedures to administer the penalties provided in subsections (6) and (7). The commission may, by rule, prescribe penalties for certain offenses. The commission shall, by rule, set forth aggravating and mitigating circumstances to be considered when imposing the penalties provided in subsection (7).

(b)1. The disciplinary guidelines and prescribed penalties must be based upon the severity of specific offenses. The guidelines must provide reasonable and meaningful notice to officers and to the public of penalties that may be imposed for prohibited conduct. The penalties must be consistently applied by the commission.

2. On or before July 1 of each odd-numbered year, the commission shall conduct a workshop to receive public comment and evaluate disciplinary guidelines and penalties. The commission chair shall appoint a 12-member advisory panel, composed of six officers and six representatives of criminal justice management positions, to make recommendations to the commission concerning disciplinary guidelines.

(c) For the purpose of implementing the penalties provided in subsections (6) and (7), the chair of the commission may appoint one or more panels of three commissioners each to determine probable cause. In lieu of a finding of probable cause, the probable cause panel may issue a letter of guidance to the officer.

(d) When an employing agency disciplines an officer and the officer's employment is continued or reinstated by the agency, the Criminal Justice Professionalism Program shall review the sustained disciplinary charges and disciplinary penalty to determine whether the penalty conforms to the disciplinary penalties prescribed by commission rule, and, in writing, notify the employing agency and officer of the results of the review. If the penalty conforms to the disciplinary penalty provided by rule, the officer and employing agency shall be notified, by a letter of acknowledgment, that no further action shall be taken. If the penalty does not conform to such disciplinary penalty prescribed by rule, the officer and employer shall be notified, in writing, of further action to be taken. The commission shall adopt rules establishing procedures for administering this subsection.

(e) An administrative law judge assigned to conduct a hearing under ss. 120.569 and 120.57(1) regarding allegations that an officer is not in compliance with, or has failed to maintain compliance with, s. 943.13(4) or (7) must, in his or her recommended order:

1. Adhere to the disciplinary guidelines and penalties set forth in subsections (6) and (7) and the rules adopted by the commission for the type of offense committed.

2. Specify, in writing, any aggravating or mitigating circumstance that he or she considered in determining the recommended penalty. Any deviation from the disciplinary guidelines or prescribed penalty must be based upon circumstances or factors that reasonably justify the aggravation or mitigation of the penalty. Any deviation from the disciplinary guidelines or prescribed penalty must be explained, in writing, by the administrative law judge.

(9) Each person employed pursuant to s. 943.131 is subject to discipline by the commission. Persons who have been subject to disciplinary action pursuant to this subsection are ineligible for employment or appointment under s. 943.131.

(a) The commission shall cause to be investigated any conduct defined in subsection (6) or subsection (7) by a person employed under s. 943.131 and shall set disciplinary guidelines and penalties prescribed in rules applicable to such noncertified persons.

(b) The disciplinary guidelines and prescribed penalties must be based upon the severity of specific offenses. The guidelines must provide reasonable and meaningful notice to officers and to the public of penalties that may be imposed for prohibited conduct. The penalties must be consistently applied by the commission.

(c) In addition, the commission may establish violations and disciplinary penalties for intentional abuse of the employment option provided by s. 943.131 by an individual or employing agency.

(10) An officer whose certification has been revoked pursuant to this section shall be ineligible for employment or appointment under s. 943.131.

943.1395 Certification for employment or appointment; concurrent certification; reemployment or reappointment; inactive status; revocation; suspension; investigation. –

(1) The commission shall certify, under procedures established by rule, any person for employment or appointment as an officer if:

(a) The person complies with s. 943.13(1)-(10); and

(b) The employing agency complies with s. 943.133(2) and (3).

(2) An officer who is certified in one discipline and who complies with s. 943.13 in another discipline shall hold concurrent certification and may be assigned in either discipline within his or her employing agency.

(3) Any certified officer who has separated from employment or appointment and who is not reemployed or reappointed by an employing agency within 4 years after the date of separation must meet the minimum qualifications described in s. 943.13, except for the requirement found in s. 943.13(9). Further, such officer must complete any training required by the commission by rule in compliance with s. 943.131(2). Any such officer who fails to comply with the requirements provided in s. 943.131(2) must meet the minimum qualifications described in s. 943.13, to include the requirement of s. 943.13(9).

(4) The certification of an officer who fails to comply with s. 943.135(1) shall be inactive, and the officer may not be employed or appointed as an officer until he or she complies with the provisions of s. 943.135(1).

(5) The employing agency must conduct an internal investigation if it has cause to suspect that an officer is not in compliance with, or has failed to maintain compliance with, s. 943.13(4) or (7). If an officer is not in compliance with, or has failed to maintain compliance with, s. 943.13(4) or (7), the employing agency must submit the investigative findings and supporting information and documentation to the commission in accordance with rules adopted by the commission. The commission may inspect and copy an employing agency's records to ensure compliance with this subsection.

(6) The commission shall revoke the certification of any officer who is not in compliance with the provisions of s. 943.13(4) or who intentionally executes a false affidavit established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

(a) The commission shall cause to be investigated any ground for revocation from the employing agency pursuant to s. 943.139 or from the Governor, and the commission may cause verifiable complaints to be investigated. Any investigation initiated by the commission pursuant to this section must be completed within 6 months after receipt of the completed report of the disciplinary or internal affairs investigation from the employing agency or Governor's office. A verifiable complaint shall be completed within 1 year after receipt of the complaint. An investigation shall be considered completed upon a finding by a probable cause panel of the commission. These time periods shall be tolled during the appeal of a termination or other disciplinary action through the administrative or judicial process or during the period of any criminal prosecution of the officer.

(b)1. The report of misconduct and all records or information provided to or developed by the commission during the course of an investigation conducted by the commission are exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and, except as otherwise provided by law, such information shall be subject to public disclosure only after a determination as to probable cause has been made or until the investigation becomes inactive.

2. However, not more than 30 days before the results of an investigation are to be presented to a probable cause panel, an officer who is being investigated, or the officer's attorney, may review any documents or other information regarding the investigation which was developed by or provided to the commission.

(c) When an officer's certification is revoked in any discipline, his or her certification in any other discipline shall simultaneously be revoked.

(7) Upon a finding by the commission that a certified officer has not maintained good moral character, the definition of which has been adopted by rule and is established as a statewide standard, as required by s. 943.13(7), the commission may enter an order imposing one or more of the following penalties:

(a) Revocation of certification.

(b) Suspension of certification for a period not to exceed 2 years.

(c) Placement on a probationary status for a period not to exceed 2 years, subject to terms and conditions imposed by the commission. Upon the violation of such terms and conditions, the commission may revoke certification or impose additional penalties as enumerated in this subsection.

(d) Successful completion by the officer of any basic recruit, advanced, or career development training or such retraining deemed appropriate by the commission.

(e) Issuance of a reprimand.

(8)(a) The commission shall, by rule, adopt disciplinary guidelines and procedures to administer the penalties provided in subsections (6) and (7). The commission may, by rule, prescribe penalties for certain offenses. The commission shall, by rule, set forth aggravating and mitigating circumstances to be considered when imposing the penalties provided in subsection (7).

(b)1. The disciplinary guidelines and prescribed penalties must be based upon the severity of specific offenses. The guidelines must provide reasonable and meaningful notice to officers and to the public of penalties that may be imposed for prohibited conduct. The penalties must be consistently applied by the commission.

2. On or before July 1 of each odd-numbered year, the commission shall conduct a workshop to receive public comment and evaluate disciplinary guidelines and penalties. The commission chair shall appoint a 12-member advisory panel, composed of six officers and six representatives of criminal justice management positions, to make recommendations to the commission concerning disciplinary guidelines.

(c) For the purpose of implementing the penalties provided in subsections (6) and (7), the chair of the commission may appoint one or more panels of three commissioners each to determine probable cause. In lieu of a finding of probable cause, the probable cause panel may issue a letter of guidance to the officer.

(d) When an employing agency disciplines an officer and the officer's employment is continued or reinstated by the agency, the Criminal Justice Professionalism Program shall review the sustained disciplinary charges and disciplinary penalty to determine whether the penalty conforms to the disciplinary penalties prescribed by commission rule, and, in writing, notify the employing agency and officer of the results of the review. If the penalty conforms to the disciplinary penalty provided by rule, the officer and employing agency shall be notified, by a letter of acknowledgment, that no further action shall be taken. If the penalty does not conform to such disciplinary penalty prescribed by rule, the officer and employer shall be notified, in writing, of further action to be taken. The commission shall adopt rules establishing procedures for administering this subsection.

(e) An administrative law judge assigned to conduct a hearing under ss. 120.569 and 120.57(1) regarding allegations that an officer is not in compliance with, or has failed to maintain compliance with, s. 943.13(4) or (7) must, in his or her recommended order:

1. Adhere to the disciplinary guidelines and penalties set forth in subsections (6) and (7) and the rules adopted by the commission for the type of offense committed.

2. Specify, in writing, any aggravating or mitigating circumstance that he or she considered in determining the recommended penalty. Any deviation from the disciplinary guidelines or prescribed penalty must be based upon circumstances or factors that reasonably justify the aggravation or mitigation of the penalty. Any deviation from the disciplinary guidelines or prescribed penalty must be explained, in writing, by the administrative law judge.

(9) Each person employed pursuant to s. 943.131 is subject to discipline by the commission. Persons who have been subject to disciplinary action pursuant to this subsection are ineligible for employment or appointment under s. 943.131.

(a) The commission shall cause to be investigated any conduct defined in subsection (6) or subsection (7) by a person employed under s. 943.131 and shall set disciplinary guidelines and penalties prescribed in rules applicable to such noncertified persons.

(b) The disciplinary guidelines and prescribed penalties must be based upon the severity of specific offenses. The guidelines must provide reasonable and meaningful notice to officers and to the public of penalties that may be imposed for prohibited conduct. The penalties must be consistently applied by the commission.

(c) In addition, the commission may establish violations and disciplinary penalties for intentional abuse of the employment option provided by s. 943.131 by an individual or employing agency.

(10) An officer whose certification has been revoked pursuant to this section shall be ineligible for employment or appointment under s. 943.131

943.253 Exemption; elected officers. -

Elected officers are exempt from the requirements of ss. 943.085-943.25. However, an elected officer may participate in the programs and benefits under ss. 943.085-943.25 if he or she complies with s. 943.13(1)-(7).

944.275 Gain-time. –

(1) The department is authorized to grant deductions from sentences in the form of gain-time in order to encourage satisfactory prisoner behavior, to provide incentive for prisoners to participate in productive activities, and to reward prisoners who perform outstanding deeds or services.

(2)(a) The department shall establish for each prisoner sentenced to a term of years a "maximum sentence expiration date," which shall be the date when the sentence or combined sentences imposed on a prisoner will expire. In establishing this date, the department shall reduce the total time to be served by any time lawfully credited.

(b) When a prisoner with an established maximum sentence expiration date is sentenced to an additional term or terms without having been released from custody, the department shall extend the maximum sentence expiration date by the length of time imposed in the new sentence or sentences, less lawful credits.

(c) When an escaped prisoner or a parole violator is returned to the custody of the department, the maximum sentence expiration date in effect when the escape occurred or the parole was effective shall be extended by the amount of time the prisoner was not in custody plus the time imposed in any new sentence or sentences, but reduced by any lawful credits.

(3)(a) The department shall also establish for each prisoner sentenced to a term of years a "tentative release date" which shall be the date projected for the prisoner's release from custody by virtue of gain-time granted or forfeited as described in this section. The initial tentative release date shall be determined by deducting basic gain-time granted from the maximum sentence expiration date. Other gain-time shall be applied when granted or restored to make the tentative release date proportionately earlier; and forfeitures of gain-time, when ordered, shall be applied to make the tentative release date proportionately later.

(b) When an initial tentative release date is reestablished because of additional sentences imposed before the prisoner has completely served all prior sentences, any gain-time granted during service of a prior sentence and not forfeited shall be applied.

(c) The tentative release date may not be later than the maximum sentence expiration date.

(4)(a) As a means of encouraging satisfactory behavior, the department shall grant basic gain-time at the rate of 10 days for each month of each sentence imposed on a prisoner, subject to the following:

1. Portions of any sentences to be served concurrently shall be treated as a single sentence when determining basic gain-time.

2. Basic gain-time for a partial month shall be prorated on the basis of a 30-day month.

3. When a prisoner receives a new maximum sentence expiration date because of additional sentences imposed, basic gain-time shall be granted for the amount of time the maximum sentence expiration date was extended.

(b) For each month in which an inmate works diligently, participates in training, uses time constructively, or otherwise engages in positive activities, the department may grant incentive gain-time in accordance with this paragraph. The rate of incentive gain-time in effect on the date the inmate committed the offense which resulted in his or her incarceration shall be the inmate's rate of eligibility to earn incentive gain-time throughout the period of incarceration and shall not be altered by a subsequent change in the severity level of the offense for which the inmate was sentenced.

1. For sentences imposed for offenses committed prior to January 1, 1994, up to 20 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.

2. For sentences imposed for offenses committed on or after January 1, 1994, and before October 1, 1995:

a. For offenses ranked in offense severity levels 1 through 7, under former s. 921.0012 or former s. 921.0013, up to 25 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.

b. For offenses ranked in offense severity levels 8, 9, and 10, under former s. 921.0012 or former s. 921.0013, up to 20 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.

3. For sentences imposed for offenses committed on or after October 1, 1995, the department may grant up to 10 days per month of incentive gain-time.

(c) An inmate who performs some outstanding deed, such as saving a life or assisting in recapturing an escaped inmate, or who in some manner performs an outstanding service that would merit the granting of additional deductions from the term of his or her sentence may be granted meritorious gain-time of from 1 to 60 days.

(d) Notwithstanding the monthly maximum awards of incentive gain-time under sub paragraphs (b)1., 2., and 3., the education program manager shall recommend, and the Department of Corrections may grant, a one-time award of 60 additional days of incentive gain-time to an inmate who is otherwise eligible and who successfully completes requirements for and is, or has been during the current commitment, awarded a high school equivalency diploma or vocational certificate. Under no circumstances may an inmate receive more than 60 days for educational attainment pursuant to this section.

(e) Notwithstanding subparagraph (b)3., for sentences imposed for offenses committed on or after October 1, 2014, the department may not grant incentive gain-time if the offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

(f) An inmate who is subject to subparagraph (b)3. is not eligible to earn or receive gain-time under paragraph (a), paragraph (b), paragraph (c), or paragraph (d) or any other type of gain-time in an amount that would cause a sentence to expire, end, or terminate, or that would result in a prisoner's release, prior to serving a minimum of 85 percent of the sentence imposed. For purposes of this paragraph, credits awarded by the court for time physically incarcerated shall be credited toward satisfaction of 85 percent of the sentence imposed. Except as provided by this section, a prisoner may not accumulate further gain-time awards at any point when the tentative release date is the same as that date at which the prisoner will have served 85 percent of the sentence imposed. State prisoners sentenced to life imprisonment shall be incarcerated for the rest of their natural lives, unless granted pardon or clemency.

(5) When a prisoner is found guilty of an infraction of the laws of this state or the rules of the department, gain-time may be forfeited according to law.

(6)(a) Basic gain-time under this section shall be computed on and applied to all sentences imposed for offenses committed on or after July 1, 1978, and before January 1, 1994.

(b) All incentive and meritorious gain-time is granted according to this section.

(c) All additional gain-time previously awarded under former subsections (2) and (3) and all forfeitures ordered prior to the effective date of the act that created this section shall remain in effect and be applied in establishing an initial tentative release date.

(7) The department shall adopt rules to implement the granting, forfeiture, restoration, and deletion of gain-time.

947.149 Conditional medical release. –

(1) The commission shall, in conjunction with the department, establish the conditional medical release program. An inmate is eligible for consideration for release under the conditional medical release program when the inmate, because of an existing medical or physical condition, is determined by the department to be within one of the following designations:

(a) "Permanently incapacitated inmate," which means an inmate who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate permanently and irreversibly physically incapacitated to the extent that the inmate does not constitute a danger to herself or himself or others.

(b) "Terminally ill inmate," which means an inmate who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate terminally ill to the extent that there can be no recovery and death is imminent, so that the inmate does not constitute a danger to herself or himself or others.

(2) Notwithstanding any provision to the contrary, any person determined eligible under this section and sentenced to the custody of the department may, upon referral by the department, be considered for conditional medical release by the commission, in addition to any parole consideration for which the inmate may be considered, except that conditional medical release is not authorized for an inmate who is under sentence of death. No inmate has a right to conditional medical release or to a medical evaluation to determine eligibility for such release.

(3) The authority and whether or not to grant conditional medical release and establish additional conditions of conditional medical release rests solely within the discretion of the commission, in accordance with the provisions of this section,

together with the authority to approve the release plan to include necessary medical care and attention. The department shall identify inmates who may be eligible for conditional medical release based upon available medical information and shall refer them to the commission for consideration. In considering an inmate for conditional medical release, the commission may require that additional medical evidence be produced or that additional medical examinations be conducted, and may require such other investigations to be made as may be warranted.

(4) The conditional medical release term of an inmate released on conditional medical release is for the remainder of the inmate's sentence, without diminution of sentence for good behavior. Supervision of the medical releasee must include periodic medical evaluations at intervals determined by the commission at the time of release.

(5)(a) If it is discovered during the conditional medical release that the medical or physical condition of the medical releasee has improved to the extent that she or he would no longer be eligible for conditional medical release under this section, the commission may order that the releasee be returned to the custody of the department for a conditional medical release revocation hearing, in accordance with s. 947.141. If conditional medical release is revoked due to improvement in the medical or physical condition of the releasee, she or he shall serve the balance of her or his sentence with credit for the time served on conditional medical release and without forfeiture of any gain-time accrued prior to conditional medical release. If the person whose conditional medical release is revoked due to an improvement in medical or physical condition would otherwise be eligible for parole or any other release program, the person may be considered for such release program pursuant to law.

(b) In addition to revocation of conditional medical release pursuant to paragraph (a), conditional medical release may also be revoked for violation of any condition of the release established by the commission, in accordance with s. 947.141, and the releasee's gain-time may be forfeited pursuant to s. 944.28(1).

(6) The department and the commission shall adopt rules as necessary to implement the conditional medical release program.