

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee
 3 Representative Kerner offered the following:

Amendment (with title amendment)

Remove lines 50-128 and insert:

(1) For purposes of this section, the term:

~~(a) "Minor" means any person less than 18 years of age.~~

~~(b) "Transmit" means the act of sending and causing to be delivered, or the act of providing access for receiving and causing to be delivered, an any image, information, or data from one or more persons or places to one or more other persons or places over or through any medium, including the Internet or an interconnected network, by use of any electronic equipment or device.~~

(2) Notwithstanding ss. 847.012 and 847.0133, a ~~any~~ person in this state who knew or reasonably should have known that he

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18 or she was transmitting child pornography, ~~as defined in s.~~
19 ~~847.001,~~ to another person in this state or in another
20 jurisdiction commits a felony of the third degree, punishable as
21 provided in s. 775.082, s. 775.083, or s. 775.084.

22 (3) Notwithstanding ss. 847.012 and 847.0133, a ~~any~~ person
23 in any jurisdiction other than this state who knew or reasonably
24 should have known that he or she was transmitting child
25 pornography, as defined in s. 847.001, to a ~~any~~ person in this
26 state commits a felony of the third degree, punishable as
27 provided in s. 775.082, s. 775.083, or s. 775.084.

28 (4) This section shall not be construed to prohibit
29 prosecution of a person in this state or another jurisdiction
30 for a violation of any law of this state, including a law
31 providing for greater penalties than prescribed in this section,
32 for the transmission of child pornography, ~~as defined in s.~~
33 ~~847.001,~~ to a ~~any~~ person in this state.

34 (5) A person is subject to prosecution in this state
35 pursuant to chapter 910 for an ~~any~~ act or conduct proscribed by
36 this section, including a person in a jurisdiction other than
37 this state, if the act or conduct violates subsection (3).

38 (6) ~~The provisions of~~ This section does ~~de~~ not apply to
39 subscription-based transmissions such as list servers.

40 Section 4. For the purpose of incorporating the amendment
41 made by this act to section 847.001, Florida Statutes, in a
42 reference thereto, subsection (1) of section 92.561, Florida
43 Statutes, is reenacted to read:

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44 92.561 Prohibition on reproduction of child pornography.—

45 (1) In a criminal proceeding, any property or material
46 that portrays sexual performance by a child as defined in s.
47 827.071, or constitutes child pornography as defined in s.
48 847.001, must remain secured or locked in the care, custody, and
49 control of a law enforcement agency, the state attorney, or the
50 court.

51 Section 5. For the purpose of incorporating the amendment
52 made by this act to section 847.001, Florida Statutes, in a
53 reference thereto, subsection (1) of section 960.197, Florida
54 Statutes, is reenacted to read:

55 960.197 Assistance to victims of online sexual
56 exploitation and child pornography.—

57 (1) Notwithstanding the criteria set forth in s. 960.13
58 for crime victim compensation awards, the department may award
59 compensation for counseling and other mental health services to
60 treat psychological injury or trauma to:

61 (a) A child younger than 18 years of age who suffers
62 psychiatric or psychological injury as a direct result of online
63 sexual exploitation under any provision of s. 827.071, s.
64 847.0135, s. 847.0137, or s. 847.0138, and who does not
65 otherwise sustain a personal injury or death; or

66 (b) Any person who, while younger than age 18, was
67 depicted in any image or movie, regardless of length, of child
68 pornography as defined in s. 847.001, who has been identified by
69 a law enforcement agency or the National Center for Missing and

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70 Exploited Children as an identified victim of child pornography,
71 who suffers psychiatric or psychological injury as a direct
72 result of the crime, and who does not otherwise sustain a
73 personal injury or death.

74 Section 6. For the purpose of incorporating the amendment
75 made by this act to sections 847.0135 and 847.0137, Florida
76 Statutes, in references thereto, subsection (2) of section
77 775.0847, Florida Statutes, is reenacted to read:

78 775.0847 Possession or promotion of certain images of
79 child pornography; reclassification.—

80 (2) A violation of s. 827.071, s. 847.0135, s. 847.0137,
81 or s. 847.0138 shall be reclassified to the next higher degree
82 as provided in subsection (3) if:

83 (a) The offender possesses 10 or more images of any form
84 of child pornography regardless of content; and

85 (b) The content of at least one image contains one or more
86 of the following:

- 87 1. A child who is younger than the age of 5.
- 88 2. Sadomasochistic abuse involving a child.
- 89 3. Sexual battery involving a child.
- 90 4. Sexual bestiality involving a child.
- 91 5. Any movie involving a child, regardless of length and
92 regardless of whether the movie contains sound.

93 Section 7. For the purpose of incorporating the amendment
94 made by this act to section 847.0137, Florida Statutes, in a

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95 reference thereto, subsection (1) of section 794.056, Florida
96 Statutes, is reenacted to read:

97 794.056 Rape Crisis Program Trust Fund.—

98 (1) The Rape Crisis Program Trust Fund is created within
99 the Department of Health for the purpose of providing funds for
100 rape crisis centers in this state. Trust fund moneys shall be
101 used exclusively for the purpose of providing services for
102 victims of sexual assault. Funds credited to the trust fund
103 consist of those funds collected as an additional court
104 assessment in each case in which a defendant pleads guilty or
105 nolo contendere to, or is found guilty of, regardless of
106 adjudication, an offense provided in s. 775.21(6) and (10)(a),
107 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
108 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
109 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
110 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
111 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
112 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
113 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
114 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
115 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
116 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
117 fund also shall include revenues provided by law, moneys
118 appropriated by the Legislature, and grants from public or
119 private entities.

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120 Section 8. For the purpose of incorporating the amendment
121 made by this act to section 847.0137, Florida Statutes, in a
122 reference thereto, subsection (1) of section 856.022, Florida
123 Statutes, is reenacted to read:

124 856.022 Loitering or prowling by certain offenders in
125 close proximity to children; penalty.-

126 (1) Except as provided in subsection (2), this section
127 applies to a person convicted of committing, or attempting,
128 soliciting, or conspiring to commit, any of the criminal
129 offenses proscribed in the following statutes in this state or
130 similar offenses in another jurisdiction against a victim who
131 was under 18 years of age at the time of the offense: s. 787.01,
132 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
133 the offender was not the victim's parent or guardian; s.
134 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
135 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.
136 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
137 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any
138 similar offense committed in this state which has been
139 redesignated from a former statute number to one of those listed
140 in this subsection, if the person has not received a pardon for
141 any felony or similar law of another jurisdiction necessary for
142 the operation of this subsection and a conviction of a felony or
143 similar law of another jurisdiction necessary for the operation
144 of this subsection has not been set aside in any postconviction
145 proceeding.

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146 Section 9. For the purpose of incorporating the amendment
147 made by this act to section 847.0137, Florida Statutes, in
148 references thereto, subsection (8) of section 905.34, Florida
149 Statutes, is reenacted to read:

150 905.34 Powers and duties; law applicable.—The jurisdiction
151 of a statewide grand jury impaneled under this chapter shall
152 extend throughout the state. The subject matter jurisdiction of
153 the statewide grand jury shall be limited to the offenses of:

154 (8) Any violation of s. 847.0135, s. 847.0137, or s.
155 847.0138 relating to computer pornography and child exploitation
156 prevention, or any offense related to a violation of s.
157 847.0135, s. 847.0137, or s. 847.0138 or any violation of
158 chapter 827 where the crime is facilitated by or connected to
159 the use of the Internet or any device capable of electronic data
160 storage or transmission;

161
162 or any attempt, solicitation, or conspiracy to commit any
163 violation of the crimes specifically enumerated above, when any
164 such offense is occurring, or has occurred, in two or more
165 judicial circuits as part of a related transaction or when any
166 such offense is connected with an organized criminal conspiracy
167 affecting two or more judicial circuits. The statewide grand
168 jury may return indictments and presentments irrespective of the
169 county or judicial circuit where the offense is committed or
170 triable. If an indictment is returned, it shall be certified and
171 transferred for trial to the county where the offense was

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172 committed. The powers and duties of, and law applicable to,
173 county grand juries shall apply to a statewide grand jury except
174 when such powers, duties, and law are inconsistent with the
175 provisions of ss. 905.31-905.40.

176 Section 10. For the purpose of incorporating the amendment
177 made by this act to section 847.0137, Florida Statutes, in a
178 reference thereto, section 938.085, Florida Statutes, is
179 reenacted to read:

180 938.085 Additional cost to fund rape crisis centers.—In
181 addition to any sanction imposed when a person pleads guilty or
182 nolo contendere to, or is found guilty of, regardless of
183 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
184 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
185 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
186 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
187 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
188 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
189 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
190 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
191 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
192 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
193 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
194 \$151. Payment of the surcharge shall be a condition of
195 probation, community control, or any other court-ordered
196 supervision. The sum of \$150 of the surcharge shall be deposited
197 into the Rape Crisis Program Trust Fund established within the

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Published On: 11/16/2015 3:50:44 PM

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198 Department of Health by chapter 2003-140, Laws of Florida. The
199 clerk of the court shall retain \$1 of each surcharge that the
200 clerk of the court collects as a service charge of the clerk's
201 office.

202 Section 11. For the purpose of incorporating the amendment
203 made by this act to section 847.0137, Florida Statutes, in
204 references thereto, paragraph (a) of subsection (1) of section
205 943.0435, Florida Statutes, is reenacted to read:

206 943.0435 Sexual offenders required to register with the
207 department; penalty.—

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

209 (a)1. "Sexual offender" means a person who meets the
210 criteria in sub-subparagraph a., sub-subparagraph b., sub-
211 subparagraph c., or sub-subparagraph d., as follows:

212 a.(I) Has been convicted of committing, or attempting,
213 soliciting, or conspiring to commit, any of the criminal
214 offenses proscribed in the following statutes in this state or
215 similar offenses in another jurisdiction: s. 393.135(2); s.
216 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
217 the victim is a minor and the defendant is not the victim's
218 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.
219 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
220 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
221 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
222 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
223 916.1075(2); or s. 985.701(1); or any similar offense committed

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224 in this state which has been redesignated from a former statute
225 number to one of those listed in this sub-sub-subparagraph; and

226 (II) Has been released on or after October 1, 1997, from
227 the sanction imposed for any conviction of an offense described
228 in sub-sub-subparagraph (I). For purposes of sub-sub-
229 subparagraph (I), a sanction imposed in this state or in any
230 other jurisdiction includes, but is not limited to, a fine,
231 probation, community control, parole, conditional release,
232 control release, or incarceration in a state prison, federal
233 prison, private correctional facility, or local detention
234 facility;

235 b. Establishes or maintains a residence in this state and
236 who has not been designated as a sexual predator by a court of
237 this state but who has been designated as a sexual predator, as
238 a sexually violent predator, or by another sexual offender
239 designation in another state or jurisdiction and was, as a
240 result of such designation, subjected to registration or
241 community or public notification, or both, or would be if the
242 person were a resident of that state or jurisdiction, without
243 regard to whether the person otherwise meets the criteria for
244 registration as a sexual offender;

245 c. Establishes or maintains a residence in this state who
246 is in the custody or control of, or under the supervision of,
247 any other state or jurisdiction as a result of a conviction for
248 committing, or attempting, soliciting, or conspiring to commit,
249 any of the criminal offenses proscribed in the following

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250 statutes or similar offense in another jurisdiction: s.
251 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
252 787.025(2)(c), where the victim is a minor and the defendant is
253 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
254 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
255 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
256 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
257 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
258 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar
259 offense committed in this state which has been redesignated from
260 a former statute number to one of those listed in this sub-
261 subparagraph; or

262 d. On or after July 1, 2007, has been adjudicated
263 delinquent for committing, or attempting, soliciting, or
264 conspiring to commit, any of the criminal offenses proscribed in
265 the following statutes in this state or similar offenses in
266 another jurisdiction when the juvenile was 14 years of age or
267 older at the time of the offense:

268 (I) Section 794.011, excluding s. 794.011(10);

269 (II) Section 800.04(4)(a)2. where the victim is under 12
270 years of age or where the court finds sexual activity by the use
271 of force or coercion;

272 (III) Section 800.04(5)(c)1. where the court finds
273 molestation involving unclothed genitals; or

274 (IV) Section 800.04(5)(d) where the court finds the use of
275 force or coercion and unclothed genitals.

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276 2. For all qualifying offenses listed in sub-subparagraph
277 (1)(a)1.d., the court shall make a written finding of the age of
278 the offender at the time of the offense.

279
280 For each violation of a qualifying offense listed in this
281 subsection, except for a violation of s. 794.011, the court
282 shall make a written finding of the age of the victim at the
283 time of the offense. For a violation of s. 800.04(4), the court
284 shall also make a written finding indicating whether the offense
285 involved sexual activity and indicating whether the offense
286 involved force or coercion. For a violation of s. 800.04(5), the
287 court shall also make a written finding that the offense did or
288 did not involve unclothed genitals or genital area and that the
289 offense did or did not involve the use of force or coercion.

290 Section 12. For the purpose of incorporating the amendment
291 made by this act to section 847.0137, Florida Statutes, in a
292 reference thereto, paragraph (b) of subsection (1) of section
293 944.606, Florida Statutes, is reenacted to read:

294 944.606 Sexual offenders; notification upon release.—

295 (1) As used in this section:

296 (b) "Sexual offender" means a person who has been
297 convicted of committing, or attempting, soliciting, or
298 conspiring to commit, any of the criminal offenses proscribed in
299 the following statutes in this state or similar offenses in
300 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
301 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and

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302 the defendant is not the victim's parent or guardian; s.
303 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
304 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
305 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
306 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
307 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.
308 985.701(1); or any similar offense committed in this state which
309 has been redesignated from a former statute number to one of
310 those listed in this subsection, when the department has
311 received verified information regarding such conviction; an
312 offender's computerized criminal history record is not, in and
313 of itself, verified information.

314 Section 13. For the purpose of incorporating the amendment
315 made by this act to section 847.0137, Florida Statutes, in a
316 reference thereto, paragraph (a) of subsection (1) of section
317 944.607, Florida Statutes, is reenacted to read:

318 944.607 Notification to Department of Law Enforcement of
319 information on sexual offenders.—

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

321 (a) "Sexual offender" means a person who is in the custody
322 or control of, or under the supervision of, the department or is
323 in the custody of a private correctional facility:

324 1. On or after October 1, 1997, as a result of a
325 conviction for committing, or attempting, soliciting, or
326 conspiring to commit, any of the criminal offenses proscribed in
327 the following statutes in this state or similar offenses in

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328 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
329 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
330 the defendant is not the victim's parent or guardian; s.
331 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
332 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
333 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
334 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
335 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.
336 985.701(1); or any similar offense committed in this state which
337 has been redesignated from a former statute number to one of
338 those listed in this paragraph; or

339 2. Who establishes or maintains a residence in this state
340 and who has not been designated as a sexual predator by a court
341 of this state but who has been designated as a sexual predator,
342 as a sexually violent predator, or by another sexual offender
343 designation in another state or jurisdiction and was, as a
344 result of such designation, subjected to registration or
345 community or public notification, or both, or would be if the
346 person were a resident of that state or jurisdiction, without
347 regard as to whether the person otherwise meets the criteria for
348 registration as a sexual offender.

349 Section 14. For the purpose of incorporating the amendment
350 made by this act to section 847.0137, Florida Statutes, in a
351 reference thereto, paragraph (c) of subsection (8) of section
352 948.06, Florida Statutes, is reenacted to read:

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353 948.06 Violation of probation or community control;
354 revocation; modification; continuance; failure to pay
355 restitution or cost of supervision.-

356 (8)

357 (c) For purposes of this section, the term "qualifying
358 offense" means any of the following:

359 1. Kidnapping or attempted kidnapping under s. 787.01,
360 false imprisonment of a child under the age of 13 under s.
361 787.02(3), or luring or enticing a child under s. 787.025(2) (b)
362 or (c).

363 2. Murder or attempted murder under s. 782.04, attempted
364 felony murder under s. 782.051, or manslaughter under s. 782.07.

365 3. Aggravated battery or attempted aggravated battery
366 under s. 784.045.

367 4. Sexual battery or attempted sexual battery under s.
368 794.011(2), (3), (4), or (8) (b) or (c).

369 5. Lewd or lascivious battery or attempted lewd or
370 lascivious battery under s. 800.04(4), lewd or lascivious
371 molestation under s. 800.04(5) (b) or (c)2., lewd or lascivious
372 conduct under s. 800.04(6) (b), lewd or lascivious exhibition
373 under s. 800.04(7) (b), or lewd or lascivious exhibition on
374 computer under s. 847.0135(5) (b).

375 6. Robbery or attempted robbery under s. 812.13,
376 carjacking or attempted carjacking under s. 812.133, or home
377 invasion robbery or attempted home invasion robbery under s.
378 812.135.

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379 7. Lewd or lascivious offense upon or in the presence of
380 an elderly or disabled person or attempted lewd or lascivious
381 offense upon or in the presence of an elderly or disabled person
382 under s. 825.1025.

383 8. Sexual performance by a child or attempted sexual
384 performance by a child under s. 827.071.

385 9. Computer pornography under s. 847.0135(2) or (3),
386 transmission of child pornography under s. 847.0137, or selling
387 or buying of minors under s. 847.0145.

388 10. Poisoning food or water under s. 859.01.

389 11. Abuse of a dead human body under s. 872.06.

390 12. Any burglary offense or attempted burglary offense
391 that is either a first degree felony or second degree felony
392 under s. 810.02(2) or (3).

393 13. Arson or attempted arson under s. 806.01(1).

394 14. Aggravated assault under s. 784.021.

395 15. Aggravated stalking under s. 784.048(3), (4), (5), or
396 (7).

397 16. Aircraft piracy under s. 860.16.

398 17. Unlawful throwing, placing, or discharging of a
399 destructive device or bomb under s. 790.161(2), (3), or (4).

400 18. Treason under s. 876.32.

401 19. Any offense committed in another jurisdiction which
402 would be an offense listed in this paragraph if that offense had
403 been committed in this state.

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404 Section 15. For the purpose of incorporating the amendment
405 made by this act to section 847.0137, Florida Statutes, in a
406 reference thereto, paragraph (e) of subsection (3) of section
407 960.03, Florida Statutes, is reenacted to read:

408 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
409 960.01-960.28, unless the context otherwise requires, the term:

410 (3) "Crime" means:

411 (e) A violation of s. 827.071, s. 847.0135, s. 847.0137,
412 or s. 847.0138, related to online sexual exploitation and child
413 pornography.

414 Section 16. For the purpose of incorporating the amendment
415 made by this act to section 847.0137, Florida Statutes, in a
416 reference thereto, paragraph (a) of subsection (1) of section
417 960.197, Florida Statutes, is reenacted to read:

418 960.197 Assistance to victims of online sexual
419 exploitation and child pornography.—

420 (1) Notwithstanding the criteria set forth in s. 960.13
421 for crime victim compensation awards, the department may award
422 compensation for counseling and other mental health services to
423 treat psychological injury or trauma to:

424 (a) A child younger than 18 years of age who suffers
425 psychiatric or psychological injury as a direct result of online
426 sexual exploitation under any provision of s. 827.071, s.
427 847.0135, s. 847.0137, or s. 847.0138, and who does not
428 otherwise sustain a personal injury or death; or

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429 Section 17. For the purpose of incorporating the amendment
 430 made by this act to section 847.0137, Florida Statutes, in
 431 references thereto, paragraph (e) of subsection (3) of section
 432 921.0022, Florida Statutes, is reenacted to read:

433 921.0022 Criminal Punishment Code; offense severity
 434 ranking chart.—

435 (3) OFFENSE SEVERITY RANKING CHART

436 (e) LEVEL 5

437

| Florida Statute | Felony Degree | Description |
|--------------------|------------------|--|
| 316.027(2)(a) | 3rd | Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene. |
| 316.1935(4)(a) | 2nd | Aggravated fleeing or eluding. |
| 322.34(6) | 3rd | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 327.30(5) | 3rd | Vessel accidents involving personal injury; leaving scene. |

438

439

440

441

Amendment No. 1

| | | | |
|-----|----------------------|-----|---|
| 442 | 379.367(4) | 3rd | Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy. |
| 443 | 379.3671 (2)(c)3. | 3rd | Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester. |
| 444 | 381.0041(11)(b) | 3rd | Donate blood, plasma, or organs knowing HIV positive. |
| 445 | 440.10(1)(g) | 2nd | Failure to obtain workers' compensation coverage. |
| 446 | 440.105(5) | 2nd | Unlawful solicitation for the purpose of making workers' compensation claims. |
| 447 | 440.381(2) | 2nd | Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. |

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 365 (2016)

Amendment No. 1

| | | | |
|-----|-----------------|-----|---|
| 448 | 624.401(4)(b)2. | 2nd | Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000. |
| 449 | 626.902(1)(c) | 2nd | Representing an unauthorized insurer; repeat offender. |
| 450 | 790.01(2) | 3rd | Carrying a concealed firearm. |
| 451 | 790.162 | 2nd | Threat to throw or discharge destructive device. |
| 452 | 790.163(1) | 2nd | False report of deadly explosive or weapon of mass destruction. |
| 453 | 790.221(1) | 2nd | Possession of short-barreled shotgun or machine gun. |
| 454 | 790.23 | 2nd | Felons in possession of firearms, ammunition, or electronic weapons or devices. |
| 455 | 796.05(1) | 2nd | Live on earnings of a |

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prostitute; 1st offense.

456

800.04 (6) (c) 3rd Lewd or lascivious conduct;
offender less than 18 years of
age.

457

800.04 (7) (b) 2nd Lewd or lascivious exhibition;
offender 18 years of age or
older.

458

806.111 (1) 3rd Possess, manufacture, or
dispense fire bomb with intent
to damage any structure or
property.

459

812.0145 (2) (b) 2nd Theft from person 65 years of
age or older; \$10,000 or more
but less than \$50,000.

460

812.015 (8) 3rd Retail theft; property stolen
is valued at \$300 or more and
one or more specified acts.

461

812.019 (1) 2nd Stolen property; dealing in or
trafficking in.

462

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| | | | |
|-----|---------------------------------|-----|--|
| 463 | 812.131(2)(b) | 3rd | Robbery by sudden snatching. |
| 464 | 812.16(2) | 3rd | Owning, operating, or conducting a chop shop. |
| 465 | 817.034(4)(a)2. | 2nd | Communications fraud, value \$20,000 to \$50,000. |
| 466 | 817.234(11)(b) | 2nd | Insurance fraud; property value \$20,000 or more but less than \$100,000. |
| 467 | 817.2341(1), (2)(a) & (3)(a) | 3rd | Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity. |
| | 817.568(2)(b) | 2nd | Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification |

Amendment No. 1

information of 10 or more
persons.

468

817.625(2)(b) 2nd Second or subsequent fraudulent
use of scanning device or
reencoder.

469

825.1025(4) 3rd Lewd or lascivious exhibition
in the presence of an elderly
person or disabled adult.

470

827.071(4) 2nd Possess with intent to promote
any photographic material,
motion picture, etc., which
includes sexual conduct by a
child.

471

827.071(5) 3rd Possess, control, or
intentionally view any
photographic material, motion
picture, etc., which includes
sexual conduct by a child.

472

839.13(2)(b) 2nd Falsifying records of an
individual in the care and
custody of a state agency

Amendment No. 1

involving great bodily harm or death.

473

843.01 3rd Resist officer with violence to person; resist arrest with violence.

474

847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

475

847.0137 3rd Transmission of pornography by (2) & (3) electronic device or equipment.

476

847.0138 3rd Transmission of material (2) & (3) harmful to minors to a minor by electronic device or equipment.

477

874.05(1)(b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

478

874.05(2)(a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

Amendment No. 1

479

893.13(1)(a)1. 2nd Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.
drugs).

480

893.13(1)(c)2. 2nd Sell, manufacture, or deliver
cannabis (or other s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (3), or (4) drugs)
within 1,000 feet of a child
care facility, school, or
state, county, or municipal
park or publicly owned
recreational facility or
community center.

481

893.13(1)(d)1. 1st Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of
university.

Amendment No. 1

482

893.13(1)(e)2. 2nd Sell, manufacture, or deliver
cannabis or other drug
prohibited under s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (3), or (4) within
1,000 feet of property used for
religious services or a
specified business site.

483

893.13(1)(f)1. 1st Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
or (2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of
public housing facility.

484

893.13(4)(b) 2nd Deliver to minor cannabis (or
other s. 893.03(1)(c),
(2)(c)1., (2)(c)2., (2)(c)3.,
(2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4)
drugs).

485

Amendment No. 1

893.1351(1) 3rd Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

486

487

488

489

T I T L E A M E N D M E N T

490

Remove lines 2-11 and insert:

491

An act relating to pornography; amending s. 847.001, F.S.;

492

revising the definitions of the terms "child pornography" and

493

"minor"; amending s. 847.0135, F.S.; revising terminology to

494

provide for separate offenses of computer pornography under

495

certain circumstances; amending s. 847.0137, F.S.; deleting a

496

definition; revising the definition of the term "transmit";

497

revising terminology to provide for separate offenses of

498

transmission of child pornography under certain circumstances;

499

reenacting ss. 92.561(1) and 960.197(1), F.S., relating to the

500

prohibition on reproduction of child pornography and assistance

501

to victims of online sexual exploitation and child pornography,

502

to incorporate the amendment made by the act to s. 847.011,

503

F.S., in references thereto; reenacting s. 775.0847(2), F.S.,

504

relating to reclassification of certain offenses, to incorporate

505

the amendments made by the act to ss. 847.0135 and 847.0137,

506

F.S., in references thereto; reenacting ss. 794.056(1),

507

856.022(1), 905.34(8), 938.085, 943.0435(1)(a), 944.606(1)(b),

508

944.607(1)(a), 948.06(8)(c), 960.03(3)(e), 906.197(1)(a), and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 365 (2016)

Amendment No. 1

509 921.0022(3)(e), F.S., relating to the Rape Crisis Program Trust
510 Fund, certain loitering and prowling, grand jury powers and
511 duties, additional cost to fund rape crisis centers, sexual
512 offender registration, notification upon release of sexual
513 offenders, notification to the Department of Law Enforcement of
514 sexual offender information, violation of probation or community
515 control, definitions, assistance to certain victims, and the
516 offense severity ranking chart, respectively, to incorporate the
517 amendment made by the act to s. 847.0137, F.S.;