

## ENROLLED

CS/HB 559, Engrossed 1

2008 Legislature

1                                   A bill to be entitled  
2           An act relating to material harmful to minors; amending s.  
3           847.001, F.S.; redefining the term "harmful to minors";  
4           amending s. 847.011, F.S.; providing that it is a third-  
5           degree felony for any person to sell, distribute,  
6           transmit, advertise, or possess with the intent to sell,  
7           distribute, transmit, or advertise certain materials to  
8           minors; providing that ignorance of a minor's age or the  
9           minor's consent is not a defense in a prosecution for such  
10          a violation; providing penalties; amending s. 847.012,  
11          F.S.; prohibiting a person from knowingly using a minor in  
12          the production of certain materials, regardless of whether  
13          those materials are intended for distribution to minors or  
14          actually distributed to minors; providing a penalty;  
15          providing that ignorance of a minor's age or the minor's  
16          consent is not a defense in a prosecution for specified  
17          violations; amending s. 847.013, F.S.; providing that  
18          ignorance of a minor's age or the minor's consent is not a  
19          defense in a prosecution for specified violations;  
20          revising legislative intent concerning the enforcement of  
21          such laws with respect to minors; amending s. 847.0133,  
22          F.S.; revising terminology; amending s. 921.0022, F.S.,  
23          relating to the offense severity ranking chart of the  
24          Criminal Punishment Code; establishing offense levels to  
25          conform to changes made by the act; providing an exemption  
26          to sections amended by this act for providers of  
27          communications services and providers of information

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28 | services in certain circumstances; providing an effective  
 29 | date.

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

33 | Section 1. Subsection (6) of section 847.001, Florida  
 34 | Statutes, is amended to read:

35 | 847.001 Definitions.--As used in this chapter, the term:

36 | (6) "Harmful to minors" means any reproduction, imitation,  
 37 | characterization, description, exhibition, presentation, or  
 38 | representation, of whatever kind or form, depicting nudity,  
 39 | sexual conduct, or sexual excitement when it:

40 | (a) Predominantly appeals to a ~~the~~ prurient, shameful, or  
 41 | morbid interest ~~of minors~~;

42 | (b) Is patently offensive to prevailing standards in the  
 43 | adult community as a whole with respect to what is suitable  
 44 | material or conduct for minors; and

45 | (c) Taken as a whole, is without serious literary,  
 46 | artistic, political, or scientific value for minors.

48 | A mother's breastfeeding of her baby is not under any  
 49 | circumstance "harmful to minors."

50 | Section 2. Subsections (1) and (2) of section 847.011,  
 51 | Florida Statutes, are amended to read:

52 | 847.011 Prohibition of certain acts in connection with  
 53 | obscene, lewd, etc., materials; penalty.--

54 | (1)(a) Except as provided in paragraph (c), any person who  
 55 | knowingly sells, lends, gives away, distributes, transmits,

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56 | shows, or transmutes, or offers to sell, lend, give away,  
57 | distribute, transmit, show, or transmute, or has in his or her  
58 | possession, custody, or control with intent to sell, lend, give  
59 | away, distribute, transmit, show, transmute, or advertise in any  
60 | manner, any obscene book, magazine, periodical, pamphlet,  
61 | newspaper, comic book, story paper, written or printed story or  
62 | article, writing, paper, card, picture, drawing, photograph,  
63 | motion picture film, figure, image, phonograph record, or wire  
64 | or tape or other recording, or any written, printed, or recorded  
65 | matter of any such character which may or may not require  
66 | mechanical or other means to be transmuted into auditory,  
67 | visual, or sensory representations of such character, or any  
68 | article or instrument for obscene use, or purporting to be for  
69 | obscene use or purpose; or who knowingly designs, copies, draws,  
70 | photographs, poses for, writes, prints, publishes, or in any  
71 | manner whatsoever manufactures or prepares any such material,  
72 | matter, article, or thing of any such character; or who  
73 | knowingly writes, prints, publishes, or utters, or causes to be  
74 | written, printed, published, or uttered, any advertisement or  
75 | notice of any kind, giving information, directly or indirectly,  
76 | stating, or purporting to state, where, how, of whom, or by what  
77 | means any, or what purports to be any, such material, matter,  
78 | article, or thing of any such character can be purchased,  
79 | obtained, or had; or who in any manner knowingly hires, employs,  
80 | uses, or permits any person knowingly to do or assist in doing  
81 | any act or thing mentioned above, commits ~~is guilty of~~ a  
82 | misdemeanor of the first degree, punishable as provided in s.  
83 | 775.082 or s. 775.083. A person who, after having been convicted

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84 of a violation of this subsection, thereafter violates any of  
 85 its provisions, commits ~~is guilty of~~ a felony of the third  
 86 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 87 775.084.

88 (b) The knowing possession by any person of three or more  
 89 identical or similar materials, matters, articles, or things  
 90 coming within the provisions of paragraph (a) is prima facie  
 91 evidence of the violation of the ~~said~~ paragraph.

92 (c) A person who commits a violation of paragraph (a) or  
 93 subsection (2) which is based on materials that depict a minor  
 94 engaged in any act or conduct that is harmful to minors commits  
 95 a felony of the third degree, punishable as provided in s.  
 96 775.082, s. 775.083, or s. 775.084.

97 (d) A person's ignorance of a minor's age, a minor's  
 98 misrepresentation of his or her age, a bona fide belief of a  
 99 minor's age, or a minor's consent may not be raised as a defense  
 100 in a prosecution for one or more violations of paragraph (a) or  
 101 subsection (2).

102 (2) Except as provided in paragraph (1)(c), a person who  
 103 knowingly has in his or her possession, custody, or control any  
 104 obscene book, magazine, periodical, pamphlet, newspaper, comic  
 105 book, story paper, written or printed story or article, writing,  
 106 paper, card, picture, drawing, photograph, motion picture film,  
 107 film, any sticker, decal, emblem or other device attached to a  
 108 motor vehicle containing obscene descriptions, photographs, or  
 109 depictions, any figure, image, phonograph record, or wire or  
 110 tape or other recording, or any written, printed, or recorded  
 111 matter of any such character which may or may not require

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112 mechanical or other means to be transmuted into auditory,  
 113 visual, or sensory representations of such character, or any  
 114 article or instrument for obscene use, or purporting to be for  
 115 obscene use or purpose, without intent to sell, lend, give away,  
 116 distribute, transmit, show, transmute, or advertise the same,  
 117 commits ~~is guilty of~~ a misdemeanor of the second degree,  
 118 punishable as provided in s. 775.082 or s. 775.083. A person  
 119 who, after having been convicted of violating this subsection,  
 120 thereafter violates any of its provisions commits ~~is guilty of~~ a  
 121 misdemeanor of the first degree, punishable as provided in s.  
 122 775.082 or s. 775.083. In any prosecution for such possession,  
 123 it is ~~shall~~ not be necessary to allege or prove the absence of  
 124 such intent.

125 Section 3. Section 847.012, Florida Statutes, is amended  
 126 to read:

127 847.012 Harmful materials; Prohibition of sale or other  
 128 distribution of harmful materials to minors or using minors in  
 129 production prohibited ~~persons under 18 years of age; penalty.--~~

130 (1) As used in this section, "knowingly" means having the  
 131 general knowledge of, reason to know, or a belief or ground for  
 132 belief which warrants further inspection or inquiry of both:

133 (a) The character and content of any material described in  
 134 this section herein which is reasonably susceptible of  
 135 examination by the defendant; ~~and~~

136 (b) The age of the minor; ~~however, an honest mistake shall~~  
 137 ~~constitute an excuse from liability hereunder if the defendant~~  
 138 ~~made a reasonable bona fide attempt to ascertain the true age of~~  
 139 ~~such minor.~~

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140           (2) A person's ignorance of a minor's age, a minor's  
 141 misrepresentation of his or her age, a bona fide belief of a  
 142 minor's age, or a minor's consent may not be raised as a defense  
 143 in a prosecution for a violation of this section.

144           ~~(3)(2)~~ A ~~It is unlawful for any person~~ may not knowingly  
 145 ~~to~~ sell, rent, or loan for monetary consideration to a minor:

146           (a) Any picture, photograph, drawing, sculpture, motion  
 147 picture film, videocassette, or similar visual representation or  
 148 image of a person or portion of the human body which depicts  
 149 nudity or sexual conduct, sexual excitement, sexual battery,  
 150 bestiality, or sadomasochistic abuse and which is harmful to  
 151 minors;7 or

152           (b) Any book, pamphlet, magazine, printed matter however  
 153 reproduced, or sound recording that ~~which~~ contains any matter  
 154 defined in s. 847.001, explicit and detailed verbal descriptions  
 155 or narrative accounts of sexual excitement, or sexual conduct  
 156 and that ~~which~~ is harmful to minors.

157           (4) A person may not knowingly use a minor in the  
 158 production of any material described in subsection (3),  
 159 regardless of whether the material is intended for distribution  
 160 to minors or is actually distributed to minors.

161           ~~(5)(3)~~ Any person violating any provision of this section  
 162 commits ~~is guilty of~~ a felony of the third degree, punishable as  
 163 provided in s. 775.082, s. 775.083, or s. 775.084.

164           ~~(6)(4)~~ Every act, thing, or transaction forbidden by this  
 165 section constitutes a separate offense and is punishable as  
 166 such.

167           ~~(7)(5)~~ (a) The circuit court has jurisdiction to enjoin a

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168 violation of this section upon complaint filed by the state  
169 attorney in the name of the state upon the relation of such  
170 state attorney.

171 (b) After the filing of such a complaint, the judge to  
172 whom it is presented may grant an order restraining the person  
173 complained of until final hearing or further order of the court.  
174 Whenever the relator state attorney requests a judge of such  
175 court to set a hearing upon an application for ~~such~~ a  
176 restraining order, the ~~such~~ judge shall set the ~~such~~ hearing for  
177 a time within 3 days after the making of the ~~such~~ request. The  
178 ~~No such~~ order may not ~~shall~~ be made unless the ~~such~~ judge is  
179 satisfied that sufficient notice of the application therefor has  
180 been given to the party restrained of the time when and place  
181 where the application for the ~~such~~ restraining order is to be  
182 made.

183 (c) The person sought to be enjoined is ~~shall be~~ entitled  
184 to a trial of the issues within 1 day after joinder of issue,  
185 and a decision shall be rendered by the court within 2 days  
186 after ~~of~~ the conclusion of the trial.

187 (d) If ~~In the event that~~ a final decree of injunction is  
188 entered, it must ~~shall~~ contain a provision directing the  
189 defendant having the possession, custody, or control of the  
190 materials, matters, articles, or things affected by the  
191 injunction to surrender the same to the sheriff and requiring  
192 the sheriff to seize and destroy the same. The sheriff shall  
193 file a certificate of her or his compliance.

194 (e) In any action brought as provided in this section, a  
195 ~~no~~ bond or undertaking may not ~~shall~~ be required of the state or

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196 the state attorney before the issuance of a restraining order  
 197 provided for by paragraph (b), and ~~there shall be no liability~~  
 198 ~~on the part of~~ the state or the state attorney may not be held  
 199 liable for costs or for damages sustained by reason of the ~~such~~  
 200 restraining order in any case where a final decree is rendered  
 201 in favor of the person sought to be enjoined.

202 (f) Every person who has possession, custody, or control  
 203 of, or otherwise deals with, any of the materials, matters,  
 204 articles, or things described in this section, after the service  
 205 upon her or him of a summons and complaint in an action for  
 206 injunction brought under this section, is chargeable with  
 207 knowledge of the contents and character thereof.

208 ~~(8)(6)~~ The several sheriffs and state attorneys shall  
 209 vigorously enforce this section within their respective  
 210 jurisdictions.

211 ~~(9)(7)~~ This section does not apply to the exhibition of  
 212 motion pictures, shows, presentations, or other representations  
 213 regulated under ~~the provisions of~~ s. 847.013.

214 Section 4. Section 847.013, Florida Statutes, is amended  
 215 to read:

216 847.013 Exposing minors to harmful motion pictures,  
 217 exhibitions, shows, presentations, or representations.--

218 (1) "KNOWINGLY" DEFINED.--As used in this section  
 219 "knowingly" means having general knowledge of, reason to know,  
 220 or a belief or ground for belief which warrants further  
 221 inspection or inquiry of both:

222 (a) The character and content of any motion picture  
 223 described herein which is reasonably susceptible of examination



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224 by the defendant, or the character of any exhibition,  
 225 presentation, representation, or show described herein, other  
 226 than a motion picture show, which is reasonably susceptible of  
 227 being ascertained by the defendant;7 and

228 (b) ~~The age of the minor; however, an honest mistake shall~~  
 229 ~~constitute an excuse from liability hereunder if the defendant~~  
 230 ~~made a reasonable bona fide attempt to ascertain the true age of~~  
 231 ~~such minor.~~

232 (2) MINOR'S AGE.--A person's ignorance of a minor's age, a  
 233 minor's misrepresentation of his or her age, a bona fide belief  
 234 of a minor's age, or a minor's consent may not be raised as a  
 235 defense in a prosecution for a violation of this section.

236 (3)(2) OFFENSES AND PENALTIES.--

237 (a) A ~~It is unlawful for any person~~ may not knowingly ~~to~~  
 238 exhibit for a monetary consideration to a minor or knowingly ~~to~~  
 239 sell or rent a videotape of a motion picture to a minor or  
 240 knowingly sell to a minor an admission ticket or pass or  
 241 knowingly admit a minor for a monetary consideration to premises  
 242 whereon there is exhibited a motion picture, exhibition, show,  
 243 representation, or other presentation which, in whole or in  
 244 part, depicts nudity, sexual conduct, sexual excitement, sexual  
 245 battery, bestiality, or sadomasochistic abuse and which is  
 246 harmful to minors.

247 (b) A ~~It is unlawful for any person~~ may not knowingly ~~to~~  
 248 rent or sell, or loan to a minor for monetary consideration, a  
 249 videocassette or a videotape of a motion picture, or similar  
 250 presentation, which, in whole or in part, depicts nudity, sexual  
 251 conduct, sexual excitement, sexual battery, bestiality, or

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252 | sadomasochistic abuse and which is harmful to minors.

253 |       (c) The provisions of paragraph (a) do not apply to a  
254 | minor when the minor is accompanied by his or her parents or  
255 | either of them.

256 |       (d) A ~~It is unlawful for any~~ minor may not ~~to~~ falsely  
257 | represent to the owner of any premises mentioned in paragraph  
258 | (a), or to the owner's agent, or to any person mentioned in  
259 | paragraph (b), that the ~~such~~ minor is 17 years of age or older,  
260 | with the intent to procure the ~~such~~ minor's admission to such  
261 | premises, or the ~~such~~ minor's purchase or rental of a videotape,  
262 | for a monetary consideration.

263 |       (e) A ~~It is unlawful for any~~ person may not ~~to~~ knowingly  
264 | make a false representation to the owner of any premises  
265 | mentioned in paragraph (a), or to the owner's agent, or to any  
266 | person mentioned in paragraph (b), that he or she is the parent  
267 | of any minor or that any minor is 17 years of age or older, with  
268 | intent to procure the ~~such~~ minor's admission to the ~~such~~  
269 | premises or to aid the ~~such~~ minor in procuring admission  
270 | thereto, or to aid or enable the ~~such~~ minor's purchase or rental  
271 | of a videotape, for a monetary consideration.

272 |       (f) A violation of any provision of this subsection  
273 | constitutes a misdemeanor of the first degree, punishable as  
274 | provided in s. 775.082 or s. 775.083.

275 |       (4) ~~(3)~~ INJUNCTIVE PROCEEDINGS.--

276 |       (a) The circuit court has jurisdiction to enjoin a  
277 | threatened violation of subsection (2) upon complaint filed by  
278 | the state attorney in the name of the state upon the relation of  
279 | such state attorney.

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280 (b) After the filing of such a complaint, the judge to  
 281 whom it is presented may grant an order restraining the person  
 282 or persons complained of until final hearing or further order of  
 283 the court. Whenever the relator requests a judge of the ~~such~~  
 284 court to set a hearing upon an application for ~~such~~ a  
 285 restraining order, the ~~such~~ judge shall set the ~~such~~ hearing for  
 286 a time within 3 days after the making of the ~~such~~ request. An ~~No~~  
 287 ~~such~~ order may not ~~shall~~ be made unless the ~~such~~ judge is  
 288 satisfied that sufficient notice of the application therefor has  
 289 been given to the person or persons restrained of the time when  
 290 and place where the application for the ~~such~~ restraining order  
 291 is to be heard. However, the ~~such~~ notice shall be dispensed with  
 292 when it is manifest to the ~~such~~ judge, from the allegations of a  
 293 sworn complaint or independent affidavit, sworn to by the  
 294 relator or by some person associated with him or her in the  
 295 field of law enforcement and filed by the relator, that the  
 296 apprehended violation will be committed if an immediate remedy  
 297 is not afforded.

298 (c) The person or persons sought to be enjoined are ~~shall~~  
 299 ~~be~~ entitled to a trial of the issues within 1 day after joinder  
 300 of issue, and a decision shall be rendered by the court within 2  
 301 days after the conclusion of the trial.

302 (d) In any action brought as provided in this section, a  
 303 ~~no~~ bond or undertaking is not ~~shall be~~ required of the state or  
 304 the relator state attorney before the issuance of a restraining  
 305 order provided for by this section, and there is ~~shall be~~ no  
 306 liability on the part of the state or the relator state attorney  
 307 for costs or damages sustained by reason of such restraining

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308 order in any case in which a final decree is rendered in favor  
 309 of the person or persons sought to be enjoined.

310 (e) Every person who has possession, custody, or control  
 311 of, or otherwise deals with, any motion picture, exhibition,  
 312 show, representation, or presentation described in this section,  
 313 after the service upon him or her of a summons and complaint in  
 314 an action for injunction brought under this section, is  
 315 chargeable with knowledge of the contents or character thereof.

316 (5)~~(4)~~ LEGISLATIVE INTENT.--In order to make the  
 317 application and enforcement of this section uniform throughout  
 318 the state, it is the intent of the Legislature to preempt the  
 319 field, to the exclusion of counties and municipalities, insofar  
 320 as it concerns exposing persons under 17 years of age to harmful  
 321 motion pictures, exhibitions, shows, representations, ~~and~~  
 322 presentations, and commercial or sexual exploitation. To that  
 323 end, it is hereby declared that every county ordinance and every  
 324 municipal ordinance adopted prior to July 1, 1969, and relating  
 325 to such subject shall stand abrogated and unenforceable on and  
 326 after such date and that no county, municipality, or  
 327 consolidated county-municipal government shall have the power to  
 328 adopt any ordinance relating to that subject on or after such  
 329 effective date.

330 Section 5. Subsection (1) of section 847.0133, Florida  
 331 Statutes, is amended to read:

332 847.0133 Protection of minors; prohibition of certain acts  
 333 in connection with obscenity; penalty.--

334 (1) ~~A It is unlawful for any person~~ may not knowingly ~~to~~  
 335 sell, rent, loan, give away, distribute, transmit, or show any

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336 obscene material to a minor. For purposes of this section  
 337 "obscene material" means any obscene book, magazine, periodical,  
 338 pamphlet, newspaper, comic book, story paper, written or printed  
 339 story or article, writing paper, card, picture, drawing,  
 340 photograph, motion picture film, figure, image, videotape,  
 341 videocassette, phonograph record, or wire or tape or other  
 342 recording, or any written, printed, or recorded matter of any  
 343 such character which may or may not require mechanical or other  
 344 means to be transmuted into auditory, visual, or sensory  
 345 representations of such character, or any article or instrument  
 346 for obscene use, or purporting to be for obscene use or purpose.  
 347 The term "obscene" has ~~shall have~~ the same meaning as set forth  
 348 in s. 847.001.

349 Section 6. Paragraph (f) of subsection (3) of section  
 350 921.0022, Florida Statutes, is amended to read:

351 921.0022 Criminal Punishment Code; offense severity  
 352 ranking chart.--

- 353 (3) OFFENSE SEVERITY RANKING CHART
- 354 (f) LEVEL 6

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Florida Statute	Felony Degree	Description
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051 (3)	2nd	Forgery of pedigree papers.

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359	499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
360	499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
361	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
362	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
363	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
364	784.041	3rd	Felony battery; domestic battery by strangulation.
365	784.048 (3)	3rd	Aggravated stalking; credible threat.
366	784.048 (5)	3rd	Aggravated stalking of person under 16.
367	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
368	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.

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369	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
370	784.081 (2)	2nd	Aggravated assault on specified official or employee.
371	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
372	784.083 (2)	2nd	Aggravated assault on code inspector.
373	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
374	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
375	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
376	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
377	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

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378	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
379	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
380	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
381	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
382	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
383	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
384	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
385	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or



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more; second or subsequent conviction.

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812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

825.103 (2) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.

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395	827.03 (1)	3rd	Abuse of a child.
396	827.03 (3) (c)	3rd	Neglect of a child.
397	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
398	836.05	2nd	Threats; extortion.
399	836.10	2nd	Written threats to kill or do bodily injury.
400	843.12	3rd	Aids or assists person to escape.
401	<u>847.011</u>	<u>3rd</u>	<u>Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.</u>
402	<u>847.012</u>	<u>3rd</u>	<u>Knowingly using a minor in the production of materials harmful to minors.</u>
403	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

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404	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
405	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
406	944.40	2nd	Escapes.
407	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
408	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
409	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

411           Section 7. The amendments to ss. 847.012, 847.011,  
 412 847.013, and 847.0133, Florida Statutes, by this act do not  
 413 apply to providers of communications services as defined in s.  
 414 202.11, Florida Statutes, or to providers of information  
 415 services, including, but not limited to, Internet access service  
 416 providers and hosting service providers, when they only provide

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2008 Legislature

417 the transmission, storage, or caching of electronic  
418 communications or messages of others or provide other related  
419 communications or information services used by others in  
420 violation of such amended provisions. This exemption shall not  
421 apply to providers of communications services as defined in s.  
422 202.11, Florida Statutes, or providers of information services  
423 that knowingly for commercial advantage or private financial  
424 gain facilitate the specific violation of such amended  
425 provisions by others.

426 Section 8. This act shall take effect July 1, 2008.