

By the Committee on Judiciary; and Senator Bradley

590-02871-21

20211378c1

1 A bill to be entitled  
2 An act relating to corporate espionage; providing a  
3 short title; amending s. 812.081, F.S.; revising  
4 definitions; prohibiting theft of a trade secret;  
5 prohibiting trafficking in trade secrets; providing  
6 criminal penalties; reclassifying the criminal penalty  
7 and increasing the offense severity ranking for an  
8 offense committed with specified intent; requiring a  
9 court to order specified restitution for a violation;  
10 providing for civil actions for violations; providing  
11 an exception to criminal and civil liability for  
12 certain disclosures; amending s. 921.0022, F.S.;  
13 conforming provisions to changes made by the act;  
14 ranking the severity of offenses; providing an  
15 effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. This act may be cited as the "Combating  
20 Corporate Espionage in Florida Act."

21 Section 2. Section 812.081, Florida Statutes, is amended to  
22 read:

23 812.081 Theft of or trafficking in trade secrets; ~~theft,~~  
24 embezzlement; unlawful copying; definitions; penalties;  
25 providing to foreign entities; restitution penalty.-

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

27 (a) "Endeavor" means to attempt or to try.

28 (b) "Foreign agent" means any officer, employee, proxy,  
29 servant, delegate, or representative of a foreign government.

590-02871-21

20211378c1

30 (c) "Foreign instrumentality" means any agency, bureau,  
31 ministry, component, institution, association, or any legal,  
32 commercial, or business organization, corporation, firm, or  
33 entity that is substantially owned, controlled, sponsored,  
34 commanded, managed, or dominated by a foreign government.

35 (d) "Obtain or use" has the same meaning as provided in s.  
36 812.012(3).

37 (e) "Person" means a natural person, corporation, business  
38 trust, estate, trust, partnership, association, joint venture,  
39 government, governmental subdivision or agency, or any other  
40 legal or commercial entity.

41 ~~(a) "Article" means any object, device, machine, material,~~  
42 ~~substance, or composition of matter, or any mixture or copy~~  
43 ~~thereof, whether in whole or in part, including any complete or~~  
44 ~~partial writing, record, recording, drawing, sample, specimen,~~  
45 ~~prototype model, photograph, microorganism, blueprint, map, or~~  
46 ~~copy thereof.~~

47 ~~(b) "Representing" means completely or partially~~  
48 ~~describing, depicting, embodying, containing, constituting,~~  
49 ~~reflecting, or recording.~~

50 (f)~~(e)~~ "Trade secret" means the whole or any portion or  
51 phase of any formula, pattern, device, combination of devices,  
52 or compilation of information which is for use, or is used, in  
53 the operation of a business and which provides the business an  
54 advantage, or an opportunity to obtain an advantage, over those  
55 who do not know or use it. The term includes any scientific,  
56 technical, or commercial information, including financial  
57 information, and includes any design, process, procedure, list  
58 of suppliers, list of customers, business code, or improvement

590-02871-21

20211378c1

59 thereof, whether tangible or intangible, and regardless of  
60 whether or how it is stored, compiled, or memorialized  
61 physically, electronically, graphically, photographically, or in  
62 writing. Irrespective of novelty, invention, patentability, the  
63 state of the prior art, and the level of skill in the business,  
64 art, or field to which the subject matter pertains, a trade  
65 secret is considered to be:

- 66 1. Secret;
- 67 2. Of value;
- 68 3. For use or in use by the business; and
- 69 4. Of advantage to the business, or providing an  
70 opportunity to obtain an advantage, over those who do not know  
71 or use it

72  
73 when the owner thereof takes measures to prevent it from  
74 becoming available to persons other than those selected by the  
75 owner to have access thereto for limited purposes.

76 (g) "Traffic" has the same meaning as provided in s.  
77 812.012(8).

78 ~~(d) "Copy" means any facsimile, replica, photograph, or~~  
79 ~~other reproduction in whole or in part of an article and any~~  
80 ~~note, drawing, or sketch made of or from an article or part or~~  
81 ~~portion thereof.~~

82 (2) It is unlawful for a Any person to willfully and  
83 without authorization obtain or use, or to endeavor to obtain or  
84 use, a trade secret who, with the intent to either temporarily  
85 or permanently:

86 (a) Deprive or withhold from the owner thereof the control  
87 or benefit of a trade secret; ~~or with an intent to~~

590-02871-21

20211378c1

88        (b) Appropriate a trade secret to his or her own use or to  
89 the use of another person not entitled to the trade secret.~~7~~  
90 ~~steals or embezzles an article representing a trade secret or~~  
91 ~~without authority makes or causes to be made a copy of an~~  
92 ~~article representing a trade secret~~

93  
94 A person who violates this subsection commits theft of a trade  
95 secret, a felony of the third degree, punishable as provided in  
96 s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

97        (3) A person who traffics in, or endeavors to traffic in, a  
98 trade secret that he or she knows or should know was obtained or  
99 used without authorization commits trafficking in trade secrets,  
100 a felony of the second degree, punishable as provided in s.  
101 775.082, s. 775.083, or s. 775.084.

102        (4) Whenever a person is charged with a violation of this  
103 section which was committed with the intent to benefit a foreign  
104 government, a foreign agent, or a foreign instrumentality, the  
105 offense for which the person is charged shall be reclassified as  
106 follows:

107        (a) In the case of theft of a trade secret, from a felony  
108 of the third degree to felony of the second degree.

109        (b) In the case of trafficking in trade secrets, from a  
110 felony of the second degree to a felony of the first degree.

111  
112 For purposes of sentencing under chapter 921 and determining  
113 incentive gain-time eligibility under chapter 944, a felony  
114 offense that is reclassified under this subsection is ranked one  
115 level above the ranking under s. 921.0022 of the offense  
116 committed.

590-02871-21

20211378c1

117 (5) A court shall order a person convicted of violating  
118 this section to pay restitution, which shall include the value  
119 of the benefit derived from the offense, including any expenses  
120 for research and design and other costs of reproducing the trade  
121 secret that the person has avoided by committing the offense.

122 (6) In a prosecution for a violation of this section, the  
123 fact that the person so charged returned or intended to return  
124 the ~~unlawfully obtained or used trade secret article so stolen,~~  
125 ~~embezzled, or copied~~ is not a defense.

126 (7) A person who owns a trade secret that is unlawfully  
127 obtained or used may bring a civil action to enjoin the  
128 continued improper use of such trade secret, and a court may  
129 require affirmative actions to protect the trade secret. When  
130 exceptional circumstances render an injunction inequitable, the  
131 court may condition future use of the trade secret on the  
132 payment of a reasonable royalty for no longer than the period of  
133 time for which such use could have been prohibited.

134 (8) A person may not be held criminally or civilly liable  
135 under this section for the disclosure of a trade secret when  
136 such disclosure is:

137 (a) Made confidentially to an attorney, a law enforcement  
138 officer, or any other federal, state, or local government  
139 official for the purpose of reporting or investigating a  
140 suspected violation of law; or

141 (b) Made in a complaint or other document filed under seal  
142 in a lawsuit or other proceeding.

143 Section 3. Paragraphs (a), (c), and (e) of subsection (3)  
144 of section 921.0022, Florida Statutes, are amended to read:

145 921.0022 Criminal Punishment Code; offense severity ranking

590-02871-21

20211378c1

146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156

chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

| Florida Statute | Felony Degree | Description  |
|-----------------|---------------|--|
| 24.118(3)(a)    | 3rd           | Counterfeit or altered state lottery ticket.                                   |
| 212.054(2)(b)   | 3rd           | Discretionary sales surtax; limitations, administration, and collection.       |
| 212.15(2)(b)    | 3rd           | Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.   |
| 316.1935(1)     | 3rd           | Fleeing or attempting to elude law enforcement officer.                        |
| 319.30(5)       | 3rd           | Sell, exchange, give away certificate of title or identification number plate. |
| 319.35(1)(a)    | 3rd           | Tamper, adjust, change, etc., an odometer.                                     |
| 320.26(1)(a)    | 3rd           | Counterfeit, manufacture, or   |

590-02871-21

20211378c1

sell registration license  
plates or validation stickers.

157

322.212  
(1) (a) - (c)

3rd

Possession of forged, stolen,  
counterfeit, or unlawfully  
issued driver license;  
possession of simulated  
identification.

158

322.212 (4)

3rd

Supply or aid in supplying  
unauthorized driver license or  
identification card.

159

322.212 (5) (a)

3rd

False application for driver  
license or identification card.

160

414.39 (3) (a)

3rd

Fraudulent misappropriation of  
public assistance funds by  
employee/official, value more  
than \$200.

161

443.071 (1)

3rd

False statement or  
representation to obtain or  
increase reemployment  
assistance benefits.

162

509.151 (1)

3rd

Defraud an innkeeper, food or  
lodging value \$1,000 or more.

163

590-02871-21

20211378c1

164  
165  
166  
167  
168  
169  
170

517.302 (1)

3rd

Violation of the Florida Securities and Investor Protection Act.

713.69

3rd

Tenant removes property upon which lien has accrued, value \$1,000 or more.

812.014 (3) (c)

3rd

Petit theft (3rd conviction); theft of any property not specified in subsection (2).

~~812.081 (2)~~

3rd

~~Unlawfully makes or causes to be made a reproduction of a trade secret.~~

815.04 (5) (a)

3rd

Offense against intellectual property (i.e., computer programs, data).

817.52 (2)

3rd

Hiring with intent to defraud, motor vehicle services.

817.569 (2)

3rd

Use of public record or public records information or providing false information to facilitate commission of a felony.



590-02871-21

20211378c1

171

826.01 3rd Bigamy.

172

828.122(3) 3rd Fighting or baiting animals.

173

831.04(1) 3rd Any erasure, alteration, etc.,  
of any replacement deed, map,  
plat, or other document listed  
in s. 92.28.

174

831.31(1)(a) 3rd Sell, deliver, or possess  
counterfeit controlled  
substances, all but s.  
893.03(5) drugs.

175

832.041(1) 3rd Stopping payment with intent to  
defraud \$150 or more.

176

832.05(2)(b) & 3rd Knowing, making, issuing  
(4)(c) worthless checks \$150 or more  
or obtaining property in return  
for worthless check \$150 or  
more.

177

838.15(2) 3rd Commercial bribe receiving.

178

838.16 3rd Commercial bribery.

843.18 3rd Fleeing by boat to elude a law  
enforcement officer.

590-02871-21

20211378c1

179  
180  
181  
182  
183  
184  
185  
186  
187

|                      |     |  |
|----------------------|-----|--|
| 847.011 (1) (a)      | 3rd | Sell, distribute, etc.,<br>obscene, lewd, etc., material<br>(2nd conviction).  |
| 849.09 (1) (a) - (d) | 3rd | Lottery; set up, promote, etc.,<br>or assist therein, conduct or<br>advertise drawing for prizes,<br>or dispose of property or money<br>by means of lottery. |
| 849.23               | 3rd | Gambling-related machines;<br>"common offender" as to<br>property rights.  |
| 849.25 (2)           | 3rd | Engaging in bookmaking.  |
| 860.08               | 3rd | Interfere with a railroad<br>signal.   |
| 860.13 (1) (a)       | 3rd | Operate aircraft while under<br>the influence.   |
| 893.13 (2) (a) 2.    | 3rd | Purchase of cannabis.  |
| 893.13 (6) (a)       | 3rd | Possession of cannabis (more<br>than 20 grams).  |
| 934.03 (1) (a)       | 3rd | Intercepts, or procures any  |

590-02871-21

20211378c1

other person to intercept, any  
wire or oral communication.

188  
189  
190  
191  
192  
193  
194  
195  
196

(c) LEVEL 3

| Florida Statute       | Felony Degree | Description   |
|-----------------------|---------------|---|
| 119.10 (2) (b)        | 3rd           | Unlawful use of confidential information from police reports.   |
| 316.066 (3) (b) - (d) | 3rd           | Unlawfully obtaining or using confidential crash reports.   |
| 316.193 (2) (b)       | 3rd           | Felony DUI, 3rd conviction.   |
| 316.1935 (2)          | 3rd           | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated. |
| 319.30 (4)            | 3rd           | Possession by junkyard of motor vehicle with identification number plate removed.                         |
| 319.33 (1) (a)        | 3rd           | Alter or forge any certificate of title to a motor vehicle or mobile home.                                |

590-02871-21

20211378c1

197

319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

198

319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

199

327.35(2)(b) 3rd Felony BUI.

200

328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

201

328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

202

376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

203

379.2431 3rd Taking, disturbing, mutilating, (1)(e)5. destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine

590-02871-21

20211378c1

turtles, marine turtle eggs, or  
 marine turtle nests in  
 violation of the Marine Turtle  
 Protection Act.

204

379.2431  
 (1) (e) 6.

3rd

Possessing any marine turtle  
 species or hatchling, or parts  
 thereof, or the nest of any  
 marine turtle species described  
 in the Marine Turtle Protection  
 Act.

205

379.2431  
 (1) (e) 7.

3rd

Soliciting to commit or  
 conspiring to commit a  
 violation of the Marine Turtle  
 Protection Act.

206

400.9935 (4) (a)  
 or (b)

3rd

Operating a clinic, or offering  
 services requiring licensure,  
 without a license.

207

400.9935 (4) (e)

3rd

Filing a false license  
 application or other required  
 information or failing to  
 report information.

208

440.1051 (3)

3rd

False report of workers'  
 compensation fraud or  
 retaliation for making such a

590-02871-21

20211378c1

report.

209

501.001 (2) (b) 2nd Tampers with a consumer product or the container using materially false/misleading information.

210

624.401 (4) (a) 3rd Transacting insurance without a certificate of authority.

211

624.401 (4) (b) 1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

212

626.902 (1) (a) & (b) 3rd Representing an unauthorized insurer.

213

697.08 3rd Equity skimming.

214

790.15 (3) 3rd Person directs another to discharge firearm from a vehicle.

215

806.10 (1) 3rd Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

216

806.10 (2) 3rd Interferes with or assaults

590-02871-21

20211378c1

firefighter in performance of  
duty.

217

810.09(2)(c) 3rd Trespass on property other than  
structure or conveyance armed  
with firearm or dangerous  
weapon.

218

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but  
less than \$10,000.

219

812.0145(2)(c) 3rd Theft from person 65 years of  
age or older; \$300 or more but  
less than \$10,000.

220

812.015(8)(b) 3rd Retail theft with intent to  
sell; conspires with others.

221

812.081(2) 3rd Theft of a trade secret.

222

815.04(5)(b) 2nd Computer offense devised to  
defraud or obtain property.

223

817.034(4)(a)3. 3rd Engages in scheme to defraud  
(Florida Communications Fraud  
Act), property valued at less  
than \$20,000.

224

817.233 3rd Burning to defraud insurer.

590-02871-21

20211378c1

225  
226  
227  
228  
229  
230  
231  
232

|                          |     |   |
|--------------------------|-----|---|
| 817.234<br>(8) (b) & (c) | 3rd | Unlawful solicitation of persons involved in motor vehicle accidents.   |
| 817.234 (11) (a)         | 3rd | Insurance fraud; property value less than \$20,000.   |
| 817.236                  | 3rd | Filing a false motor vehicle insurance application.   |
| 817.2361                 | 3rd | Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.  |
| 817.413 (2)              | 3rd | Sale of used goods of \$1,000 or more as new.   |
| 831.28 (2) (a)           | 3rd | Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud. |
| 831.29                   | 2nd | Possession of instruments for counterfeiting driver licenses or identification cards.   |



590-02871-21 20211378c1

233 838.021(3)(b) 3rd Threatens unlawful harm to  
public servant.

234 843.19 2nd Injure, disable, or kill  
police, fire, or SAR canine or  
police horse.

235 860.15(3) 3rd Overcharging for repairs and  
parts.

236 870.01(2) 3rd Riot; inciting or encouraging.

237 893.13(1)(a)2. 3rd Sell, manufacture, or deliver  
cannabis (or other s.  
893.03(1)(c), (2)(c)1.,  
(2)(c)2., (2)(c)3., (2)(c)6.,  
(2)(c)7., (2)(c)8., (2)(c)9.,  
(2)(c)10., (3), or (4) drugs).

238 893.13(1)(d)2. 2nd Sell, manufacture, or deliver  
s. 893.03(1)(c), (2)(c)1.,  
(2)(c)2., (2)(c)3., (2)(c)6.,  
(2)(c)7., (2)(c)8., (2)(c)9.,  
(2)(c)10., (3), or (4) drugs  
within 1,000 feet of  
university.

893.13(1)(f)2. 2nd Sell, manufacture, or deliver  
s. 893.03(1)(c), (2)(c)1.,

590-02871-21

20211378c1

(2) (c) 2., (2) (c) 3., (2) (c) 6.,  
 (2) (c) 7., (2) (c) 8., (2) (c) 9.,  
 (2) (c) 10., (3), or (4) drugs  
 within 1,000 feet of public  
 housing facility.

239

893.13 (4) (c)            3rd    Use or hire of minor; deliver  
 to minor other controlled  
 substances.

240

893.13 (6) (a)           3rd    Possession of any controlled  
 substance other than felony  
 possession of cannabis.

241

893.13 (7) (a) 8.        3rd    Withhold information from  
 practitioner regarding previous  
 receipt of or prescription for  
 a controlled substance.

242

893.13 (7) (a) 9.       3rd    Obtain or attempt to obtain  
 controlled substance by fraud,  
 forgery, misrepresentation,  
 etc.

243

893.13 (7) (a) 10.      3rd    Affix false or forged label to  
 package of controlled  
 substance.

244

893.13 (7) (a) 11.      3rd    Furnish false or fraudulent

590-02871-21

20211378c1

material information on any document or record required by chapter 893.

245

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

246

893.13(8)(a)2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

247

893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

248

893.13(8)(a)4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a

590-02871-21

20211378c1

monetary benefit for the practitioner.

249

918.13(1) (a) 3rd Alter, destroy, or conceal investigation evidence.

250

944.47 (1) (a) 1. & 2. 3rd Introduce contraband to correctional facility.

251

944.47(1) (c) 2nd Possess contraband while upon the grounds of a correctional institution.

252

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

253

254 (e) LEVEL 5

255

|                 |               |             |
|-----------------|---------------|-------------|
| Florida Statute | Felony Degree | Description |
|-----------------|---------------|-------------|

256

|                |     |   |
|----------------|-----|---|
| 316.027(2) (a) | 3rd | Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene. |
|----------------|-----|---|

257

|                 |     |                                |
|-----------------|-----|--------------------------------|
| 316.1935(4) (a) | 2nd | Aggravated fleeing or eluding. |
|-----------------|-----|--------------------------------|

590-02871-21

20211378c1

258

316.80 (2)                      2nd      Unlawful conveyance of fuel;  
obtaining fuel fraudulently.

259

322.34 (6)                      3rd      Careless operation of motor  
vehicle with suspended license,  
resulting in death or serious  
bodily injury.

260

327.30 (5)                      3rd      Vessel accidents involving  
personal injury; leaving scene.

261

379.365 (2) (c) 1.              3rd      Violation of rules relating to:  
willful molestation of stone  
crab traps, lines, or buoys;  
illegal bartering, trading, or  
sale, conspiring or aiding in  
such barter, trade, or sale, or  
supplying, agreeing to supply,  
aiding in supplying, or giving  
away stone crab trap tags or  
certificates; making, altering,  
forging, counterfeiting, or  
reproducing stone crab trap  
tags; possession of forged,  
counterfeit, or imitation stone  
crab trap tags; and engaging in  
the commercial harvest of stone  
crabs while license is

590-02871-21

20211378c1

suspended or revoked.

262

379.367(4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

263

379.407(5)(b)3.

3rd

Possession of 100 or more undersized spiny lobsters.

264

381.0041(11)(b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

265

440.10(1)(g)

2nd

Failure to obtain workers' compensation coverage.

266

440.105(5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

267

440.381(2)

3rd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

268

624.401(4)(b)2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

590-02871-21

20211378c1

269  
270  
271  
272  
273  
274  
275  
276  
277

|                 |     |  |
|-----------------|-----|--|
| 626.902 (1) (c) | 2nd | Representing an unauthorized insurer; repeat offender.   |
| 790.01 (2)      | 3rd | Carrying a concealed firearm.  |
| 790.162         | 2nd | Threat to throw or discharge destructive device.   |
| 790.163 (1)     | 2nd | False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner. |
| 790.221 (1)     | 2nd | Possession of short-barreled shotgun or machine gun.   |
| 790.23          | 2nd | Felons in possession of firearms, ammunition, or electronic weapons or devices.                    |
| 796.05 (1)      | 2nd | Live on earnings of a prostitute; 1st offense.   |
| 800.04 (6) (c)  | 3rd | Lewd or lascivious conduct; offender less than 18 years of age.                                    |
| 800.04 (7) (b)  | 2nd | Lewd or lascivious exhibition;   |

590-02871-21

20211378c1

offender 18 years of age or  
older.

278

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

279

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

280

812.015                        3rd    Retail theft; property stolen  
(8) (a) & (c) -                is valued at \$750 or more and  
(e)                                one or more specified acts.

281

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

282

812.081 (3)                    2nd    Trafficking in trade secrets.

283

812.131 (2) (b)            3rd    Robbery by sudden snatching.

284

812.16 (2)                     3rd    Owning, operating, or  
conducting a chop shop.

285

817.034 (4) (a) 2.          2nd    Communications fraud, value  
\$20,000 to \$50,000.

286





590-02871-21

20211378c1

292

825.1025 (4)

3rd

Lewd or lascivious exhibition  
in the presence of an elderly  
person or disabled adult.

293

827.071 (4)

2nd

Possess with intent to promote  
any photographic material,  
motion picture, etc., which  
includes sexual conduct by a  
child.

294

827.071 (5)

3rd

Possess, control, or  
intentionally view any  
photographic material, motion  
picture, etc., which includes  
sexual conduct by a child.

295

828.12 (2)

3rd

Tortures any animal with intent  
to inflict intense pain,  
serious physical injury, or  
death.

296

839.13 (2) (b)

2nd

Falsifying records of an  
individual in the care and  
custody of a state agency  
involving great bodily harm or  
death.

843.01

3rd

Resist officer with violence to  
person; resist arrest with

590-02871-21

20211378c1

violence.

297

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

298

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

299

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

300

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

301

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

302

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) 5.  
drugs).

303

893.13 (1) (c) 2. 2nd Sell, manufacture, or deliver

590-02871-21

20211378c1

cannabis (or other s.  
 893.03(1)(c), (2)(c)1.,  
 (2)(c)2., (2)(c)3., (2)(c)6.,  
 (2)(c)7., (2)(c)8., (2)(c)9.,  
 (2)(c)10., (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.

304

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)5.  
 drugs) within 1,000 feet of  
 university.

305

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)6.,  
 (2)(c)7., (2)(c)8., (2)(c)9.,  
 (2)(c)10., (3), or (4) within  
 1,000 feet of property used for  
 religious services or a  
 specified business site.

590-02871-21

20211378c1

306

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)5. drugs) within 1,000 feet of public housing facility.

307

893.13(4)(b)            2nd    Use or hire of minor; deliver to minor other controlled substance.

308

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

309

310

Section 4. This act shall take effect October 1, 2021.