

1                                   A bill to be entitled  
2           An act relating to depictions of nudity or sexual  
3           conduct; amending ss. 775.0847, 827.071, and 847.001,  
4           F.S.; revising and providing definitions; conforming  
5           provisions to changes made by the act; creating s.  
6           847.0115, F.S.; providing definitions; prohibiting the  
7           promotion of altered sexual depictions; providing  
8           criminal penalties; providing exceptions; amending s.  
9           847.0137, F.S.; revising a definition; amending ss.  
10          288.1254, 847.002, 847.012, 847.01357, 847.0138,  
11          847.0139, 847.0141, 960.03, and 960.197, F.S.;  
12          conforming provisions to changes made by the act;  
13          conforming cross-references; amending s. 921.0022,  
14          F.S.; ranking a new offense on the offense severity  
15          ranking chart of the Criminal Punishment Code;  
16          conforming provisions to changes made by the act;  
17          reenacting ss. 16.56(1)(a), 39.0132(4)(b),  
18          39.0138(3)(c), 92.56(3), 92.561, 98.0751(2)(b),  
19          119.071(2)(h) and (j), 435.07(4)(c), 456.074(4) and  
20          (5), 480.041(7)(o), (p), (q), (r), and (s), 480.043(8)  
21          (n), (o), (p), (q), and (r), 775.21(4)(a) and (10)(b),  
22          775.215(2), (3)(a) and (c), 794.056(1),  
23          943.0435(1)(h), 944.11(2), 944.606(1)(f),  
24          944.607(1)(f), 960.03(3)(e), 960.197, 1006.28(2)(a)  
25          and (d), 1006.31(2), 1006.34(2)(b), and 1006.40(3)(d),

26 relating to the Office of Statewide Prosecution;  
27 oaths, records, and confidential information; criminal  
28 history and other records checks; limits on the  
29 placement of a child; judicial proceedings and court  
30 records involving sexual offenses and human  
31 trafficking; prohibitions on reproduction of child  
32 pornography; the restoration of voting rights and  
33 termination of ineligibility subsequent to a felony  
34 conviction; general exemptions from inspection and  
35 public records copying; exemptions from  
36 disqualification; certain health care practitioners  
37 and the immediate suspension of licenses; massage  
38 therapists, qualifications, licensure, and  
39 endorsement; massage establishments, requisites,  
40 licensure, inspection, and human trafficking awareness  
41 training and policies; the Florida Sexual Predators  
42 Act; residency restrictions for persons convicted of  
43 certain sex offenses; the Rape Crisis Program Trust  
44 Fund; requirements for sexual offenders to register  
45 with the department; department regulations on the  
46 admission of books;, sexual offenders; notifications  
47 upon release; notifications to Department of Law  
48 Enforcement of information on sexual offenders;  
49 definitions; assistance to victims of online sexual  
50 exploitation and child pornography; duties of district

51 school board, district school superintendent, and  
 52 school principal relating to K-12 instructional  
 53 materials; duties of the Department of Education and  
 54 the school district instructional materials reviewer;  
 55 powers and duties of the commissioner and the  
 56 department in the selection and adoption of  
 57 instructional materials; and the use of instructional  
 58 materials allocation, instructional materials, library  
 59 books, and reference books; and book repairs,  
 60 respectively, to incorporate the amendments made by  
 61 the act; providing an effective date.

62

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

64

65 Section 1. Paragraphs (a), (b), and (f) of subsection (1)  
 66 and subsection (2) of section 775.0847, Florida Statutes, are  
 67 amended, and subsection (3) of that section is republished, to  
 68 read:

69 775.0847 Possession or promotion of certain visual  
 70 depictions ~~images~~ of child pornography; reclassification.-

71 (1) For purposes of this section:

72 (a) "Child" or "minor" means any person, whose identity is  
 73 known or unknown, less than 18 years of age.

74 (b) "Child pornography" has the same meaning as provided  
 75 in s. 847.001(3) ~~means any image depicting a minor engaged in~~

76 ~~sexual conduct.~~

77 (f) "Visual depiction" has the same meaning as provided  
 78 in s. 847.001(24). ~~"Sexual conduct" means actual or simulated~~  
 79 ~~sexual intercourse, deviate sexual intercourse, sexual~~  
 80 ~~bestiality, masturbation, or sadomasochistic abuse; actual lewd~~  
 81 ~~exhibition of the genitals; actual physical contact with a~~  
 82 ~~person's clothed or unclothed genitals, pubic area, buttocks,~~  
 83 ~~or, if such person is a female, breast with the intent to arouse~~  
 84 ~~or gratify the sexual desire of either party; or any act or~~  
 85 ~~conduct which constitutes sexual battery or simulates that~~  
 86 ~~sexual battery is being or will be committed. A mother's~~  
 87 ~~breastfeeding of her baby does not under any circumstance~~  
 88 ~~constitute "sexual conduct."~~

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

92 (a) The offender possesses 10 or more visual depictions  
 93 ~~images~~ of any form of child pornography regardless of content;  
 94 and

95 (b) The content of at least one visual depiction ~~image~~  
 96 contains one or more of the following:

- 97 1. A child who is younger than the age of 5.
- 98 2. Sadomasochistic abuse involving a child.
- 99 3. Sexual battery involving a child.
- 100 4. Sexual bestiality involving a child.

101           5. Any motion picture, film, video, or computer or  
 102 computer-generated motion picture, film, or video ~~movie~~  
 103 involving a child, regardless of length and regardless of  
 104 whether the motion picture, film, video, or computer or  
 105 computer-generated motion picture, film, or video ~~movie~~ contains  
 106 sound.

107           (3)(a) In the case of a felony of the third degree, the  
 108 offense is reclassified to a felony of the second degree.

109           (b) In the case of a felony of the second degree, the  
 110 offense is reclassified 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 section is ranked one  
 115 level above the ranking under s. 921.0022 or s. 921.0023 of the  
 116 offense committed.

117           Section 2. Subsections (1) through (5) of section 827.071,  
 118 Florida Statutes, are amended to read:

119           827.071 Sexual performance by a child; child pornography;  
 120 penalties.—

121           (1) As used in this section, the following definitions  
 122 shall apply:

123           (a) "Child" or "minor" means any person, whose identity is  
 124 known or unknown, less than 18 years of age.

125           (b) "Child pornography" has the same meaning as provided

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126 | in s. 847.001(3).

127 |       (c)-(a) "Deviate sexual intercourse" means sexual conduct  
128 | between persons not married to each other consisting of contact  
129 | between the penis and the anus, the mouth and the penis, or the  
130 | mouth and the vulva.

131 |       (d)-(b) "Intentionally view" means to deliberately,  
132 | purposefully, and voluntarily view. Proof of intentional viewing  
133 | requires establishing more than a single visual depiction,  
134 | ~~image, motion picture,~~ exhibition, show, ~~image,~~ data, ~~computer~~  
135 | ~~depiction, representation,~~ or other presentation over any period  
136 | of time.

137 |       (e)-(e) "Performance" means any play, motion picture,  
138 | photograph, or dance or any other visual representation  
139 | exhibited before an audience.

140 |       (f)-(d) "Promote" has the same meaning as provided in s.  
141 | 847.001(14) ~~means to procure, manufacture, issue, sell, give,~~  
142 | ~~provide, lend, mail, deliver, transfer, transmute, publish,~~  
143 | ~~distribute, circulate, disseminate, present, exhibit, or~~  
144 | ~~advertise or to offer or agree to do the same.~~

145 |       (g)-(e) "Sadomasochistic abuse" means flagellation or  
146 | torture by or upon a person, or the condition of being fettered,  
147 | bound, or otherwise physically restrained, for the purpose of  
148 | deriving sexual satisfaction from inflicting harm on another or  
149 | receiving such harm oneself.

150 |       (h)-(f) "Sexual battery" means oral, anal, or vaginal

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151 penetration by, or union with, the sexual organ of another or  
152 the anal or vaginal penetration of another by any other object;  
153 however, "sexual battery" does not include an act done for a  
154 bona fide medical purpose.

155 (i)~~(g)~~ "Sexual bestiality" means any sexual act between a  
156 person and an animal involving the sex organ of the one and the  
157 mouth, anus, or vagina of the other.

158 (j)~~(h)~~ "Sexual conduct" means actual or simulated sexual  
159 intercourse, deviate sexual intercourse, sexual bestiality,  
160 masturbation, or sadomasochistic abuse; actual or simulated lewd  
161 exhibition of the genitals; actual physical contact with a  
162 person's clothed or unclothed genitals, pubic area, buttocks,  
163 or, if such person is a female, breast, with the intent to  
164 arouse or gratify the sexual desire of either party; or any act  
165 or conduct which constitutes sexual battery or simulates that  
166 sexual battery is being or will be committed. A mother's  
167 breastfeeding of her baby does not under any circumstance  
168 constitute "sexual conduct."

169 (k)~~(i)~~ "Sexual performance" means any performance or part  
170 thereof which includes sexual conduct by a child ~~of less than 18~~  
171 ~~years of age.~~

172 (l)~~(j)~~ "Simulated" means the explicit depiction of conduct  
173 set forth in paragraph (j)~~(h)~~ which creates the appearance of  
174 such conduct and which exhibits any uncovered portion of the  
175 breasts, genitals, or buttocks.

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176        (m) "Visual depiction" has the same meaning as provided in  
177 s. 847.001(24).

178        (2) A person is guilty of the use of a child in a sexual  
179 performance if, knowing the character and content thereof, he or  
180 she employs, authorizes, or induces a child ~~less than 18 years~~  
181 ~~of age~~ to engage in a sexual performance or, being a parent,  
182 legal guardian, or custodian of such child, consents to the  
183 participation by such child in a sexual performance. Whoever  
184 violates this subsection commits ~~is guilty of~~ a felony of the  
185 second degree, punishable as provided in s. 775.082, s. 775.083,  
186 or s. 775.084.

187        (3) A person is guilty of promoting a sexual performance  
188 by a child when, knowing the character and content thereof, he  
189 or she produces, directs, or promotes any performance which  
190 includes sexual conduct by a child ~~less than 18 years of age~~.  
191 Whoever violates this subsection commits ~~is guilty of~~ a felony  
192 of the second degree, punishable as provided in s. 775.082, s.  
193 775.083, or s. 775.084.

194        (4) It is unlawful for any person to possess with the  
195 intent to promote any visual depiction ~~photograph, motion~~  
196 ~~picture~~, exhibition, show, ~~representation~~, or other presentation  
197 which, in whole or in part, includes child pornography ~~any~~  
198 ~~sexual conduct by a child~~. The possession of three or more  
199 copies of such visual depiction ~~photograph, motion picture,~~  
200 ~~representation~~, or presentation is prima facie evidence of an



201 intent to promote. Whoever violates this subsection commits ~~is~~  
 202 ~~guilty of~~ a felony of the second degree, punishable as provided  
 203 in s. 775.082, s. 775.083, or s. 775.084.

204 (5)(a) It is unlawful for any person to knowingly possess,  
 205 control, or intentionally view a visual depiction ~~photograph,~~  
 206 ~~motion picture,~~ exhibition, show, ~~representation, image, data,~~  
 207 ~~computer depiction,~~ or other presentation which, in whole or in  
 208 part, he or she knows to include child pornography ~~any sexual~~  
 209 ~~conduct by a child~~. The possession, control, or intentional  
 210 viewing of each such visual depiction ~~photograph, motion~~  
 211 ~~picture,~~ exhibition, show, ~~image, data, computer depiction,~~  
 212 ~~representation,~~ or presentation is a separate offense. If such  
 213 visual depiction ~~photograph, motion picture,~~ exhibition, show,  
 214 ~~representation, image, data, computer depiction,~~ or other  
 215 presentation includes sexual conduct by more than one child,  
 216 then each such child in each such visual depiction ~~photograph,~~  
 217 ~~motion picture,~~ exhibition, show, ~~representation, image, data,~~  
 218 ~~computer depiction,~~ or other presentation that is knowingly  
 219 possessed, controlled, or intentionally viewed is a separate  
 220 offense. A person who violates this subsection commits a felony  
 221 of the third degree, punishable as provided in s. 775.082, s.  
 222 775.083, or s. 775.084.

223 (b) This subsection does not apply to material possessed,  
 224 controlled, or intentionally viewed as part of a law enforcement  
 225 investigation.

226 Section 3. Subsections (7) through (11) and (12) through  
 227 (20) of section 847.001, Florida Statutes, are renumbered as  
 228 subsections (9) through (13) and (15) through (23),  
 229 respectively, present subsections (3), (8), (16), and (19) of  
 230 that section are amended, and new subsections (7), (8), (14),  
 231 and (24) are added to that section, to read:

232 847.001 Definitions.—As used in this chapter, the term:

233 (3) "Child pornography" means ~~any image depicting a minor~~  
 234 ~~engaged in sexual conduct~~ a visual depiction of sexual conduct  
 235 in which:

236 (a) The production of such visual depiction involved the  
 237 use of a minor actually engaging in sexual conduct; or

238 (b) The visual depiction has been created, altered,  
 239 adapted, or modified to portray an identifiable minor engaging  
 240 in sexual conduct.

241 (7) "Identifiable minor" means a person who is  
 242 recognizable as an actual person by the person's face, likeness,  
 243 or other distinguishing characteristic, such as a unique  
 244 birthmark, or other recognizable feature and:

245 (a) Who was a minor at the time a visual depiction was  
 246 created, adapted, or modified; or

247 (b) Whose image as a minor was used in creating, adapting,  
 248 or modifying a visual depiction.

249 (8) "Identifiable person" means a person who is  
 250 recognizable as an actual person by the person's face, likeness,

251 or other distinguishing characteristic, such as a unique  
 252 birthmark or other recognizable feature.

253 (10)-(8) "Minor" or "child" means any person, whose  
 254 identity is known or unknown, less than ~~under the age of 18~~  
 255 years of age.

256 (14) "Promote" means:

257 (a) To issue, sell, give, provide, procure, lend, mail,  
 258 deliver, transfer, transmit, transmute, manufacture, publish,  
 259 distribute, circulate, disseminate, present, exhibit, send,  
 260 post, or share; or

261 (b) To advertise, offer, or agree to do the same.

262 (19)-(16) "Sexual conduct" means actual or simulated sexual  
 263 intercourse, deviate sexual intercourse, sexual bestiality,  
 264 masturbation, or sadomasochistic abuse; actual or simulated lewd  
 265 exhibition of the genitals; actual physical contact with a  
 266 person's clothed or unclothed genitals, pubic area, buttocks,  
 267 or, if such person is a female, breast with the intent to arouse  
 268 or gratify the sexual desire of either party; or any act or  
 269 conduct which constitutes sexual battery or simulates that  
 270 sexual battery is being or will be committed. A mother's  
 271 breastfeeding of her baby does not under any circumstance  
 272 constitute "sexual conduct."

273 (22)-(19) "Simulated" means the explicit depiction of  
 274 conduct described in subsection (19) ~~(16)~~ which creates the  
 275 appearance of such conduct and which exhibits any uncovered

276 | portion of the breasts, genitals, or buttocks.

277 |       (24) "Visual depiction" includes, but is not limited to,  
 278 | any of the following, whether made, modified, altered, adapted,  
 279 | or produced by digital, electronic, mechanical, or other means,

280 | a:

281 |       (a) Photograph;

282 |       (b) Picture;

283 |       (c) Image;

284 |       (d) Motion picture;

285 |       (e) Film;

286 |       (f) Video;

287 |       (g) Representation; or

288 |       (h) Computer or computer-generated photograph, picture,  
 289 | image, motion picture, film, video, or representation

290 |

291 | whether tangible or intangible.

292 |       Section 4. Section 847.0115, Florida Statutes, is created  
 293 | to read:

294 |       847.0115 Promotion of an altered sexual depiction;

295 | prohibited acts; penalties; applicability.-

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

297 |       (a) "Altered sexual depiction" means any visual depiction

298 | that, as a result of any type of digital, electronic,

299 | mechanical, or other modification, alteration, or adaptation,

300 | depicts a realistic version of an identifiable person:

- 301        1. Portraying nudity; or  
 302        2. Engaging in sexual conduct which did not actually  
 303 occur.

304        (b) "Harass" means to engage in a course of conduct  
 305 directed at a specific person that is intended to cause  
 306 substantial emotional distress to such person and serves no  
 307 legitimate purpose. The term does not include constitutionally  
 308 protected conduct.

309        (2) A person who promotes an altered sexual depiction with  
 310 the intent to deceive, or to threaten, abuse, or harass another  
 311 person, when he or she knew or reasonably should have known that  
 312 any person portrayed in such altered sexual depiction did not  
 313 consent to the creation or promotion of the altered sexual  
 314 depiction, commits a felony of the third degree, punishable as  
 315 provided in s. 775.082, s. 775.083, or s. 775.084.

316        (3) It is not a violation of this section if:

317        (a) A person promotes an altered sexual depiction while:

- 318        1. Reporting unlawful activity.  
 319        2. Exercising his or her duties as a law enforcement  
 320 officer.  
 321        3. Participating in a hearing, trial, or other legal  
 322 proceeding.

323        (b) The material depicted is any one or more of the  
 324 following:

- 325        1. A matter of legitimate public concern;

326 2. A work of serious literary, artistic, political; or  
327 scientific value.

328 3. Material that is otherwise constitutionally protected.

329  
330 For the purposes of this paragraph, an altered sexual depiction  
331 is not a matter of legitimate public concern or of serious  
332 literary, artistic, political, or scientific value solely  
333 because the person portrayed is a public or political figure.

334 (4) The presence of a disclaimer within an altered sexual  
335 depiction that notifies a viewer that the person or persons  
336 depicted did not consent to or participate in the creation or  
337 promotion of the material, or that the person or persons  
338 depicted did not actually perform the actions portrayed, is not  
339 a defense and does not relieve a person of criminal liability  
340 under this section.

341 (5) This section does not impose liability on a provider  
342 of an interactive computer service; communications services as  
343 defined in s. 202.11(1); a commercial mobile service; or an  
344 information service, including, but not limited to, an Internet  
345 service provider or a hosting service provider, if it provides  
346 the transmission, storage, or caching of electronic  
347 communications or messages of others or provides another related  
348 telecommunications service, commercial mobile radio service, or  
349 information service for use by another person who violates this  
350 section. This exemption from liability is consistent with and in

351 addition to any liability exemption provided under 47 U.S.C. s.  
 352 230.

353 (6) Prosecution of any person for a violation of this  
 354 section shall not prohibit prosecution of that person in this  
 355 state for a violation of any other law of this state, including  
 356 a law providing for greater penalties than prescribed in this  
 357 section or any other crime related to child pornography or the  
 358 sexual performance or the sexual exploitation of children.

359 Section 5. Subsection (1) of section 847.0137, Florida  
 360 Statutes, is amended to read:

361 847.0137 Transmission of pornography by electronic device  
 362 or equipment prohibited; penalties.—

363 (1) For purposes of this section the term—

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

365 ~~(b) "transmit" means the act of sending and causing to be~~  
 366 delivered, including the act of providing access for receiving  
 367 and causing to be delivered, a visual depiction any image,  
 368 information, or data from one or more persons or places to one  
 369 ~~or more other persons or places~~ over or through any medium,  
 370 including the Internet or an interconnected network, by use of  
 371 any electronic equipment or other device.

372  
 373 The provisions of this section do not apply to subscription-  
 374 based transmissions such as list servers.

375 Section 6. Paragraph (j) of subsection (1) of section

376 288.1254, Florida Statutes, is amended to read:

377 288.1254 Entertainment industry financial incentive  
378 program.—

379 (1) DEFINITIONS.—As used in this section, the term:

380 (j) "Qualified production" means a production in this  
381 state meeting the requirements of this section. The term does  
382 not include a production:

383 1. In which, for the first 2 years of the incentive  
384 program, less than 50 percent, and thereafter, less than 60  
385 percent, of the positions that make up its production cast and  
386 below-the-line production crew, or, in the case of digital media  
387 projects, less than 75 percent of such positions, are filled by  
388 legal residents of this state, whose residency is demonstrated  
389 by a valid Florida driver license or other state-issued  
390 identification confirming residency, or students enrolled full-  
391 time in a film-and-entertainment-related course of study at an  
392 institution of higher education in this state; or

393 2. That contains obscene content as defined in s.  
394 847.001(12) ~~s. 847.001(10)~~.

395 Section 7. Subsections (1) and (2) of section 847.002,  
396 Florida Statutes, are amended to read:

397 847.002 Child pornography prosecutions.—

398 (1) Any law enforcement officer who, pursuant to a  
399 criminal investigation, recovers visual depictions ~~images or~~  
400 ~~movies~~ of child pornography shall:



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401 (a) Provide such visual depictions ~~images or movies~~ to the  
402 law enforcement agency representative assigned to the Child  
403 Victim Identification Program at the National Center for Missing  
404 and Exploited Children, as required by the center's guidelines.

405 (b) Request the law enforcement agency contact information  
406 from the Child Victim Identification Program for any visual  
407 depictions ~~images or movies~~ recovered which contain an  
408 identified victim of child pornography as defined in s. 960.03.

409 (c) Provide case information to the Child Victim  
410 Identification Program, as required by the National Center for  
411 Missing and Exploited Children guidelines, in any case where the  
412 law enforcement officer identifies a previously unidentified  
413 victim of child pornography.

414 (2) Any law enforcement officer submitting a case for  
415 prosecution which involves the production, promotion, or  
416 possession of child pornography shall submit to the designated  
417 prosecutor the law enforcement agency contact information  
418 provided by the Child Victim Identification Program at the  
419 National Center for Missing and Exploited Children, for any  
420 visual depictions ~~images or movies~~ involved in the case which  
421 contain the depiction of an identified victim of child  
422 pornography as defined in s. 960.03.

423 Section 8. Paragraph (a) of subsection (3) of section  
424 847.012, Florida Statutes, is amended to read:

425 847.012 Harmful materials; sale or distribution to minors

426 or using minors in production prohibited; penalty.—

427 (3) A person may not knowingly sell, rent, or loan for  
428 monetary consideration to a minor:

429 (a) Any visual depiction ~~picture, photograph, drawing,~~  
430 ~~sculpture, motion picture film, videocassette, or similar visual~~  
431 ~~representation or image~~ of a person or portion of the human body  
432 which depicts nudity or sexual conduct, sexual excitement,  
433 sexual battery, bestiality, or sadomasochistic abuse and which  
434 is harmful to minors; or

435 Section 9. Subsection (1), paragraph (b) of subsection  
436 (2), and subsection (4) of section 847.01357, Florida Statutes,  
437 are amended to read:

438 847.01357 Exploited children's civil remedy.—

439 (1) Any person who, while under the age of 18, was a  
440 victim of a sexual abuse crime listed in chapter 794, chapter  
441 800, chapter 827, or chapter 847, where any portion of such  
442 abuse was used in the production of child pornography, and who  
443 suffers personal or psychological injury as a result of the  
444 production, promotion, or possession of such visual depictions  
445 ~~images or movies~~, may bring an action in an appropriate state  
446 court against the producer, promoter, or possessor of such  
447 visual depictions ~~images or movies~~, regardless of whether the  
448 victim is now an adult. In any action brought under this  
449 section, a prevailing plaintiff shall recover the actual damages  
450 such person sustained and the cost of the suit, including

451 reasonable attorney ~~attorney's~~ fees. Any victim who is awarded  
 452 damages under this section shall be deemed to have sustained  
 453 damages of at least \$150,000.

454 (2) Notwithstanding any other provisions of law, any  
 455 action commenced under this section must be filed within 3 years  
 456 after the later of:

457 (b) The notification to the victim by a member of a law  
 458 enforcement agency of the creation, possession, or promotion of  
 459 pornographic visual depictions ~~images~~; or

460 (4) It is not a defense to a civil cause of action under  
 461 this section that the respondent did not know the victim or  
 462 commit the abuse depicted in any visual depiction ~~image~~ of child  
 463 pornography.

464 Section 10. Subsections (2) and (3) of section 847.0138,  
 465 Florida Statutes, are amended to read:

466 847.0138 Transmission of material harmful to minors to a  
 467 minor by electronic device or equipment prohibited; penalties.—

468 (2) Notwithstanding ss. 847.012 and 847.0133, any person  
 469 who knew or believed that he or she was transmitting a visual  
 470 depiction ~~an image~~, information, or data that is harmful to  
 471 minors, as defined in s. 847.001, to a specific individual known  
 472 by the defendant to be a minor commits a felony of the third  
 473 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 474 775.084.

475 (3) Notwithstanding ss. 847.012 and 847.0133, any person

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476 in any jurisdiction other than this state who knew or believed  
477 that he or she was transmitting a visual depiction ~~an image~~,  
478 information, or data that is harmful to minors, as defined in s.  
479 847.001, to a specific individual known by the defendant to be a  
480 minor commits a felony of the third degree, punishable as  
481 provided in s. 775.082, s. 775.083, or s. 775.084.

482  
483 The provisions of this section do not apply to subscription-  
484 based transmissions such as list servers.

485 Section 11. Section 847.0139, Florida Statutes, is amended  
486 to read:

487 847.0139 Immunity from civil liability for reporting child  
488 pornography, transmission of child pornography, or any visual  
489 depiction ~~image~~, information, or data harmful to minors to a  
490 minor in this state.—Any person who reports to a law enforcement  
491 officer what the person reasonably believes to be child  
492 pornography, transmission of child pornography, or any visual  
493 depiction ~~image~~, information, or data that is harmful to minors  
494 to a minor in this state may not be held civilly liable for such  
495 reporting. For purposes of this section, such reporting may  
496 include furnishing the law enforcement officer with any visual  
497 depiction ~~image~~, information, or data that the person reasonably  
498 believes to be evidence of child pornography, transmission of  
499 child pornography, or a visual depiction ~~an image~~, information,  
500 or data that is harmful to minors to a minor in this state.

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501 Section 12. Subsection (1) of section 847.0141, Florida  
 502 Statutes, is amended to read:

503 847.0141 Sexting; prohibited acts; penalties.—

504 (1) A minor commits the offense of sexting if he or she  
 505 knowingly:

506 (a) Uses a computer, or any other device capable of  
 507 electronic data transmission or distribution, to transmit or  
 508 distribute to another minor any photograph or video of any  
 509 person which depicts nudity, as defined in s. 847.001(11) s.  
 510 ~~847.001(9)~~, and is harmful to minors, as defined in s.  
 511 847.001(6).

512 (b) Possesses a photograph or video of any person that was  
 513 transmitted or distributed by another minor which depicts  
 514 nudity, as defined in s. 847.001(11) ~~s. 847.001(9)~~, and is  
 515 harmful to minors, as defined in s. 847.001(6). A minor does not  
 516 violate this paragraph if all of the following apply:

517 1. The minor did not solicit the photograph or video.

518 2. The minor took reasonable steps to report the  
 519 photograph or video to the minor's legal guardian or to a school  
 520 or law enforcement official.

521 3. The minor did not transmit or distribute the photograph  
 522 or video to a third party.

523 Section 13. Subsection (10) of section 960.03, Florida  
 524 Statutes, is amended to read:

525 960.03 Definitions; ss. 960.01-960.28.—As used in ss.

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526 960.01-960.28, unless the context otherwise requires, the term:

527 (10) "Identified victim of child pornography" means any  
528 person who, while under the age of 18, is depicted in any visual  
529 depiction as defined in s. 847.001(24) ~~image or movie~~ of child  
530 pornography and who is identified through a report generated by  
531 a law enforcement agency and provided to the National Center for  
532 Missing and Exploited Children's Child Victim Identification  
533 Program.

534 Section 14. Subsection (1) of section 960.197, Florida  
535 Statutes, is amended to read:

536 960.197 Assistance to victims of online sexual  
537 exploitation and child pornography.—

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

542 (a) A child younger than 18 years of age who suffers  
543 psychiatric or psychological injury as a direct result of online  
544 sexual exploitation under any provision of s. 827.071, s.  
545 847.0135, s. 847.0137, or s. 847.0138, and who does not  
546 otherwise sustain a personal injury or death; or

547 (b) Any person who, while younger than age 18, was  
548 depicted in any visual depiction as defined in s. 847.001(24)  
549 ~~image or movie~~, regardless of length, of child pornography as  
550 defined in s. 847.001, who has been identified by a law

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551 enforcement agency or the National Center for Missing and  
 552 Exploited Children as an identified victim of child pornography,  
 553 who suffers psychiatric or psychological injury as a direct  
 554 result of the crime, and who does not otherwise sustain a  
 555 personal injury or death.

556 Section 15. Paragraphs (c) and (e) of subsection (3) of  
 557 section 921.0022, Florida Statutes, are amended to read:

558 921.0022 Criminal Punishment Code; offense severity  
 559 ranking chart.—

560 (3) OFFENSE SEVERITY RANKING CHART

561 (c) LEVEL 3

562

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

563

564

565

566

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law enforcement officer in  
patrol vehicle with siren and  
lights activated.

567  
319.30(4) 3rd Possession by junkyard of motor  
vehicle with identification  
number plate removed.

568  
319.33(1)(a) 3rd Alter or forge any certificate  
of title to a motor vehicle or  
mobile home.

569  
319.33(1)(c) 3rd Procure or pass title on stolen  
vehicle.

570  
319.33(4) 3rd With intent to defraud,  
possess, sell, etc., a blank,  
forged, or unlawfully obtained  
title or registration.

571  
327.35(2)(b) 3rd Felony BUI.

572  
328.05(2) 3rd Possess, sell, or counterfeit  
fictitious, stolen, or  
fraudulent titles or bills of



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sale of vessels.

573

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

574

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

575

379.2431 3rd Taking, disturbing, mutilating, (1) (e)5. destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

576

379.2431 3rd Possessing any marine turtle (1) (e)6. species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection

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Act.

577

379.2431  
(1) (e) 7.

3rd

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

578

400.9935(4) (a)  
or (b)

3rd

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

579

400.9935(4) (e)

3rd

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

580

440.1051(3)

3rd

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

581

501.001(2) (b)

2nd

Tampers with a consumer product  
or the container using  
materially false/misleading  
information.

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582	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
583	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
584	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
585	697.08	3rd	Equity skimming.
586	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
587	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
588	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.

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589	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
590	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
591	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
592	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
593	812.081(2)	3rd	Theft of a trade secret.
594	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
595	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

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596	817.233	3rd	Burning to defraud insurer.
597	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
598	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
599	817.236	3rd	Filing a false motor vehicle insurance application.
600	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
601	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
602	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent

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disability.

603

831.28(2) (a)            3rd    Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.

604

831.29                    2nd    Possession of instruments for counterfeiting driver licenses or identification cards.

605

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

606

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

607

847.0115                3rd    Promoting an altered sexual depiction.

608

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

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609	870.01(2)	3rd	Riot.
610	870.01(4)	3rd	Inciting a riot.
611	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).
612	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.
613	893.13(1)(f)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 public housing facility.

614

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

615

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

616

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

617

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

618

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

619



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620	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
621	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.
622	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.
623	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.

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624	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 monetary benefit for the practitioner.
625	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
626	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
627	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
628	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
629	(e) LEVEL 5		
630			

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	Florida Statute	Felony Degree	Description
631	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
632	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
633	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
634	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
635	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
636	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 suspended or revoked.

637

379.367 (4)

3rd

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

638

379.407 (5) (b) 3.

3rd

Possession of 100 or more undersized spiny lobsters.

639

381.0041 (11) (b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

640

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641	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
642	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
643	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
644	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
645	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
646	790.01(2)	3rd	Carrying a concealed firearm.
	790.162	2nd	Threat to throw or discharge destructive device.

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647	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
648	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
649	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
650	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
651	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
652	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
653	806.111 (1)	3rd	Possess, manufacture, or

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dispense fire bomb with intent  
to damage any structure or  
property.

654

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

655

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

656

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

657

812.081(3) 2nd Trafficking in trade secrets.

658

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

659

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

660

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

661

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662 817.234 (11) (b) 2nd Insurance fraud; property value  
\$20,000 or more but less than  
\$100,000.

663 817.2341 (1), 3rd Filing false financial  
(2) (a) & statements, making false  
(3) (a) entries of material fact or  
false statements regarding  
property values relating to the  
solvency of an insuring entity.

664 817.568 (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  
information of 10 or more  
persons.

665 817.611 (2) (a) 2nd Traffic in or possess 5 to 14  
counterfeit credit cards or  
related documents.



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666	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
667	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
668	827.071 (4)	2nd	Possess with intent to promote any <u>visual depiction</u> <del>photographic material, motion picture, etc.</del> , which includes <u>child pornography</u> <del>sexual conduct by a child</del> .
669	827.071 (5)	3rd	Possess, control, or intentionally view any <u>visual depiction</u> <del>photographic material, motion picture, etc.</del> , which includes <u>child pornography</u> <del>sexual conduct by a child</del> .
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain,

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670			serious physical injury, or death.
	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.
671			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
672			
	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
673			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
674			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
675			
	874.05(1)(b)	2nd	Encouraging or recruiting

another to join a criminal gang; second or subsequent offense.

676

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

677

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).

678

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) 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.

679

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.

680

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.

681

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.

682

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

683

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

684

685            Section 16. For the purpose of incorporating the amendment  
686 made by this act to section 847.001, Florida Statutes, in a  
687 reference thereto, paragraph (a) of subsection (1) of section  
688 16.56, Florida Statutes, is reenacted to read:

689            16.56 Office of Statewide Prosecution.—

690            (1) There is created in the Department of Legal Affairs an  
691 Office of Statewide Prosecution. The office shall be a separate  
692 "budget entity" as that term is defined in chapter 216. The  
693 office may:

694            (a) Investigate and prosecute the offenses of:

695            1. Bribery, burglary, criminal usury, extortion, gambling,  
696 kidnapping, larceny, murder, prostitution, perjury, robbery,  
697 carjacking, home-invasion robbery, and patient brokering;

698            2. Any crime involving narcotic or other dangerous drugs;

699            3. Any violation of the Florida RICO (Racketeer Influenced

700 and Corrupt Organization) Act, including any offense listed in  
 701 the definition of racketeering activity in s. 895.02(8)(a),  
 702 providing such listed offense is investigated in connection with  
 703 a violation of s. 895.03 and is charged in a separate count of  
 704 an information or indictment containing a count charging a  
 705 violation of s. 895.03, the prosecution of which listed offense  
 706 may continue independently if the prosecution of the violation  
 707 of s. 895.03 is terminated for any reason;

708 4. Any violation of the Florida Anti-Fencing Act;

709 5. Any violation of the Florida Antitrust Act of 1980, as  
 710 amended;

711 6. Any crime involving, or resulting in, fraud or deceit  
 712 upon any person;

713 7. Any violation of s. 847.0135, relating to computer  
 714 pornography and child exploitation prevention, or any offense  
 715 related to a violation of s. 847.0135 or any violation of  
 716 chapter 827 where the crime is facilitated by or connected to  
 717 the use of the Internet or any device capable of electronic data  
 718 storage or transmission;

719 8. Any violation of chapter 815;

720 9. Any violation of chapter 825;

721 10. Any criminal violation of part I of chapter 499;

722 11. Any violation of the Florida Motor Fuel Tax Relief Act  
 723 of 2004;

724 12. Any criminal violation of s. 409.920 or s. 409.9201;

725           13. Any crime involving voter registration, voting, or  
 726 candidate or issue petition activities;

727           14. Any criminal violation of the Florida Money Laundering  
 728 Act;

729           15. Any criminal violation of the Florida Securities and  
 730 Investor Protection Act;

731           16. Any violation of chapter 787, as well as any and all  
 732 offenses related to a violation of chapter 787; or

733           17. Any criminal violation of chapter 24, part II of  
 734 chapter 285, chapter 546, chapter 550, chapter 551, or chapter  
 735 849;

736

737 or any attempt, solicitation, or conspiracy to commit any of the  
 738 crimes specifically enumerated above. The office shall have such  
 739 power only when any such offense is occurring, or has occurred,  
 740 in two or more judicial circuits as part of a related  
 741 transaction, or when any such offense is connected with an  
 742 organized criminal conspiracy affecting two or more judicial  
 743 circuits. Informations or indictments charging such offenses  
 744 shall contain general allegations stating the judicial circuits  
 745 and counties in which crimes are alleged to have occurred or the  
 746 judicial circuits and counties in which crimes affecting such  
 747 circuits or counties are alleged to have been connected with an  
 748 organized criminal conspiracy.

749           Section 17. For the purpose of incorporating the amendment

750 made by this act to section 827.071, Florida Statutes, in a  
 751 reference thereto, paragraph (b) of subsection (4) of section  
 752 39.0132, Florida Statutes, is reenacted to read:

753 39.0132 Oaths, records, and confidential information.—

754 (4)

755 (b) The department shall disclose to the school  
 756 superintendent the presence of any child in the care and custody  
 757 or under the jurisdiction or supervision of the department who  
 758 has a known history of criminal sexual behavior with other  
 759 juveniles; is an alleged juvenile sex offender, as defined in s.  
 760 39.01; or has pled guilty or nolo contendere to, or has been  
 761 found to have committed, a violation of chapter 794, chapter  
 762 796, chapter 800, s. 827.071, or s. 847.0133, regardless of  
 763 adjudication. Any employee of a district school board who  
 764 knowingly and willfully discloses such information to an  
 765 unauthorized person commits a misdemeanor of the second degree,  
 766 punishable as provided in s. 775.082 or s. 775.083.

767 Section 18. For the purpose of incorporating the amendment  
 768 made by this act to section 847.001, Florida Statutes, in a  
 769 reference thereto, paragraph (c) of subsection (3) of section  
 770 39.0138, Florida Statutes, is reenacted to read:

771 39.0138 Criminal history and other records checks; limit  
 772 on placement of a child.—

773 (3) The department may not place a child with a person  
 774 other than a parent if the criminal history records check



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775 reveals that the person has been convicted of any felony that  
776 falls within any of the following categories:

777 (c) Child pornography or other felony in which a child was  
778 a victim of the offense; or

779 Section 19. For the purpose of incorporating the amendment  
780 made by this act to section 847.001, Florida Statutes, in a  
781 reference thereto, subsection (3) of section 92.56, Florida  
782 Statutes, is reenacted to read:

783 92.56 Judicial proceedings and court records involving  
784 sexual offenses and human trafficking.—

785 (3) The state may use a pseudonym instead of the victim's  
786 name to designate the victim of a crime described in s.  
787 787.06(3)(a)1., (c)1., or (e)1., in s. 787.06(3)(b), (d), (f),  
788 or (g), or in chapter 794 or chapter 800, or of child abuse,  
789 aggravated child abuse, or sexual performance by a child as  
790 described in chapter 827, or any crime involving the production,  
791 possession, or promotion of child pornography as described in  
792 chapter 847, in all court records and records of court  
793 proceedings, both civil and criminal.

794 Section 20. For the purpose of incorporating the amendment  
795 made by this act to section 847.001, Florida Statutes, in a  
796 reference thereto, section 92.561, Florida Statutes, is  
797 reenacted to read:

798 92.561 Prohibition on reproduction of child pornography.—

799 (1) In a criminal proceeding, any property or material

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800 that portrays sexual performance by a child as defined in s.  
801 827.071, or constitutes child pornography as defined in s.  
802 847.001, must remain secured or locked in the care, custody, and  
803 control of a law enforcement agency, the state attorney, or the  
804 court.

805 (2) Notwithstanding any law or rule of court, a court  
806 shall deny, in a criminal proceeding, any request by the  
807 defendant to copy, photograph, duplicate, or otherwise reproduce  
808 any property or material that portrays sexual performance by a  
809 child or constitutes child pornography so long as the state  
810 attorney makes the property or material reasonably available to  
811 the defendant.

812 (3) For purposes of this section, property or material is  
813 deemed to be reasonably available to the defendant if the state  
814 attorney provides ample opportunity at a designated facility for  
815 the inspection, viewing, and examination of the property or  
816 material that portrays sexual performance by a child or  
817 constitutes child pornography by the defendant, his or her  
818 attorney, or any individual whom the defendant uses as an expert  
819 during the discovery process or at a court proceeding.

820 Section 21. For the purpose of incorporating the amendment  
821 made by this act to section 847.012, Florida Statutes, in a  
822 reference thereto, paragraph (b) of subsection (2) of section  
823 98.0751, Florida Statutes, is reenacted to read:

824 98.0751 Restoration of voting rights; termination of

825 | ineligibility subsequent to a felony conviction.—  
 826 |       (2) For purposes of this section, the term:  
 827 |       (b) "Felony sexual offense" means any of the following:  
 828 |           1. Any felony offense that serves as a predicate to  
 829 | registration as a sexual offender in accordance with s.  
 830 | 943.0435;  
 831 |           2. Section 491.0112;  
 832 |           3. Section 784.049(3) (b);  
 833 |           4. Section 794.08;  
 834 |           5. Section 796.08;  
 835 |           6. Section 800.101;  
 836 |           7. Section 826.04;  
 837 |           8. Section 847.012;  
 838 |           9. Section 872.06(2);  
 839 |           10. Section 944.35(3) (b)2.;  
 840 |           11. Section 951.221(1); or  
 841 |           12. Any similar offense committed in another jurisdiction  
 842 | which would be an offense listed in this paragraph if it had  
 843 | been committed in violation of the laws of this state.  
 844 |       Section 22. For the purpose of incorporating the  
 845 | amendments made by this act to sections 827.071, 847.001, and  
 846 | 847.012, Florida Statutes, in references thereto, paragraphs (h)  
 847 | and (j) of subsection (2) of section 119.071, Florida Statutes,  
 848 | are reenacted to read:  
 849 |       119.071 General exemptions from inspection or copying of

850 public records.—

851 (2) AGENCY INVESTIGATIONS.—

852 (h)1. The following criminal intelligence information or  
 853 criminal investigative information is confidential and exempt  
 854 from s. 119.07(1) and s. 24(a), Art. I of the State  
 855 Constitution:

856 a. Any information that reveals the identity of the victim  
 857 of the crime of child abuse as defined by chapter 827 or that  
 858 reveals the identity of a person under the age of 18 who is the  
 859 victim of the crime of human trafficking proscribed in s.  
 860 787.06(3)(a).

861 b. Any information that may reveal the identity of a  
 862 person who is a victim of any sexual offense, including a sexual  
 863 offense proscribed in s. 787.06(3)(b), (d), (f), or (g), chapter  
 864 794, chapter 796, chapter 800, chapter 827, or chapter 847.

865 c. A photograph, videotape, or image of any part of the  
 866 body of the victim of a sexual offense prohibited under s.  
 867 787.06(3)(b), (d), (f), or (g), chapter 794, chapter 796,  
 868 chapter 800, s. 810.145, chapter 827, or chapter 847, regardless  
 869 of whether the photograph, videotape, or image identifies the  
 870 victim.

871 2. Criminal investigative information and criminal  
 872 intelligence information made confidential and exempt under this  
 873 paragraph may be disclosed by a law enforcement agency:

874 a. In the furtherance of its official duties and

875 | responsibilities.

876 |       b. For print, publication, or broadcast if the law  
877 | enforcement agency determines that such release would assist in  
878 | locating or identifying a person that such agency believes to be  
879 | missing or endangered. The information provided should be  
880 | limited to that needed to identify or locate the victim and not  
881 | include the sexual nature of the offense committed against the  
882 | person.

883 |       c. To another governmental agency in the furtherance of  
884 | its official duties and responsibilities.

885 |       3. This exemption applies to such confidential and exempt  
886 | criminal intelligence information or criminal investigative  
887 | information held by a law enforcement agency before, on, or  
888 | after the effective date of the exemption.

889 |       (j)1. Any document that reveals the identity, home or  
890 | employment telephone number, home or employment address, or  
891 | personal assets of the victim of a crime and identifies that  
892 | person as the victim of a crime, which document is received by  
893 | any agency that regularly receives information from or  
894 | concerning the victims of crime, is exempt from s. 119.07(1) and  
895 | s. 24(a), Art. I of the State Constitution. Any information not  
896 | otherwise held confidential or exempt from s. 119.07(1) which  
897 | reveals the home or employment telephone number, home or  
898 | employment address, or personal assets of a person who has been  
899 | the victim of sexual battery, aggravated child abuse, aggravated

900 stalking, harassment, aggravated battery, or domestic violence  
901 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
902 Constitution, upon written request by the victim, which must  
903 include official verification that an applicable crime has  
904 occurred. Such information shall cease to be exempt 5 years  
905 after the receipt of the written request. Any state or federal  
906 agency that is authorized to have access to such documents by  
907 any provision of law shall be granted such access in the  
908 furtherance of such agency's statutory duties, notwithstanding  
909 this section.

910 2.a. Any information in a videotaped statement of a minor  
911 who is alleged to be or who is a victim of sexual battery, lewd  
912 acts, or other sexual misconduct proscribed in chapter 800 or in  
913 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.  
914 847.0133, or s. 847.0145, which reveals that minor's identity,  
915 including, but not limited to, the minor's face; the minor's  
916 home, school, church, or employment telephone number; the  
917 minor's home, school, church, or employment address; the name of  
918 the minor's school, church, or place of employment; or the  
919 personal assets of the minor; and which identifies that minor as  
920 the victim of a crime described in this subparagraph, held by a  
921 law enforcement agency, is confidential and exempt from s.  
922 119.07(1) and s. 24(a), Art. I of the State Constitution. Any  
923 governmental agency that is authorized to have access to such  
924 statements by any provision of law shall be granted such access

925 in the furtherance of the agency's statutory duties,  
926 notwithstanding the provisions of this section.

927 b. A public employee or officer who has access to a  
928 videotaped statement of a minor who is alleged to be or who is a  
929 victim of sexual battery, lewd acts, or other sexual misconduct  
930 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.  
931 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145  
932 may not willfully and knowingly disclose videotaped information  
933 that reveals the minor's identity to a person who is not  
934 assisting in the investigation or prosecution of the alleged  
935 offense or to any person other than the defendant, the  
936 defendant's attorney, or a person specified in an order entered  
937 by the court having jurisdiction of the alleged offense. A  
938 person who violates this provision commits a misdemeanor of the  
939 first degree, punishable as provided in s. 775.082 or s.  
940 775.083.

941 Section 23. For the purpose of incorporating the  
942 amendments made by this act to sections 827.071 and 847.001,  
943 Florida Statutes, in references thereto, paragraph (c) of  
944 subsection (4) of section 435.07, Florida Statutes, is reenacted  
945 to read:

946 435.07 Exemptions from disqualification.—Unless otherwise  
947 provided by law, the provisions of this section apply to  
948 exemptions from disqualification for disqualifying offenses  
949 revealed pursuant to background screenings required under this

950 chapter, regardless of whether those disqualifying offenses are  
 951 listed in this chapter or other laws.

952 (4)

953 (c) Disqualification from employment under this chapter  
 954 may not be removed from, and an exemption may not be granted to,  
 955 any current or prospective child care personnel, as defined in  
 956 s. 402.302(3), and such a person is disqualified from employment  
 957 as child care personnel, regardless of any previous exemptions  
 958 from disqualification, if the person has been registered as a  
 959 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has  
 960 been arrested for and is awaiting final disposition of, has been  
 961 convicted or found guilty of, or entered a plea of guilty or  
 962 nolo contendere to, regardless of adjudication, or has been  
 963 adjudicated delinquent and the record has not been sealed or  
 964 expunged for, any offense prohibited under any of the following  
 965 provisions of state law or a similar law of another  
 966 jurisdiction:

967 1. A felony offense prohibited under any of the following  
 968 statutes:

969 a. Chapter 741, relating to domestic violence.

970 b. Section 782.04, relating to murder.

971 c. Section 782.07, relating to manslaughter, aggravated  
 972 manslaughter of an elderly person or disabled adult, aggravated  
 973 manslaughter of a child, or aggravated manslaughter of an  
 974 officer, a firefighter, an emergency medical technician, or a



- 975 paramedic.
- 976 d. Section 784.021, relating to aggravated assault.
- 977 e. Section 784.045, relating to aggravated battery.
- 978 f. Section 787.01, relating to kidnapping.
- 979 g. Section 787.025, relating to luring or enticing a  
980 child.
- 981 h. Section 787.04(2), relating to leading, taking,  
982 enticing, or removing a minor beyond the state limits, or  
983 concealing the location of a minor, with criminal intent pending  
984 custody proceedings.
- 985 i. Section 787.04(3), relating to leading, taking,  
986 enticing, or removing a minor beyond the state limits, or  
987 concealing the location of a minor, with criminal intent pending  
988 dependency proceedings or proceedings concerning alleged abuse  
989 or neglect of a minor.
- 990 j. Section 794.011, relating to sexual battery.
- 991 k. Former s. 794.041, relating to sexual activity with or  
992 solicitation of a child by a person in familial or custodial  
993 authority.
- 994 l. Section 794.05, relating to unlawful sexual activity  
995 with certain minors.
- 996 m. Section 794.08, relating to female genital mutilation.
- 997 n. Section 806.01, relating to arson.
- 998 o. Section 826.04, relating to incest.
- 999 p. Section 827.03, relating to child abuse, aggravated

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1000 child abuse, or neglect of a child.  
 1001 q. Section 827.04, relating to contributing to the  
 1002 delinquency or dependency of a child.  
 1003 r. Section 827.071, relating to sexual performance by a  
 1004 child.  
 1005 s. Chapter 847, relating to child pornography.  
 1006 t. Chapter 893, relating to a drug abuse prevention and  
 1007 control offense, if that offense was committed in the preceding  
 1008 5 years.  
 1009 u. Section 985.701, relating to sexual misconduct in  
 1010 juvenile justice programs.  
 1011 2. A misdemeanor offense prohibited under any of the  
 1012 following statutes:  
 1013 a. Section 784.03, relating to battery, if the victim of  
 1014 the offense was a minor.  
 1015 b. Section 787.025, relating to luring or enticing a  
 1016 child.  
 1017 c. Chapter 847, relating to child pornography.  
 1018 3. A criminal act committed in another state or under  
 1019 federal law which, if committed in this state, constitutes an  
 1020 offense prohibited under any statute listed in subparagraph 1.  
 1021 or subparagraph 2.  
 1022 Section 24. For the purpose of incorporating the amendment  
 1023 made by this act to sections 827.071, 847.001, 847.012,  
 1024 847.0137, and 847.0138, Florida Statutes, in references thereto,

1025 subsections (4) and (5) of section 456.074, Florida Statutes,  
 1026 are reenacted to read:

1027 456.074 Certain health care practitioners; immediate  
 1028 suspension of license.—

1029 (4) The department shall issue an emergency order  
 1030 suspending the license of a massage therapist or establishment  
 1031 as defined in chapter 480 upon receipt of information that the  
 1032 massage therapist, a person with an ownership interest in the  
 1033 establishment, or, for a corporation that has more than \$250,000  
 1034 of business assets in this state, the owner, officer, or  
 1035 individual directly involved in the management of the  
 1036 establishment has been convicted or found guilty of, or has  
 1037 entered a plea of guilty or nolo contendere to, regardless of  
 1038 adjudication, a violation of s. 796.07(2)(a) which is  
 1039 reclassified under s. 796.07(7) or a felony offense under any of  
 1040 the following provisions of state law or a similar provision in  
 1041 another jurisdiction:

- 1042 (a) Section 787.01, relating to kidnapping.
- 1043 (b) Section 787.02, relating to false imprisonment.
- 1044 (c) Section 787.025, relating to luring or enticing a  
 1045 child.
- 1046 (d) Section 787.06, relating to human trafficking.
- 1047 (e) Section 787.07, relating to human smuggling.
- 1048 (f) Section 794.011, relating to sexual battery.
- 1049 (g) Section 794.08, relating to female genital mutilation.

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1050 (h) Former s. 796.03, relating to procuring a person under  
1051 the age of 18 for prostitution.

1052 (i) Former s. 796.035, relating to the selling or buying  
1053 of minors into prostitution.

1054 (j) Section 796.04, relating to forcing, compelling, or  
1055 coercing another to become a prostitute.

1056 (k) Section 796.05, relating to deriving support from the  
1057 proceeds of prostitution.

1058 (l) Section 796.07(4)(a)3., relating to a felony of the  
1059 third degree for a third or subsequent violation of s. 796.07,  
1060 relating to prohibiting prostitution and related acts.

1061 (m) Section 800.04, relating to lewd or lascivious  
1062 offenses committed upon or in the presence of persons less than  
1063 16 years of age.

1064 (n) Section 825.1025(2)(b), relating to lewd or lascivious  
1065 offenses committed upon or in the presence of an elderly or  
1066 disabled person.

1067 (o) Section 827.071, relating to sexual performance by a  
1068 child.

1069 (p) Section 847.0133, relating to the protection of  
1070 minors.

1071 (q) Section 847.0135, relating to computer pornography.

1072 (r) Section 847.0138, relating to the transmission of  
1073 material harmful to minors to a minor by electronic device or  
1074 equipment.

1075 (s) Section 847.0145, relating to the selling or buying of  
 1076 minors.

1077 (5) The department shall issue an emergency order  
 1078 suspending the license of any health care practitioner who is  
 1079 arrested for committing or attempting, soliciting, or conspiring  
 1080 to commit any act that would constitute a violation of any of  
 1081 the following criminal offenses in this state or similar  
 1082 offenses in another jurisdiction:

1083 (a) Section 393.135(2), relating to sexual misconduct with  
 1084 an individual with a developmental disability.

1085 (b) Section 394.4593(2), relating to sexual misconduct  
 1086 with a patient who resides in a receiving or treatment facility  
 1087 or is otherwise in the custody of the Department of Children and  
 1088 Families.

1089 (c) Section 787.01, relating to kidnapping.

1090 (d) Section 787.02, relating to false imprisonment.

1091 (e) Section 787.025(2), relating to luring or enticing a  
 1092 child.

1093 (f) Section 787.06(3)(b), (d), (f), or (g), relating to  
 1094 human trafficking for commercial sexual activity.

1095 (g) Former s. 787.06(3)(h), relating to human trafficking  
 1096 of a child under the age of 15 for commercial sexual activity.

1097 (h) Section 787.07, relating to human smuggling.

1098 (i) Section 794.011, relating to sexual battery, excluding  
 1099 s. 794.011(10).

1100 (j) Section 794.05, relating to unlawful sexual activity  
 1101 with certain minors.

1102 (k) Section 794.08, relating to female genital mutilation.

1103 (l) Former s. 796.03, relating to procuring a person under  
 1104 the age of 18 for prostitution.

1105 (m) Former s. 796.035, relating to the selling or buying  
 1106 of minors into prostitution.

1107 (n) Section 796.04, relating to forcing, compelling, or  
 1108 coercing another to become a prostitute.

1109 (o) Section 796.05, relating to deriving support from the  
 1110 proceeds of prostitution.

1111 (p) Section 796.07(4)(a)3., relating to a felony of the  
 1112 third degree for a third or subsequent violation of s. 796.07,  
 1113 relating to prohibiting prostitution and related acts.

1114 (q) Section 800.04, relating to lewd or lascivious  
 1115 offenses committed upon or in the presence of persons younger  
 1116 than 16 years of age.

1117 (r) Section 810.145(8), relating to video voyeurism of a  
 1118 minor.

1119 (s) Section 825.1025, relating to lewd or lascivious  
 1120 offenses committed upon or in the presence of an elderly person  
 1121 or disabled person.

1122 (t) Section 827.071, relating to sexual performance by a  
 1123 child.

1124 (u) Section 847.011, relating to prohibited acts in

1125 connection with obscene, lewd, and other materials.  
 1126 (v) Section 847.012, relating to materials harmful to  
 1127 minors.  
 1128 (w) Section 847.013, relating to exposing minors to  
 1129 harmful motion pictures, exhibitions, shows, presentations, or  
 1130 representations.  
 1131 (x) Section 847.0133, relating to the protection of minors  
 1132 from obscene materials.  
 1133 (y) Section 847.0135, relating to computer pornography,  
 1134 prohibited computer usage, or traveling to meet minors,  
 1135 excluding s. 847.0135(6).  
 1136 (z) Section 847.0137, relating to the transmission of  
 1137 child pornography by electronic device or equipment.  
 1138 (aa) Section 847.0138, relating to the transmission of  
 1139 material harmful to minors to a minor by electronic device or  
 1140 equipment.  
 1141 (bb) Section 847.0145, relating to the selling or buying  
 1142 of minors.  
 1143 (cc) Section 856.022, relating to loitering or prowling in  
 1144 close proximity to children.  
 1145 (dd) Section 895.03, relating to racketeering activity, if  
 1146 the court makes a written finding that the racketeering activity  
 1147 involved at least one sexual offense listed in this subsection  
 1148 or at least one offense listed in this subsection which was  
 1149 committed with sexual intent or motive.

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1150 (ee) Section 916.1075(2), relating to sexual misconduct  
1151 against a forensic client of a civil or forensic facility for  
1152 defendants who have a mental illness or an intellectual  
1153 disability.

1154 (ff) Section 985.701(1), relating to sexual misconduct  
1155 against a juvenile offender.

1156 (gg) Any similar offense committed in this state which has  
1157 been redesignated from a former statute number to one of those  
1158 listed in this subsection.

1159 Section 25. For the purpose of incorporating the  
1160 amendments made by this act to sections 827.071, 847.001, and  
1161 847.0138, Florida Statutes, in references thereto, paragraphs  
1162 (o), (p), (q), (r), and (s) of subsection (7) of section  
1163 480.041, Florida Statutes, are reenacted to read:

1164 480.041 Massage therapists; qualifications; licensure;  
1165 endorsement.—

1166 (7) The board shall deny an application for a new or  
1167 renewal license if an applicant has been convicted or found  
1168 guilty of, or enters a plea of guilty or nolo contendere to,  
1169 regardless of adjudication, a violation of s. 796.07(2) (a) which  
1170 is reclassified under s. 796.07(7) or a felony offense under any  
1171 of the following provisions of state law or a similar provision  
1172 in another jurisdiction:

1173 (o) Section 827.071, relating to sexual performance by a  
1174 child.



- 1175 (p) Section 847.0133, relating to the protection of
- 1176 minors.
- 1177 (q) Section 847.0135, relating to computer pornography.
- 1178 (r) Section 847.0138, relating to the transmission of
- 1179 material harmful to minors to a minor by electronic device or
- 1180 equipment.
- 1181 (s) Section 847.0145, relating to the selling or buying of
- 1182 minors.

1183 Section 26. For the purpose of incorporating the  
 1184 amendments made by this act to sections 827.071, 847.001, and  
 1185 847.0138, Florida Statutes, in references thereto, paragraphs  
 1186 (n), (o), (p), (q), and (r) of subsection (8) of section  
 1187 480.043, Florida Statutes, are reenacted to read:

1188 480.043 Massage establishments; requisites; licensure;  
 1189 inspection; human trafficking awareness training and policies.-

1190 (8) The department shall deny an application for a new or  
 1191 renewal license if an establishment owner or a designated  
 1192 establishment manager or, for a corporation that has more than  
 1193 \$250,000 of business assets in this state, an establishment  
 1194 owner, a designated establishment manager, or any individual  
 1195 directly involved in the management of the establishment has  
 1196 been convicted of or entered a plea of guilty or nolo contendere  
 1197 to any misdemeanor or felony crime, regardless of adjudication,  
 1198 related to prostitution or related acts as described in s.  
 1199 796.07 or a felony offense under any of the following provisions

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1200 of state law or a similar provision in another jurisdiction:

1201 (n) Section 827.071, relating to sexual performance by a  
1202 child.

1203 (o) Section 847.0133, relating to the protection of  
1204 minors.

1205 (p) Section 847.0135, relating to computer pornography.

1206 (q) Section 847.0138, relating to the transmission of  
1207 material harmful to minors to a minor by electronic device or  
1208 equipment.

1209 (r) Section 847.0145, relating to the selling or buying of  
1210 minors.

1211 Section 27. For the purpose of incorporating the amendment  
1212 made by this act to section 847.001, Florida Statutes, in a  
1213 reference thereto, paragraph (a) of subsection (4) and paragraph  
1214 (b) of subsection (10) of section 775.21, Florida Statutes, are  
1215 reenacted to read:

1216 775.21 The Florida Sexual Predators Act.—

1217 (4) SEXUAL PREDATOR CRITERIA.—

1218 (a) For a current offense committed on or after October 1,  
1219 1993, upon conviction, an offender shall be designated as a  
1220 "sexual predator" under subsection (5), and subject to  
1221 registration under subsection (6) and community and public  
1222 notification under subsection (7) if:

1223 1. The felony is:

1224 a. A capital, life, or first degree felony violation, or

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1225 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
1226 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a  
1227 violation of a similar law of another jurisdiction; or

1228 b. Any felony violation, or any attempt thereof, of s.  
1229 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
1230 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),  
1231 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding  
1232 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
1233 s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s.  
1234 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if  
1235 the court makes a written finding that the racketeering activity  
1236 involved at least one sexual offense listed in this sub-  
1237 subparagraph or at least one offense listed in this sub-  
1238 subparagraph with sexual intent or motive; s. 916.1075(2); or s.  
1239 985.701(1); or a violation of a similar law of another  
1240 jurisdiction, and the offender has previously been convicted of  
1241 or found to have committed, or has pled nolo contendere or  
1242 guilty to, regardless of adjudication, any violation of s.  
1243 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
1244 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),  
1245 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding  
1246 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
1247 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
1248 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court  
1249 makes a written finding that the racketeering activity involved

1250 at least one sexual offense listed in this sub-subparagraph or  
 1251 at least one offense listed in this sub-subparagraph with sexual  
 1252 intent or motive; s. 916.1075(2); or s. 985.701(1); or a  
 1253 violation of a similar law of another jurisdiction;

1254 2. The offender has not received a pardon for any felony  
 1255 or similar law of another jurisdiction that is necessary for the  
 1256 operation of this paragraph; and

1257 3. A conviction of a felony or similar law of another  
 1258 jurisdiction necessary to the operation of this paragraph has  
 1259 not been set aside in any postconviction proceeding.

1260 (10) PENALTIES.—

1261 (b) A sexual predator who has been convicted of or found  
 1262 to have committed, or has pled nolo contendere or guilty to,  
 1263 regardless of adjudication, any violation, or attempted  
 1264 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
 1265 the victim is a minor; s. 794.011, excluding s. 794.011(10); s.  
 1266 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.  
 1267 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s.  
 1268 985.701(1); or a violation of a similar law of another  
 1269 jurisdiction when the victim of the offense was a minor, and who  
 1270 works, whether for compensation or as a volunteer, at any  
 1271 business, school, child care facility, park, playground, or  
 1272 other place where children regularly congregate, commits a  
 1273 felony of the third degree, punishable as provided in s.  
 1274 775.082, s. 775.083, or s. 775.084.

1275 Section 28. For the purpose of incorporating the  
 1276 amendments made by this act to sections 827.071 and 847.001,  
 1277 Florida Statutes, in references thereto, subsection (2) and  
 1278 paragraphs (a) and (c) of subsection (3) of section 775.215,  
 1279 Florida Statutes, are reenacted to read:

1280 775.215 Residency restriction for persons convicted of  
 1281 certain sex offenses.—

1282 (2) (a) A person who has been convicted of a violation of  
 1283 s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
 1284 847.0145, regardless of whether adjudication has been withheld,  
 1285 in which the victim of the offense was less than 16 years of  
 1286 age, may not reside within 1,000 feet of any school, child care  
 1287 facility, park, or playground. However, a person does not  
 1288 violate this subsection and may not be forced to relocate if he  
 1289 or she is living in a residence that meets the requirements of  
 1290 this subsection and a school, child care facility, park, or  
 1291 playground is subsequently established within 1,000 feet of his  
 1292 or her residence.

1293 (b) A person who violates this subsection and whose  
 1294 conviction under s. 794.011, s. 800.04, s. 827.071, s.  
 1295 847.0135(5), or s. 847.0145 was classified as a felony of the  
 1296 first degree or higher commits a felony of the third degree,  
 1297 punishable as provided in s. 775.082 or s. 775.083. A person who  
 1298 violates this subsection and whose conviction under s. 794.011,  
 1299 s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was

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1300 classified as a felony of the second or third degree commits a  
1301 misdemeanor of the first degree, punishable as provided in s.  
1302 775.082 or s. 775.083.

1303 (c) This subsection applies to any person convicted of a  
1304 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),  
1305 or s. 847.0145 for offenses that occur on or after October 1,  
1306 2004, excluding persons who have been removed from the  
1307 requirement to register as a sexual offender or sexual predator  
1308 pursuant to s. 943.04354.

1309 (3)(a) A person who has been convicted of an offense in  
1310 another jurisdiction that is similar to a violation of s.  
1311 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,  
1312 regardless of whether adjudication has been withheld, in which  
1313 the victim of the offense was less than 16 years of age, may not  
1314 reside within 1,000 feet of any school, child care facility,  
1315 park, or playground. However, a person does not violate this  
1316 subsection and may not be forced to relocate if he or she is  
1317 living in a residence that meets the requirements of this  
1318 subsection and a school, child care facility, park, or  
1319 playground is subsequently established within 1,000 feet of his  
1320 or her residence.

1321 (c) This subsection applies to any person convicted of an  
1322 offense in another jurisdiction that is similar to a violation  
1323 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
1324 847.0145 if such offense occurred on or after May 26, 2010,

1325 | excluding persons who have been removed from the requirement to  
 1326 | register as a sexual offender or sexual predator pursuant to s.  
 1327 | 943.04354.

1328 |       Section 29. For the purpose of incorporating the  
 1329 | amendments made by this act to sections 827.071, 847.001, and  
 1330 | 847.0137, Florida Statutes, in references thereto, subsection  
 1331 | (1) of section 794.056, Florida Statutes, is reenacted to read:

1332 |       794.056 Rape Crisis Program Trust Fund.—

1333 |       (1) The Rape Crisis Program Trust Fund is created within  
 1334 | the Department of Health for the purpose of providing funds for  
 1335 | rape crisis centers in this state. Trust fund moneys shall be  
 1336 | used exclusively for the purpose of providing services for  
 1337 | victims of sexual assault. Funds credited to the trust fund  
 1338 | consist of those funds collected as an additional court  
 1339 | assessment in each case in which a defendant pleads guilty or  
 1340 | nolo contendere to, or is found guilty of, regardless of  
 1341 | adjudication, an offense provided in s. 775.21(6) and (10) (a),  
 1342 | (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
 1343 | 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
 1344 | 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
 1345 | 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
 1346 | former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
 1347 | 796.06; s. 796.07(2) (a)–(d) and (i); s. 800.03; s. 800.04; s.  
 1348 | 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
 1349 | 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.

1350 847.0137; s. 847.0145; s. 943.0435(4) (c), (7), (8), (9) (a),  
 1351 (13), and (14) (c); or s. 985.701(1). Funds credited to the trust  
 1352 fund also shall include revenues provided by law, moneys  
 1353 appropriated by the Legislature, and grants from public or  
 1354 private entities.

1355 Section 30. For the purpose of incorporating the  
 1356 amendments made by this act to sections 847.001 and 847.0138,  
 1357 Florida Statutes, in references thereto, paragraph (h) of  
 1358 subsection (1) of section 943.0435, Florida Statutes, is  
 1359 reenacted to read:

1360 943.0435 Sexual offenders required to register with the  
 1361 department; penalty.—

1362 (1) As used in this section, the term:

1363 (h)1. "Sexual offender" means a person who meets the  
 1364 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
 1365 subparagraph c., or sub-subparagraph d., as follows:

1366 a.(I) Has been convicted of committing, or attempting,  
 1367 soliciting, or conspiring to commit, any of the criminal  
 1368 offenses proscribed in the following statutes in this state or  
 1369 similar offenses in another jurisdiction: s. 393.135(2); s.  
 1370 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2) (c), where  
 1371 the victim is a minor; s. 787.06(3) (b), (d), (f), or (g); former  
 1372 s. 787.06(3) (h); s. 794.011, excluding s. 794.011(10); s.  
 1373 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.  
 1374 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,



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1375 | excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
1376 | s. 895.03, if the court makes a written finding that the  
1377 | racketeering activity involved at least one sexual offense  
1378 | listed in this sub-sub-subparagraph or at least one offense  
1379 | listed in this sub-sub-subparagraph with sexual intent or  
1380 | motive; s. 916.1075(2); or s. 985.701(1); or any similar offense  
1381 | committed in this state which has been redesignated from a  
1382 | former statute number to one of those listed in this sub-sub-  
1383 | subparagraph; and

1384 |       (II) Has been released on or after October 1, 1997, from a  
1385 | sanction imposed for any conviction of an offense described in  
1386 | sub-sub-subparagraph (I) and does not otherwise meet the  
1387 | criteria for registration as a sexual offender under chapter 944  
1388 | or chapter 985. For purposes of this sub-sub-subparagraph, a  
1389 | sanction imposed in this state or in any other jurisdiction  
1390 | means probation, community control, parole, conditional release,  
1391 | control release, or incarceration in a state prison, federal  
1392 | prison, private correctional facility, or local detention  
1393 | facility. If no sanction is imposed, the person is deemed to be  
1394 | released upon conviction;

1395 |       b. Establishes or maintains a residence in this state and  
1396 | who has not been designated as a sexual predator by a court of  
1397 | this state but who has been designated as a sexual predator, as  
1398 | a sexually violent predator, or by another sexual offender  
1399 | designation in another state or jurisdiction and was, as a

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1400 result of such designation, subjected to registration or  
1401 community or public notification, or both, or would be if the  
1402 person were a resident of that state or jurisdiction, without  
1403 regard to whether the person otherwise meets the criteria for  
1404 registration as a sexual offender;

1405 c. Establishes or maintains a residence in this state who  
1406 is in the custody or control of, or under the supervision of,  
1407 any other state or jurisdiction as a result of a conviction for  
1408 committing, or attempting, soliciting, or conspiring to commit,  
1409 any of the criminal offenses proscribed in the following  
1410 statutes or similar offense in another jurisdiction: s.  
1411 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
1412 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),  
1413 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding  
1414 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
1415 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;  
1416 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;  
1417 s. 847.0145; s. 895.03, if the court makes a written finding  
1418 that the racketeering activity involved at least one sexual  
1419 offense listed in this sub-subparagraph or at least one offense  
1420 listed in this sub-subparagraph with sexual intent or motive; s.  
1421 916.1075(2); or s. 985.701(1); or any similar offense committed  
1422 in this state which has been redesignated from a former statute  
1423 number to one of those listed in this sub-subparagraph; or  
1424 d. On or after July 1, 2007, has been adjudicated

1425 delinquent for committing, or attempting, soliciting, or  
 1426 conspiring to commit, any of the criminal offenses proscribed in  
 1427 the following statutes in this state or similar offenses in  
 1428 another jurisdiction when the juvenile was 14 years of age or  
 1429 older at the time of the offense:

1430 (I) Section 794.011, excluding s. 794.011(10);

1431 (II) Section 800.04(4)(a)2. where the victim is under 12  
 1432 years of age or where the court finds sexual activity by the use  
 1433 of force or coercion;

1434 (III) Section 800.04(5)(c)1. where the court finds  
 1435 molestation involving unclothed genitals;

1436 (IV) Section 800.04(5)(d) where the court finds the use of  
 1437 force or coercion and unclothed genitals; or

1438 (V) Any similar offense committed in this state which has  
 1439 been redesignated from a former statute number to one of those  
 1440 listed in this sub-subparagraph.

1441 2. For all qualifying offenses listed in sub-subparagraph  
 1442 1.d., the court shall make a written finding of the age of the  
 1443 offender at the time of the offense.

1444  
 1445 For each violation of a qualifying offense listed in this  
 1446 subsection, except for a violation of s. 794.011, the court  
 1447 shall make a written finding of the age of the victim at the  
 1448 time of the offense. For a violation of s. 800.04(4), the court  
 1449 shall also make a written finding indicating whether the offense

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1450 involved sexual activity and indicating whether the offense  
1451 involved force or coercion. For a violation of s. 800.04(5), the  
1452 court shall also make a written finding that the offense did or  
1453 did not involve unclothed genitals or genital area and that the  
1454 offense did or did not involve the use of force or coercion.

1455 Section 31. For the purpose of incorporating the  
1456 amendments made by this act to sections 847.001, Florida  
1457 Statutes, in a reference thereto, subsection (2) of section  
1458 944.11, Florida Statutes, is reenacted to read:

1459 944.11 Department to regulate admission of books.—

1460 (2) The department shall have the authority to prohibit  
1461 admission of reading materials or publications with content  
1462 which depicts sexual conduct as defined by s. 847.001 or  
1463 presents nudity in such a way as to create the appearance that  
1464 sexual conduct is imminent. The department shall have the  
1465 authority to prohibit admission of such materials at a  
1466 particular state correctional facility upon a determination by  
1467 the department that such material or publications would be  
1468 detrimental to the safety, security, order or rehabilitative  
1469 interests of a particular state correctional facility or would  
1470 create a risk of disorder at a particular state correctional  
1471 facility.

1472 Section 32. For the purpose of incorporating the  
1473 amendments made by this act to sections 827.071, 847.001,  
1474 847.0137, and 847.0138, Florida Statutes, in references thereto,

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1475 paragraph (f) of subsection (1) of section 944.606, Florida  
1476 Statutes, is reenacted to read:

1477 944.606 Sexual offenders; notification upon release.—

1478 (1) As used in this section, the term:

1479 (f) "Sexual offender" means a person who has been  
1480 convicted of committing, or attempting, soliciting, or  
1481 conspiring to commit, any of the criminal offenses proscribed in  
1482 the following statutes in this state or similar offenses in  
1483 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
1484 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
1485 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
1486 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
1487 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.  
1488 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
1489 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court  
1490 makes a written finding that the racketeering activity involved  
1491 at least one sexual offense listed in this paragraph or at least  
1492 one offense listed in this paragraph with sexual intent or  
1493 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense  
1494 committed in this state which has been redesignated from a  
1495 former statute number to one of those listed in this subsection,  
1496 when the department has received verified information regarding  
1497 such conviction; an offender's computerized criminal history  
1498 record is not, in and of itself, verified information.

1499 Section 33. For the purpose of incorporating the

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1500 amendments made by this act to sections 827.071, 847.001,  
1501 847.0137, and 847.0138, Florida Statutes, in references thereto,  
1502 paragraph (f) of subsection (1) of section 944.607, Florida  
1503 Statutes, is reenacted to read:

1504 944.607 Notification to Department of Law Enforcement of  
1505 information on sexual offenders.—

1506 (1) As used in this section, the term:

1507 (f) "Sexual offender" means a person who is in the custody  
1508 or control of, or under the supervision of, the department or is  
1509 in the custody of a private correctional facility:

1510 1. On or after October 1, 1997, as a result of a  
1511 conviction for committing, or attempting, soliciting, or  
1512 conspiring to commit, any of the criminal offenses proscribed in  
1513 the following statutes in this state or similar offenses in  
1514 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
1515 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
1516 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
1517 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
1518 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.  
1519 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
1520 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court  
1521 makes a written finding that the racketeering activity involved  
1522 at least one sexual offense listed in this subparagraph or at  
1523 least one offense listed in this subparagraph with sexual intent  
1524 or motive; s. 916.1075(2); or s. 985.701(1); or any similar

1525 offense committed in this state which has been redesignated from  
 1526 a former statute number to one of those listed in this  
 1527 paragraph; or

1528 2. Who establishes or maintains a residence in this state  
 1529 and who has not been designated as a sexual predator by a court  
 1530 of this state but who has been designated as a sexual predator,  
 1531 as a sexually violent predator, or by another sexual offender  
 1532 designation in another state or jurisdiction and was, as a  
 1533 result of such designation, subjected to registration or  
 1534 community or public notification, or both, or would be if the  
 1535 person were a resident of that state or jurisdiction, without  
 1536 regard as to whether the person otherwise meets the criteria for  
 1537 registration as a sexual offender.

1538 Section 34. For the purpose of incorporating the  
 1539 amendments made by this act to sections 827.071, 847.0137,  
 1540 and 847.0138, Florida Statutes, in references thereto, paragraph  
 1541 (e) of subsection (3) of section 960.03, Florida Statutes, is  
 1542 reenacted to read:

1543 960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
 1544 960.01-960.28, unless the context otherwise requires, the term:

1545 (3) "Crime" means:

1546 (e) A violation of s. 827.071, s. 847.0135, s. 847.0137,  
 1547 or s. 847.0138, related to online sexual exploitation and child  
 1548 pornography.

1549 Section 35. For the purpose of incorporating the

1550 amendments made by this act to sections 827.071, 847.0137, and  
 1551 847.0138, Florida Statutes, in references thereto, section  
 1552 960.197, Florida Statutes, is reenacted to read:

1553 960.197 Assistance to victims of online sexual  
 1554 exploitation and child pornography.—

1555 (1) Notwithstanding the criteria set forth in s. 960.13  
 1556 for crime victim compensation awards, the department may award  
 1557 compensation for counseling and other mental health services to  
 1558 treat psychological injury or trauma to:

1559 (a) A child younger than 18 years of age who suffers  
 1560 psychiatric or psychological injury as a direct result of online  
 1561 sexual exploitation under any provision of s. 827.071, s.  
 1562 847.0135, s. 847.0137, or s. 847.0138, and who does not  
 1563 otherwise sustain a personal injury or death; or

1564 (b) Any person who, while younger than age 18, was  
 1565 depicted in any image or movie, regardless of length, of child  
 1566 pornography as defined in s. 847.001, who has been identified by  
 1567 a law enforcement agency or the National Center for Missing and  
 1568 Exploited Children as an identified victim of child pornography,  
 1569 who suffers psychiatric or psychological injury as a direct  
 1570 result of the crime, and who does not otherwise sustain a  
 1571 personal injury or death.

1572 (2) Compensation under this section is not contingent upon  
 1573 pursuit of a criminal investigation or prosecution.

1574 Section 36. For the purpose of incorporating the amendment



1575 made by this act to section 847.012, Florida Statutes, in a  
 1576 reference thereto, paragraphs (a) and (d) of subsection (2) of  
 1577 section 1006.28, Florida Statutes, are reenacted to read:

1578 1006.28 Duties of district school board, district school  
 1579 superintendent; and school principal regarding K-12  
 1580 instructional materials.—

1581 (2) DISTRICT SCHOOL BOARD.—The district school board has  
 1582 the constitutional duty and responsibility to select and provide  
 1583 adequate instructional materials for all students in accordance  
 1584 with the requirements of this part. The district school board  
 1585 also has the following specific duties and responsibilities:

1586 (a) Courses of study; adoption.—Adopt courses of study,  
 1587 including instructional materials, for use in the schools of the  
 1588 district.

1589 1. Each district school board is responsible for the  
 1590 content of all instructional materials and any other materials  
 1591 used in a classroom, made available in a school library, or  
 1592 included on a reading list, whether adopted and purchased from  
 1593 the state-adopted instructional materials list, adopted and  
 1594 purchased through a district instructional materials program  
 1595 under s. 1006.283, or otherwise purchased or made available.  
 1596 Each district school board shall maintain on its website a  
 1597 current list of instructional materials, by grade level,  
 1598 purchased by the district.

1599 2. Each district school board must adopt a policy

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1600 regarding an objection by a parent or a resident of the county  
1601 to the use of a specific instructional material, which clearly  
1602 describes a process to handle all objections and provides for  
1603 resolution. The process must provide the parent or resident the  
1604 opportunity to proffer evidence to the district school board  
1605 that:

1606 a. An instructional material does not meet the criteria of  
1607 s. 1006.31(2) or s. 1006.40(3)(d) if it was selected for use in  
1608 a course or otherwise made available to students in the school  
1609 district but was not subject to the public notice, review,  
1610 comment, and hearing procedures under s. 1006.283(2)(b) 8., 9.,  
1611 and 11.

1612 b. Any material used in a classroom, made available in a  
1613 school library, or included on a reading list contains content  
1614 that is pornographic or prohibited under s. 847.012, is not  
1615 suited to student needs and their ability to comprehend the  
1616 material presented, or is inappropriate for the grade level and  
1617 age group for which the material is used.

1618  
1619 If the district school board finds that an instructional  
1620 material does not meet the criteria under sub-subparagraph a. or  
1621 that any other material contains prohibited content under sub-  
1622 subparagraph b., the school district shall discontinue use of  
1623 the material for any grade level or age group for which such use  
1624 is inappropriate or unsuitable.

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1625           3. Each district school board must establish a process by  
1626 which the parent of a public school student or a resident of the  
1627 county may contest the district school board's adoption of a  
1628 specific instructional material. The parent or resident must  
1629 file a petition, on a form provided by the school board, within  
1630 30 calendar days after the adoption of the material by the  
1631 school board. The school board must make the form available to  
1632 the public and publish the form on the school district's  
1633 website. The form must be signed by the parent or resident,  
1634 include the required contact information, and state the  
1635 objection to the instructional material based on the criteria of  
1636 s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days after the 30-  
1637 day period has expired, the school board must, for all petitions  
1638 timely received, conduct at least one open public hearing before  
1639 an unbiased and qualified hearing officer. The hearing officer  
1640 may not be an employee or agent of the school district. The  
1641 hearing is not subject to the provisions of chapter 120;  
1642 however, the hearing must provide sufficient procedural  
1643 protections to allow each petitioner an adequate and fair  
1644 opportunity to be heard and present evidence to the hearing  
1645 officer.

1646  
1647 The school board's decision after convening a hearing is final  
1648 and not subject to further petition or review.

1649           (d) School library media services; establishment and

1650 maintenance.—Establish and maintain a program of school library  
1651 media services for all public schools in the district, including  
1652 school library media centers, or school library media centers  
1653 open to the public, and, in addition such traveling or  
1654 circulating libraries as may be needed for the proper operation  
1655 of the district school system. Each school district shall  
1656 provide training to school librarians and media specialists  
1657 regarding the prohibition against distributing harmful materials  
1658 to minors under s. 847.012 and applicable case law, and best  
1659 practices for providing students access to age-appropriate  
1660 materials and library resources. Upon written request, a school  
1661 district shall provide access to any material or book specified  
1662 in the request that is maintained in a district school system  
1663 library and is available for review.

1664 Section 37. For the purpose of incorporating the amendment  
1665 made by this act to section 847.012, Florida Statutes, in a  
1666 reference thereto, subsection (2) of section 1006.31, Florida  
1667 Statutes, is reenacted to read:

1668 1006.31 Duties of the Department of Education and school  
1669 district instructional materials reviewer.—The duties of the  
1670 instructional materials reviewer are:

1671 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the  
1672 selection criteria listed in s. 1006.34(2)(b) and recommend for  
1673 adoption only those instructional materials aligned with the  
1674 Next Generation Sunshine State Standards provided for in s.

1675 | 1003.41. Instructional materials recommended by each reviewer  
1676 | shall be, to the satisfaction of each reviewer, accurate,  
1677 | objective, balanced, noninflammatory, current, free of  
1678 | pornography and material prohibited under s. 847.012, and suited  
1679 | to student needs and their ability to comprehend the material  
1680 | presented. Reviewers shall consider for recommendation materials  
1681 | developed for academically talented students, such as students  
1682 | enrolled in advanced placement courses. When recommending  
1683 | instructional materials, each reviewer shall:

1684 |       (a) Include only instructional materials that accurately  
1685 | portray the ethnic, socioeconomic, cultural, religious,  
1686 | physical, and racial diversity of our society, including men and  
1687 | women in professional, career, and executive roles, and the role  
1688 | and contributions of the entrepreneur and labor in the total  
1689 | development of this state and the United States.

1690 |       (b) Include only materials that accurately portray,  
1691 | whenever appropriate, humankind's place in ecological systems,  
1692 | including the necessity for the protection of our environment  
1693 | and conservation of our natural resources and the effects on the  
1694 | human system of the use of tobacco, alcohol, controlled  
1695 | substances, and other dangerous substances.

1696 |       (c) Include materials that encourage thrift, fire  
1697 | prevention, and humane treatment of people and animals.

1698 |       (d) Require, when appropriate to the comprehension of  
1699 | students, that materials for social science, history, or civics

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1700 classes contain the Declaration of Independence and the  
1701 Constitution of the United States. A reviewer may not recommend  
1702 any instructional materials that contain any matter reflecting  
1703 unfairly upon persons because of their race, color, creed,  
1704 national origin, ancestry, gender, religion, disability,  
1705 socioeconomic status, or occupation.

1706 Section 38. For the purpose of incorporating the amendment  
1707 made by this act to section 847.012, Florida Statutes, in a  
1708 reference thereto, paragraph (b) of subsection (2) of section  
1709 1006.34, Florida Statutes, is reenacted to read:

1710 1006.34 Powers and duties of the commissioner and the  
1711 department in selecting and adopting instructional materials.—

1712 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

1713 (b) In the selection of instructional materials, library  
1714 media, and other reading material used in the public school  
1715 system, the standards used to determine the propriety of the  
1716 material shall include:

1717 1. The age of the students who normally could be expected  
1718 to have access to the material.

1719 2. The educational purpose to be served by the material.  
1720 Priority shall be given to the selection of materials that align  
1721 with the Next Generation Sunshine State Standards as provided  
1722 for in s. 1003.41 and include the instructional objectives  
1723 contained within the curriculum frameworks for career and  
1724 technical education and adult and adult general education

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1725 adopted by rule of the State Board of Education under s.  
 1726 1004.92.

1727 3. The degree to which the material would be supplemented  
 1728 and explained by mature classroom instruction as part of a  
 1729 normal classroom instructional program.

1730 4. The consideration of the broad racial, ethnic,  
 1731 socioeconomic, and cultural diversity of the students of this  
 1732 state.

1733  
 1734 Any instructional material containing pornography or otherwise  
 1735 prohibited by s. 847.012 may not be used or made available  
 1736 within any public school.

1737 Section 39. For the purpose of incorporating the amendment  
 1738 made by this act to section 847.012, Florida Statutes, in a  
 1739 reference thereto, paragraph (d) of subsection (3) of section  
 1740 1006.40, Florida Statutes, is reenacted to read:

1741 1006.40 Use of instructional materials allocation;  
 1742 instructional materials, library books, and reference books;  
 1743 repair of books.—

1744 (3)

1745 (d) Any materials purchased pursuant to this section must  
 1746 be:

1747 1. Free of pornography and material prohibited under s.  
 1748 847.012.

1749 2. Suited to student needs and their ability to comprehend

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1750 | the material presented.

1751 |       3. Appropriate for the grade level and age group for which  
1752 | the materials are used or made available.

1753 |       Section 40. This act shall take effect July 1, 2022.