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LEGISLATIVE ACTION

Senate

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House

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Senator Book moved the following:

**Senate Amendment (with title amendment)**

Delete lines 64 - 1227

and insert:

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

(1) For purposes of this section:

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

(b) "Child pornography" means:

1. Any image depicting a minor engaged in sexual conduct;



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12 or

13 2. Any image that has been created, altered, adapted, or  
14 modified by electronic, mechanical, or other means, to portray  
15 an identifiable minor engaged in sexual conduct.

16 (c) "Identifiable minor" means a person:

17 1. Who was a minor at the time the image was created,  
18 altered, adapted, or modified, or whose image as a minor was  
19 used in the creating, altering, adapting, or modifying of the  
20 image; and

21 2. Who is recognizable as an actual person by the person's  
22 face, likeness, or other distinguishing characteristic, such as  
23 a unique birthmark, or other recognizable feature.

24  
25 The term may not be construed to require proof of the actual  
26 identity of the identifiable minor.

27 (d)(e) "Sadomasochistic abuse" means flagellation or  
28 torture by or upon a person or the condition of being fettered,  
29 bound, or otherwise physically restrained, for the purpose of  
30 deriving sexual satisfaction, or satisfaction brought about as a  
31 result of sadistic violence, from inflicting harm on another or  
32 receiving such harm oneself.

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

38 (f)(e) "Sexual bestiality" means any sexual act, actual or  
39 simulated, between a person and an animal involving the sex  
40 organ of the one and the mouth, anus, or vagina of the other.



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41            (g) ~~(f)~~ "Sexual conduct" means actual or simulated sexual  
42 intercourse, deviate sexual intercourse, sexual bestiality,  
43 masturbation, or sadomasochistic abuse; actual or simulated lewd  
44 exhibition of the genitals; actual physical contact with a  
45 person's clothed or unclothed genitals, pubic area, buttocks,  
46 or, if such person is a female, breast with the intent to arouse  
47 or gratify the sexual desire of either party; or any act or  
48 conduct which constitutes sexual battery or simulates that  
49 sexual battery is being or will be committed. A mother's  
50 breastfeeding of her baby does not under any circumstance  
51 constitute "sexual conduct."

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

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

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

- 59            1. A child who is younger than the age of 5.
- 60            2. Sadomasochistic abuse involving a child.
- 61            3. Sexual battery involving a child.
- 62            4. Sexual bestiality involving a child.
- 63            5. Any motion picture, film, video, or computer-generated  
64 motion picture, film, or video ~~movie~~ involving a child,  
65 regardless of length and regardless of whether the motion  
66 picture, film, video, or computer-generated motion picture,  
67 film, or video ~~movie~~ contains sound.

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



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70 (b) In the case of a felony of the second degree, the  
71 offense is reclassified to a felony of the first degree.

72

73 For purposes of sentencing under chapter 921 and determining  
74 incentive gain-time eligibility under chapter 944, a felony  
75 offense that is reclassified under this section is ranked one  
76 level above the ranking under s. 921.0022 or s. 921.0023 of the  
77 offense committed.

78 Section 2. Paragraph (b) of subsection (5) of section  
79 784.049, Florida Statutes, is amended to read:

80 784.049 Sexual cyberharassment.—

81 (5) An aggrieved person may initiate a civil action against  
82 a person who violates this section to obtain all appropriate  
83 relief in order to prevent or remedy a violation of this  
84 section, including the following:

85 (b) Monetary damages to include \$10,000 ~~\$5,000~~ or actual  
86 damages incurred as a result of a violation of this section,  
87 whichever is greater.

88 Section 3. Section 827.071, Florida Statutes, is amended to  
89 read:

90 827.071 Sexual performance by a child; child pornography;  
91 penalties.—

92 (1) As used in this section, the following definitions  
93 shall apply:

94 (a) "Child" or "minor" means any person, whose identity is  
95 known or unknown, younger than 18 years of age.

96 (b) "Child pornography" means:

97 1. Any image depicting a minor engaged in sexual conduct;

98 or



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99           2. Any image that has been created, altered, adapted, or  
100 modified by electronic, mechanical, or other means, to portray  
101 an identifiable minor engaged in sexual conduct.

102           (c)~~(a)~~ "Deviate sexual intercourse" means sexual conduct  
103 between persons not married to each other consisting of contact  
104 between the penis and the anus, the mouth and the penis, or the  
105 mouth and the vulva.

106           (d) "Identifiable minor" means a person:

107           1. Who was a minor at the time the image was created,  
108 altered, adapted, or modified, or whose image as a minor was  
109 used in the creating, altering, adapting, or modifying of the  
110 image; and

111           2. Who is recognizable as an actual person by the person's  
112 face, likeness, or other distinguishing characteristic, such as  
113 a unique birthmark, or other recognizable feature.

114  
115 The term may not be construed to require proof of the actual  
116 identity of the identifiable minor.

117           (e)~~(b)~~ "Intentionally view" means to deliberately,  
118 purposefully, and voluntarily view. Proof of intentional viewing  
119 requires establishing more than a single image, motion picture,  
120 exhibition, show, image, data, computer depiction,  
121 representation, or other presentation over any period of time.

122           (f)~~(e)~~ "Performance" means any play, motion picture,  
123 photograph, or dance or any other visual representation  
124 exhibited before an audience.

125           (g)~~(d)~~ "Promote" means to procure, manufacture, issue,  
126 sell, give, provide, lend, mail, deliver, transfer, transmit,  
127 transmute, publish, distribute, circulate, disseminate, present,



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128 exhibit, send, post, share, or advertise or to offer or agree to  
129 do the same.

130 (h)~~(e)~~ "Sadomasochistic abuse" means flagellation or  
131 torture by or upon a person, or the condition of being fettered,  
132 bound, or otherwise physically restrained, for the purpose of  
133 deriving sexual satisfaction from inflicting harm on another or  
134 receiving such harm oneself.

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

140 (j)~~(g)~~ "Sexual bestiality" means any sexual act between a  
141 person and an animal involving the sex organ of the one and the  
142 mouth, anus, or vagina of the other.

143 (k)~~(h)~~ "Sexual conduct" means actual or simulated sexual  
144 intercourse, deviate sexual intercourse, sexual bestiality,  
145 masturbation, or sadomasochistic abuse; actual or simulated lewd  
146 exhibition of the genitals; actual physical contact with a  
147 person's clothed or unclothed genitals, pubic area, buttocks,  
148 or, if such person is a female, breast, with the intent to  
149 arouse or gratify the sexual desire of either party; or any act  
150 or conduct which constitutes sexual battery or simulates that  
151 sexual battery is being or will be committed. A mother's  
152 breastfeeding of her baby does not under any circumstance  
153 constitute "sexual conduct."

154 (l)~~(i)~~ "Sexual performance" means any performance or part  
155 thereof which includes sexual conduct by a child ~~of less than 18~~  
156 ~~years of age.~~



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157            (m) ~~(j)~~ "Simulated" means the explicit depiction of conduct  
158 set forth in paragraph (k) ~~(h)~~ which creates the appearance of  
159 such conduct and which exhibits any uncovered portion of the  
160 breasts, genitals, or buttocks.

161            (2) A person is guilty of the use of a child in a sexual  
162 performance if, knowing the character and content thereof, he or  
163 she employs, authorizes, or induces a child ~~less than 18 years~~  
164 ~~of age~~ to engage in a sexual performance or, being a parent,  
165 legal guardian, or custodian of such child, consents to the  
166 participation by such child in a sexual performance. A person  
167 who ~~Whoever~~ violates this subsection commits ~~is guilty of~~ a  
168 felony of the second degree, punishable as provided in s.  
169 775.082, s. 775.083, or s. 775.084.

170            (3) A person is guilty of promoting a sexual performance by  
171 a child when, knowing the character and content thereof, he or  
172 she produces, directs, or promotes any performance which  
173 includes sexual conduct by a child ~~less than 18 years of age~~. A  
174 person who ~~Whoever~~ violates this subsection commits ~~is guilty of~~  
175 a felony of the second degree, punishable as provided in s.  
176 775.082, s. 775.083, or s. 775.084.

177            (4) It is unlawful for any person to possess with the  
178 intent to promote any photograph, motion picture, exhibition,  
179 show, representation, or other presentation which, in whole or  
180 in part, includes child pornography ~~any sexual conduct by a~~  
181 ~~child~~. The possession of three or more copies of such  
182 photograph, motion picture, representation, or presentation is  
183 prima facie evidence of an intent to promote. A person who  
184 ~~Whoever~~ violates this subsection commits ~~is guilty of~~ a felony  
185 of the second degree, punishable as provided in s. 775.082, s.



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186 775.083, or s. 775.084.

187 (5) (a) It is unlawful for any person to knowingly possess,  
188 control, or intentionally view a photograph, motion picture,  
189 exhibition, show, representation, image, data, computer  
190 depiction, or other presentation which, in whole or in part, he  
191 or she knows to include child pornography ~~any sexual conduct by~~  
192 ~~a child~~. The possession, control, or intentional viewing of each  
193 such photograph, motion picture, exhibition, show, image, data,  
194 computer depiction, representation, or presentation is a  
195 separate offense. If such photograph, motion picture,  
196 exhibition, show, representation, image, data, computer  
197 depiction, or other presentation includes child pornography  
198 depicting ~~sexual conduct by~~ more than one child, then each such  
199 child in each such photograph, motion picture, exhibition, show,  
200 representation, image, data, computer depiction, or other  
201 presentation that is knowingly possessed, controlled, or  
202 intentionally viewed is a separate offense. A person who  
203 violates this paragraph ~~subsection~~ commits a felony of the third  
204 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
205 775.084.

206 (b) Paragraph (a) ~~This subsection~~ does not apply to any  
207 material possessed, controlled, or intentionally viewed as part  
208 of a law enforcement investigation.

209 (6) Prosecution of a ~~any~~ person for an offense under this  
210 section does ~~shall~~ not preclude ~~prohibit~~ prosecution of that  
211 person in this state for a violation of any other law of this  
212 state, including a law providing for greater penalties than  
213 prescribed in this section or any other crime punishing the  
214 sexual performance or the sexual exploitation of children.





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215 Section 4. Section 828.126, Florida Statutes, is amended to  
216 read:

217 828.126 Sexual activities involving animals.—

218 (1) As used in this section, the term—

219 ~~(a) "Sexual conduct" means any touching or fondling by a~~  
220 ~~person, either directly or through clothing, of the sex organs~~  
221 ~~or anus of an animal or any transfer or transmission of semen by~~  
222 ~~the person upon any part of the animal for the purpose of sexual~~  
223 ~~gratification or arousal of the person.~~

224 (b) "Sexual contact with an animal" means any act committed  
225 between a person and an animal for the purpose of sexual  
226 gratification, abuse, or financial gain which involves:

227 (a) Contact between the sex organ or anus of one and the  
228 mouth, sex organ, or anus of the other;

229 (b) The fondling of the sex organ or anus of an animal; or

230 (c) The insertion, however slight, of any part of the body  
231 of a person or any object into the vaginal or anal opening of an  
232 animal, or the insertion of any part of the body of an animal  
233 into the vaginal or anal opening of a person ~~contact, however~~  
234 ~~slight, between the mouth, sex organ, or anus of a person and~~  
235 ~~the sex organ or anus of an animal, or any penetration, however~~  
236 ~~slight, of any part of the body of the person into the sex organ~~  
237 ~~or anus of an animal, or any penetration of the sex organ or~~  
238 ~~anus of the person into the mouth of the animal, for the purpose~~  
239 ~~of sexual gratification or sexual arousal of the person.~~

240 (2) A person may not:

241 (a) Knowingly engage in any ~~sexual conduct or sexual~~  
242 ~~contact with an animal;~~

243 (b) Knowingly cause, aid, or abet another person to engage



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244 in any ~~sexual conduct or~~ sexual contact with an animal;

245 (c) Knowingly permit any ~~sexual conduct or~~ sexual contact  
246 with an animal to be conducted on any premises under his or her  
247 charge or control; ~~or~~

248 (d) Knowingly organize, promote, conduct, ~~advertise,~~ aid,  
249 abet, participate in as an observer, or advertise, offer,  
250 solicit, or accept an offer of an animal for the purpose of  
251 sexual contact with such animal, or perform any service in the  
252 furtherance of an act involving any ~~sexual conduct or~~ sexual  
253 contact with an animal; or

254 (e) Knowingly film, distribute, or possess any pornographic  
255 image or video of a person and an animal engaged in any of the  
256 activities prohibited by this section ~~for a commercial or~~  
257 ~~recreational purpose.~~

258 (3) A person who violates this section commits a felony of  
259 the third ~~misdemeanor of the first~~ degree, punishable as  
260 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

261 (4) In addition to other penalties prescribed by law, the  
262 court shall issue an order prohibiting a person convicted under  
263 this section from harboring, owning, possessing, or exercising  
264 control over any animal; from residing in any household in which  
265 animals are present; and from engaging in an occupation, whether  
266 paid or unpaid, or participating in a volunteer position at any  
267 establishment at which animals are present. The order may be  
268 effective for up to 5 years after the date of the conviction,  
269 regardless of whether adjudication is withheld.

270 (5) ~~(4)~~ This section does not apply to accepted animal  
271 husbandry practices, including, but not limited to, bona fide  
272 agricultural purposes, assistance with the birthing process or



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273 artificial insemination of an animal for reproductive purposes,  
274 accepted conformation judging practices, or accepted veterinary  
275 medical practices.

276 Section 5. Section 836.13, Florida Statutes, is created to  
277 read:

278 836.13 Promotion of an altered sexual depiction; prohibited  
279 acts; penalties; applicability.-

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

281 (a) "Altered sexual depiction" means any visual depiction  
282 that, as a result of any type of digital, electronic,  
283 mechanical, or other modification, alteration, or adaptation,  
284 depicts a realistic version of an identifiable person:

285 1. With the nude body parts of another person as the nude  
286 body parts of the identifiable person;

287 2. With computer-generated nude body parts as the nude body  
288 parts of the identifiable person; or

289 3. Engaging in sexual conduct as defined in s. 847.001 in  
290 which the identifiable person did not engage.

291 (b) "Identifiable person" means a person who is  
292 recognizable as an actual person by the person's face, likeness,  
293 or other distinguishing characteristic, such as a unique  
294 birthmark, or other recognizable feature.

295 (c) "Nude body parts" means the human male or female  
296 genitals, pubic area, or buttocks with less than fully opaque  
297 covering; or the female breast with less than a fully opaque  
298 covering of any portion thereof below the top of the nipple; or  
299 the depiction of covered male genitals in a discernibly turgid  
300 state. The term does not under any circumstances include a  
301 mother breastfeeding her baby.



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302       (d) "Promote" means to issue, sell, give, provide, lend,  
303 mail, deliver, transfer, transmit, transmute, publish,  
304 distribute, circulate, disseminate, present, exhibit, send,  
305 post, share, or advertise or to offer or agree to do the same.

306       (e) "Visual depiction" includes, but is not limited to, a  
307 photograph, picture, image, motion picture, film, video, or  
308 other visual representation.

309       (2) A person who willfully and maliciously promotes any  
310 altered sexual depiction of an identifiable person, without the  
311 consent of the identifiable person, and who knows or reasonably  
312 should have known that such visual depiction was an altered  
313 sexual depiction, commits a felony of the third degree,  
314 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

315       (3) Every act, thing, or transaction prohibited by this  
316 section constitutes a separate offense and is punishable as  
317 such.

318       (4) The presence of a disclaimer within an altered sexual  
319 depiction which notifies a viewer that the person or persons  
320 depicted did not consent to or participate in the creation or  
321 promotion of the material, or that the person or persons  
322 depicted did not actually perform the actions portrayed, is not  
323 a defense and does not relieve a person of criminal liability  
324 under this section.

325       (5) An aggrieved person may initiate a civil action against  
326 a person who violates subsection (2) to obtain appropriate  
327 relief in order to prevent or remedy a violation of subsection  
328 (2), including all of the following:

329       (a) Injunctive relief.

330       (b) Monetary damages to include \$10,000 or actual damages



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331 incurred as a result of a violation of subsection (2), whichever  
332 is greater.

333 (c) Reasonable attorney fees and costs.

334 (6) The criminal and civil penalties of this section do not  
335 apply to:

336 (a) A provider of an interactive computer service as  
337 defined in 47 U.S.C. s. 230(f), of an information service as  
338 defined in 47 U.S.C. s. 153, or of a communications service as  
339 defined in s. 202.11 which provides the transmission, storage,  
340 or caching of electronic communications or messages of others;  
341 another related telecommunications or commercial mobile radio  
342 service; or content provided by another person;

343 (b) A law enforcement officer, as defined in s. 943.10, or  
344 any local, state, federal, or military law enforcement agency  
345 that promotes an altered sexual depiction in connection with the  
346 performance of his or her duties as a law enforcement officer or  
347 the duties of the law enforcement agency;

348 (c) A person reporting unlawful activity; or

349 (d) A person participating in a hearing, trial, or other  
350 legal proceeding.

351 (7) A violation of this section is committed within this  
352 state if any conduct that is an element of the offense, or any  
353 harm to the depicted person resulting from the offense, occurs  
354 within this state.

355 (8) Prosecution of a person for an offense under this  
356 section does not preclude prosecution of that person in this  
357 state for a violation of any other law of this state, including  
358 a law providing for greater penalties than prescribed in this  
359 section or any other crime related to child pornography or the



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360 sexual performance or the sexual exploitation of children.

361 Section 6. Section 836.14, Florida Statutes, is created to  
362 read:

363 836.14 Theft or unauthorized promotion of a sexually  
364 explicit image.—

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

366 (a) "Identifiable person" has the same meaning as in s.  
367 836.13.

368 (b) "Promote" has the same meaning as in s. 836.13.

369 (c) "Sexually explicit image" means any image depicting an  
370 identifiable person portraying nudity as defined in s. 847.001  
371 or an identifiable person engaging in sexual conduct as defined  
372 in s. 847.001.

373 (2) A person who commits a theft in violation of s. 812.014  
374 of a sexually explicit image with the intent to promote such  
375 image commits a felony of the third degree, punishable as  
376 provided in s. 775.082, s. 775.083, or s. 775.084.

377 (3) A person who willfully possesses with the intent to  
378 promote a sexually explicit image for the purpose of pecuniary  
379 or any other financial gain, when he or she knows or should have  
380 known the image was obtained in violation of subsection (2),  
381 commits a felony of the third degree, punishable as provided in  
382 s. 775.082, s. 775.083, or s. 775.084.

383 (4) A person who willfully promotes, through the use of  
384 print media, an Internet website, or other electronic means, for  
385 the purpose of pecuniary or any other financial gain a sexually  
386 explicit image without consent of the identifiable person  
387 commits a felony of the second degree, punishable as provided in  
388 s. 775.082, s. 775.083, or s. 775.084.



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389       (5) Every act, thing, or transaction prohibited by this  
390 section constitutes a separate offense and is punishable as  
391 such.

392       (6) An aggrieved person may initiate a civil action against  
393 a person who violates this section to obtain all appropriate  
394 relief in order to prevent or remedy a violation of this  
395 section, including the following:

396       (a) Injunctive relief.

397       (b) Monetary damages to include \$10,000 or actual damages  
398 incurred as a result of a violation of this section, whichever  
399 is greater.

400       (c) Reasonable attorney fees and costs.

401       (7) The criminal and civil penalties of this section do not  
402 apply to:

403       (a) A provider of an interactive computer service as  
404 defined in 47 U.S.C. s. 230(f), of an information service as  
405 defined in 47 U.S.C. s. 153, or of a communications service as  
406 defined in s. 202.11 which provides the transmission, storage,  
407 or caching of electronic communications or messages of others;  
408 another related telecommunications or commercial mobile radio  
409 service; or content provided by another person;

410       (b) A law enforcement officer, as defined in s. 943.10, or  
411 any local, state, federal, or military law enforcement agency  
412 that disseminates a sexually explicit image in connection with  
413 the performance of his or her duties as a law enforcement  
414 officer or the duties of the law enforcement agency;

415       (c) A person reporting unlawful activity;

416       (d) A person participating in a hearing, trial, or other  
417 legal proceeding;



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418 (e) Sexually explicit images involving voluntary exposure  
419 in a public or commercial setting; or

420 (f) Sexually explicit images possessed or promoted by a  
421 bona fide news media organization for a legitimate and  
422 newsworthy purpose.

423 (8) A violation of this section is committed within this  
424 state if any conduct that is an element of the offense, or any  
425 harm to the depicted individual resulting from the offense,  
426 occurs within this state.

427 (9) Prosecution of a person for an offense under this  
428 section does not preclude prosecution of that person in this  
429 state for a violation of any other law of this state, including  
430 a law providing for greater penalties than prescribed in this  
431 section or any other crime related to child pornography or the  
432 sexual performance or the sexual exploitation of children.

433 Section 7. Present subsections (7) through (11) and (12)  
434 through (20) of section 847.001, Florida Statutes, are  
435 redesignated as subsections (8) through (12) and (14) through  
436 (22), respectively, new subsections (7) and (13) are added to  
437 that section, and subsection (3) and present subsections (8),  
438 (16), and (19) of that section are amended, to read:

439 847.001 Definitions.—As used in this chapter, the term:

440 (3) "Child pornography" means:

441 (a) Any image depicting a minor engaged in sexual conduct;  
442 or

443 (b) Any image that has been created, altered, adapted, or  
444 modified by electronic, mechanical, or other means, to portray  
445 an identifiable minor engaged in sexual conduct.

446 (7) "Identifiable minor" means a person:





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447 (a) Who was a minor at the time the image was created,  
448 altered, adapted, or modified, or whose image as a minor was  
449 used in the creating, altering, adapting, or modifying of the  
450 image; and

451 (b) Who is recognizable as an actual person by the person's  
452 face, likeness, or other distinguishing characteristic, such as  
453 a unique birthmark, or other recognizable feature.

454

455 The term may not be construed to require proof of the actual  
456 identity of the identifiable minor.

457 (9)~~(8)~~ "Minor" or "child" means any person, whose identity  
458 is known or unknown, younger than under the age of 18 years of  
459 age.

460 (13) "Promote" means to procure, manufacture, issue, sell,  
461 give, provide, lend, mail, deliver, transfer, transmit,  
462 transmute, publish, distribute, circulate, disseminate, present,  
463 exhibit, send, post, share, or advertise or to offer or agree to  
464 do the same.

465 (18)~~(16)~~ "Sexual conduct" means actual or simulated sexual  
466 intercourse, deviate sexual intercourse, sexual bestiality,  
467 masturbation, or sadomasochistic abuse; actual or simulated lewd  
468 exhibition of the genitals; actual physical contact with a  
469 person's clothed or unclothed genitals, pubic area, buttocks,  
470 or, if such person is a female, breast with the intent to arouse  
471 or gratify the sexual desire of either party; or any act or  
472 conduct which constitutes sexual battery or simulates that  
473 sexual battery is being or will be committed. A mother's  
474 breastfeeding of her baby does not under any circumstance  
475 constitute "sexual conduct."



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476           ~~(21)(19)~~ "Simulated" means the explicit depiction of  
477 conduct described in subsection (18) ~~(16)~~ which creates the  
478 appearance of such conduct and which exhibits any uncovered  
479 portion of the breasts, genitals, or buttocks.

480           Section 8. Subsection (5) of section 847.011, Florida  
481 Statutes, is amended to read:

482           847.011 Prohibition of certain acts in connection with  
483 obscene, lewd, etc., materials; penalty.—

484           (5) (a) 1. A person may not knowingly sell, lend, give away,  
485 distribute, transmit, show, or transmute; offer to sell, lend,  
486 give away, distribute, transmit, show, or transmute; have in his  
487 or her possession, custody, or control with the intent to sell,  
488 lend, give away, distribute, transmit, show, or transmute; or  
489 advertise in any manner an obscene, child-like sex doll.

490           2.a. Except as provided in sub-subparagraph b., a person  
491 who violates this paragraph commits a felony of the third  
492 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
493 775.084.

494           b. A person who is convicted of violating this paragraph a  
495 second or subsequent time commits a felony of the second degree,  
496 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

497           (b) 1. Except as provided in subparagraph 2., a person who  
498 knowingly has in his or her possession, custody, or control an  
499 obscene, child-like sex doll commits a misdemeanor of the first  
500 degree, punishable as provided in s. 775.082 or s. 775.083.

501           2. A person who is convicted of violating this paragraph a  
502 second or subsequent time commits a felony of the third degree,  
503 punishable as provided in s. 775.082 or s. 775.083.

504           (c) 1. A law enforcement officer may arrest without a



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505 warrant any person who he or she has probable cause to believe  
506 has violated paragraph (b).

507 2. Upon proper affidavits being made, a search warrant may  
508 be issued to further investigate a violation of paragraph (b),  
509 including to search a private dwelling.

510 Section 9. Subsections (1) through (4) of section 847.0137,  
511 Florida Statutes, are amended to read:

512 847.0137 Transmission of pornography by electronic device  
513 or equipment prohibited; penalties.—

514 (1) As used in this section, the term ~~For purposes of this~~  
515 ~~section:~~

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

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

524 (2) Notwithstanding ss. 847.012 and 847.0133, any person in  
525 this state who knew or reasonably should have known that he or  
526 she was transmitting child pornography, as defined in s.  
527 847.001, to another person in this state or in another  
528 jurisdiction commits a felony of the third degree, punishable as  
529 provided in s. 775.082, s. 775.083, or s. 775.084.

530 (3) Notwithstanding ss. 847.012 and 847.0133, any person in  
531 any jurisdiction other than this state who knew or reasonably  
532 should have known that he or she was transmitting child  
533 pornography, as defined in s. 847.001, to any person in this



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534 state commits a felony of the third degree, punishable as  
535 provided in s. 775.082, s. 775.083, or s. 775.084.

536 (4) This section shall not be construed to preclude  
537 ~~prohibit~~ prosecution of a person in this state or another  
538 jurisdiction for a violation of any law of this state, including  
539 a law providing for greater penalties than prescribed in this  
540 section, for the transmission of child pornography, as defined  
541 in s. 847.001, to any person in this state.

542  
543 The provisions of this section do not apply to subscription-  
544 based transmissions such as list servers.

545 Section 10. Paragraphs (c) through (f) of subsection (3) of  
546 section 921.0022, Florida Statutes, are amended to read:

547 921.0022 Criminal Punishment Code; offense severity ranking  
548 chart.—

549 (3) OFFENSE SEVERITY RANKING CHART

550 (c) LEVEL 3

551

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.

554



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555	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
556	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
557	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
558	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
559	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
560	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
561	327.35 (2) (b)	3rd	Felony BUI.



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562	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
563	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
564	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
565	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, 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.
	379.2431	3rd	Possessing any marine



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566	(1) (e) 6.		turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
	379.2431	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
	(1) (e) 7.		
567	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
568	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
569	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
570	501.001 (2) (b)	2nd	Tampers with a consumer



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product or the container  
using materially  
false/misleading  
information.

571

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

572

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

573

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

574

697.08                                      3rd      Equity skimming.

575

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

576

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

577





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578	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
579	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
580	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
581	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
582	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
583	812.081 (2)	3rd	Theft of a trade secret.
584	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act),



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585			property valued at less than \$20,000.
586	817.233	3rd	Burning to defraud insurer.
587	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
588	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
589	817.236	3rd	Filing a false motor vehicle insurance application.
590	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
591	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.



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592	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
593	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
594	<u>836.13 (2)</u>	<u>3rd</u>	<u>Person who promotes an altered sexual depiction of an identifiable person without consent.</u>
595	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
596	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
597	860.15 (3)	3rd	Overcharging for repairs and parts.
598	870.01 (2)	3rd	Riot.



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599	870.01(4)	3rd	Inciting a riot.
600	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).
601	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.
602	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



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facility.

603

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

604

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

605

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

606

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

607

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

608

893.13(7)(a)11. 3rd Furnish false or fraudulent  
material information on any  
document or record required



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by chapter 893.

609

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.

610

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.

611

893.13(8)(a)3.

3rd

Knowingly write a prescription for a controlled substance for a fictitious person.

612

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



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prescription is a monetary  
 benefit for the  
 practitioner.

613

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

614

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

615

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

616

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

617

618

619 (d) LEVEL 4

620

Florida	Felony	
Statute	Degree	Description

621

316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude
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law enforcement officer  
who is in a patrol  
vehicle with siren and  
lights activated.

622

499.0051 (1)

3rd

Failure to maintain or  
deliver transaction  
history, transaction  
information, or  
transaction statements.

623

499.0051 (5)

2nd

Knowing sale or  
delivery, or possession  
with intent to sell,  
contraband prescription  
drugs.

624

517.07 (1)

3rd

Failure to register  
securities.

625

517.12 (1)

3rd

Failure of dealer,  
associated person, or  
issuer of securities to  
register.

626

784.07 (2) (b)

3rd

Battery of law  
enforcement officer,  
firefighter, etc.

627





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628	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
629	784.075	3rd	Battery on detention or commitment facility staff.
630	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
631	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
632	784.081 (3)	3rd	Battery on specified official or employee.
633	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
634	784.083 (3)	3rd	Battery on code inspector.
	784.085	3rd	Battery of child by throwing, tossing,



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projecting, or expelling  
certain fluids or  
materials.

635

787.03(1)

3rd

Interference with  
custody; wrongly takes  
minor from appointed  
guardian.

636

787.04(2)

3rd

Take, entice, or remove  
child beyond state  
limits with criminal  
intent pending custody  
proceedings.

637

787.04(3)

3rd

Carrying child beyond  
state lines with  
criminal intent to avoid  
producing child at  
custody hearing or  
delivering to designated  
person.

638

787.07

3rd

Human smuggling.

639

790.115(1)

3rd

Exhibiting firearm or  
weapon within 1,000 feet  
of a school.

640



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641	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
642	790.115 (2) (c)	3rd	Possessing firearm on school property.
643	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
644	806.135	2nd	Destroying or demolishing a memorial or historic property.
645	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
646	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.



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647	810.06	3rd	Burglary; possession of tools.
648	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
649	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
650	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
651	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
652	817.505 (4) (a)	3rd	Patient brokering.
653	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
	817.568 (2) (a)	3rd	Fraudulent use of personal identification



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information.

654

817.625 (2) (a)

3rd

Fraudulent use of scanning device, skimming device, or reencoder.

655

817.625 (2) (c)

3rd

Possess, sell, or deliver skimming device.

656

828.125 (1)

2nd

Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

657

836.14 (2)

3rd

Person who commits theft of a sexually explicit image with intent to promote it.

658

836.14 (3)

3rd

Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.

659

837.02 (1)

3rd

Perjury in official



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proceedings.

660

837.021 (1) 3rd Make contradictory  
statements in official  
proceedings.

661

838.022 3rd Official misconduct.

662

839.13 (2) (a) 3rd Falsifying records of an  
individual in the care  
and custody of a state  
agency.

663

839.13 (2) (c) 3rd Falsifying records of  
the Department of  
Children and Families.

664

843.021 3rd Possession of a  
concealed handcuff key  
by a person in custody.

665

843.025 3rd Deprive law enforcement,  
correctional, or  
correctional probation  
officer of means of  
protection or  
communication.

666

843.15 (1) (a) 3rd Failure to appear while



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on bail for felony (bond  
estreature or bond  
jumping).

667

847.0135 (5) (c)

3rd

Lewd or lascivious  
exhibition using  
computer; offender less  
than 18 years.

668

870.01 (3)

2nd

Aggravated rioting.

669

870.01 (5)

2nd

Aggravated inciting a  
riot.

670

874.05 (1) (a)

3rd

Encouraging or  
recruiting another to  
join a criminal gang.

671

893.13 (2) (a) 1.

2nd

Purchase of cocaine (or  
other s. 893.03(1) (a),  
(b), or (d), (2) (a),  
(2) (b), or (2) (c) 5.  
drugs).

672

914.14 (2)

3rd

Witnesses accepting  
bribes.

673

914.22 (1)

3rd

Force, threaten, etc.,  
witness, victim, or



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informant.

674

914.23(2)

3rd

Retaliation against a witness, victim, or informant, no bodily injury.

675

916.1085  
(2)(c)1.

3rd

Introduction of specified contraband into certain DCF facilities.

676

918.12

3rd

Tampering with jurors.

677

934.215

3rd

Use of two-way communications device to facilitate commission of a crime.

678

944.47(1)(a)6.

3rd

Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

679

951.22(1)(h),  
(j) & (k)

3rd

Intoxicating drug, instrumentality or other





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device to aid escape, or  
cellular telephone or  
other portable  
communication device  
introduced into county  
detention facility.

680  
681  
682  
683

(e) LEVEL 5

Florida  
Statute

Felony  
Degree

Description

684

316.027 (2) (a)

3rd

Accidents involving  
personal injuries other  
than serious bodily  
injury, failure to stop;  
leaving scene.

685

316.1935 (4) (a)

2nd

Aggravated fleeing or  
eluding.

686

316.80 (2)

2nd

Unlawful conveyance of  
fuel; obtaining fuel  
fraudulently.

687

322.34 (6)

3rd

Careless operation of  
motor vehicle with  
suspended license,



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688

327.30 (5)

3rd

resulting in death or  
serious bodily injury.

Vessel accidents  
involving personal  
injury; leaving scene.

689

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



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in the commercial  
harvest of stone crabs  
while license is  
suspended or revoked.

690

379.367(4)

3rd

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

691

379.407(5)(b)3.

3rd

Possession of 100 or  
more undersized spiny  
lobsters.

692

381.0041(11)(b)

3rd

Donate blood, plasma, or  
organs knowing HIV  
positive.

693

440.10(1)(g)

2nd

Failure to obtain  
workers' compensation  
coverage.

694

440.105(5)

2nd

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

695

440.381(2)

3rd

Submission of false,  
misleading, or



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incomplete information  
with the purpose of  
avoiding or reducing  
workers' compensation  
premiums.

696

624.401 (4) (b) 2.

2nd

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

697

626.902 (1) (c)

2nd

Representing an  
unauthorized insurer;  
repeat offender.

698

790.01 (2)

3rd

Carrying a concealed  
firearm.

699

790.162

2nd

Threat to throw or  
discharge destructive  
device.

700

790.163 (1)

2nd

False report of bomb,  
explosive, weapon of  
mass destruction, or use  
of firearms in violent  
manner.



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701	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
702	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
703	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
704	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
705	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
706	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
707	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less



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708			than \$50,000.
	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
709			
	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
710			
	812.081 (3)	2nd	Trafficking in trade secrets.
711			
	812.131 (2) (b)	3rd	Robbery by sudden snatching.
712			
	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
713			
	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
714			
	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
715			
	817.2341 (1),	3rd	Filing false financial



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(2) (a) & (3) (a)

statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

716

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.

717

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

718

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or



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719

825.1025(4)

3rd

reencoder.

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

720

827.071(4)

2nd

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

721

827.071(5)

3rd

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

722

828.12(2)

3rd

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





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723	<u>836.14(4)</u>	<u>2nd</u>	<u>Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.</u>
724	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.
725	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
726	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
727	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
728	847.0138	3rd	Transmission of material



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	(2) & (3)		harmful to minors to a minor by electronic device or equipment.
729	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
730	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
731	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).
732	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.,



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(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.

733

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.

734

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



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site.

735

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.
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736

893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
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737

893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
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738

739

740 (f) LEVEL 6

741

Florida Statute	Felony Degree	Description
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742

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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743	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
744	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
745	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
746	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
747	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
748	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
749	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
750	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.



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751	784.041	3rd	Felony battery; domestic battery by strangulation.
752	784.048 (3)	3rd	Aggravated stalking; credible threat.
753	784.048 (5)	3rd	Aggravated stalking of person under 16.
754	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
755	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
756	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
757	784.081 (2)	2nd	Aggravated assault on specified official or employee.
758	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
759	784.083 (2)	2nd	Aggravated assault on code inspector.



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760	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
761	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
762	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
763	790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
764	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
765	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
766	794.05(1)	2nd	Unlawful sexual activity with



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specified minor.

767

800.04 (5) (d) 3rd Lewd or lascivious molestation;  
victim 12 years of age or older  
but less than 16 years of age;  
offender less than 18 years.

768

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

769

806.031 (2) 2nd Arson resulting in great bodily  
harm to firefighter or any  
other person.

770

810.02 (3) (c) 2nd Burglary of occupied structure;  
unarmed; no assault or battery.

771

810.145 (8) (b) 2nd Video voyeurism; certain minor  
victims; 2nd or subsequent  
offense.

772

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or  
more, but less than \$100,000,  
grand theft in 2nd degree.

773

812.014 (6) 2nd Theft; property stolen \$3,000  
or more; coordination of  
others.





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774	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
775	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
776	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
777	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
778	817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
779	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
780	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
781	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.



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782	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
783	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
784	827.03 (2) (c)	3rd	Abuse of a child.
785	827.03 (2) (d)	3rd	Neglect of a child.
786	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
787	<u>828.126 (3)</u>	<u>3rd</u>	<u>Sexual activities involving animals.</u>
788	836.05	2nd	Threats; extortion.
789	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
790	843.12	3rd	Aids or assists person to escape.



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791	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
792	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
793	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
794	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
795	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
796	944.40	2nd	Escapes.
797	944.46	3rd	Harboring, concealing, aiding escaped prisoners.





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

824 847.0141 Sexting; prohibited acts; penalties.—

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

827 (a) Uses a computer, or any other device capable of  
828 electronic data transmission or distribution, to transmit or  
829 distribute to another minor any photograph or video of any  
830 person which depicts nudity, as defined in s. 847.001 ~~s.~~  
831 ~~847.001(9)~~, and is harmful to minors, as defined in s. 847.001  
832 ~~s. 847.001(6)~~.

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

- 838 1. The minor did not solicit the photograph or video.  
839 2. The minor took reasonable steps to report the photograph  
840 or video to the minor's legal guardian or to a school or law  
841 enforcement official.  
842 3. The minor did not transmit or distribute the photograph  
843 or video to a third party.

844  
845 ===== T I T L E A M E N D M E N T =====

846 And the title is amended as follows:

847 Delete lines 3 - 57

848 and insert:

849 s. 775.0847, F.S.; redefining terms; defining the term  
850 "identifiable minor"; revising the list of



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851 circumstances under which specified offenses may be  
852 reclassified; amending s. 784.049, F.S.; increasing  
853 the monetary damages that an aggrieved person may  
854 receive as a result of violations relating to sexual  
855 cyberharassment; amending s. 827.071, F.S.; defining  
856 and redefining terms; conforming provisions to changes  
857 made by the act; amending s. 828.126, F.S.; revising  
858 definitions; revising the prohibition on sexual  
859 activities with animals; increasing the criminal  
860 penalties for such sexual activities; requiring courts  
861 to issue orders prohibiting persons convicted of such  
862 sexual activities from engaging in specified  
863 activities, from residing in certain households, or  
864 from engaging in occupations or positions in which  
865 animals are present; revising applicability; creating  
866 s. 836.13, F.S.; defining terms; prohibiting the  
867 willful and malicious promotion of certain sexual  
868 depictions without consent; providing criminal  
869 penalties; providing a civil cause of action;  
870 providing applicability; providing construction;  
871 creating s. 836.14, F.S.; defining terms; prohibiting  
872 a person from committing theft of sexually explicit  
873 images with the intent to promote such images;  
874 prohibiting the willful possession of sexually  
875 explicit images with the intent to promote such images  
876 and with certain knowledge; prohibiting the promotion  
877 of sexually explicit images of identifiable persons  
878 for financial gain, without consent; providing  
879 criminal penalties; providing a civil cause of action;



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880 providing applicability; providing construction;  
881 amending s. 847.001, F.S.; redefining terms; defining  
882 the terms "identifiable minor" and "promote"; amending  
883 s. 847.011, F.S.; authorizing law enforcement officers  
884 to arrest certain persons without a warrant;  
885 authorizing a search warrant to be issued for further  
886 investigation upon proper affidavits being made;  
887 amending s. 847.0137, F.S.; deleting the definition of  
888 the term "minor"; redefining the term "transmit";  
889 conforming provisions to changes made by the act;  
890 amending s. 921.0022, F.S.; ranking offenses created  
891 by this act for purposes of the severity ranking chart  
892 of the Criminal Punishment Code; conforming provisions  
893 to changes made by the act; amending ss. 288.1254 and  
894 847.0141, F.S.; conforming cross-references;