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LEGISLATIVE ACTION

Senate

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House

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The Committee on Appropriations (Pizzo) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 67 - 713

and insert:

altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image; and

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



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

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

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

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

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

(2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or



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40 s. 847.0138 shall be reclassified to the next higher degree as  
41 provided in subsection (3) if:

42 (a) The offender possesses 10 or more images of any form of  
43 child sexual abuse material ~~child pornography~~ regardless of  
44 content; and

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

47 1. A child who is younger than the age of 5.

48 2. Sadomasochistic abuse involving a child.

49 3. Sexual battery involving a child.

50 4. Sexual bestiality involving a child.

51 5. Any motion picture, film, video, or computer-generated  
52 motion picture, film, or video ~~movie~~ involving a child,  
53 regardless of length and regardless of whether the motion  
54 picture, film, video, or computer-generated motion picture,  
55 film, or video ~~movie~~ contains sound.

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

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

60  
61 For purposes of sentencing under chapter 921 and determining  
62 incentive gain-time eligibility under chapter 944, a felony  
63 offense that is reclassified under this section is ranked one  
64 level above the ranking under s. 921.0022 or s. 921.0023 of the  
65 offense committed.

66 Section 2. Paragraph (b) of subsection (5) of section  
67 784.049, Florida Statutes, is amended to read:

68 784.049 Sexual cyberharassment.—



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

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

76 Section 3. Section 827.071, Florida Statutes, is amended to  
77 read:

78 827.071 Sexual performance by a child; child sexual abuse  
79 material; penalties.—

80 (1) As used in this section, the following definitions  
81 shall apply:

82 (a) “Child” or “minor” means any person, whose identity is  
83 known or unknown, younger than 18 years of age.

84 (b) “Child sexual abuse material” means:

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

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

90 (c) ~~(a)~~ “Deviate sexual intercourse” means sexual conduct  
91 between persons not married to each other consisting of contact  
92 between the penis and the anus, the mouth and the penis, or the  
93 mouth and the vulva.

94 (d) “Identifiable minor” means a person:

95 1. Who was a minor at the time the image was created,  
96 altered, adapted, or modified, or whose image as a minor was  
97 used in the creating, altering, adapting, or modifying of the



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98 image; and

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

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

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

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

113 (g)~~(d)~~ "Promote" means to procure, manufacture, issue,  
114 sell, give, provide, lend, mail, deliver, transfer, transmit,  
115 transmute, publish, distribute, circulate, disseminate, present,  
116 exhibit, send, post, share, or advertise or to offer or agree to  
117 do the same.

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

123 (i)~~(f)~~ "Sexual battery" means oral, anal, or vaginal  
124 penetration by, or union with, the sexual organ of another or  
125 the anal or vaginal penetration of another by any other object;  
126 however, "sexual battery" does not include an act done for a



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127 bona fide medical purpose.

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

131       (k)~~(h)~~ "Sexual conduct" means actual or simulated sexual  
132 intercourse, deviate sexual intercourse, sexual bestiality,  
133 masturbation, or sadomasochistic abuse; actual or simulated lewd  
134 exhibition of the genitals; actual physical contact with a  
135 person's clothed or unclothed genitals, pubic area, buttocks,  
136 or, if such person is a female, breast, with the intent to  
137 arouse or gratify the sexual desire of either party; or any act  
138 or conduct which constitutes sexual battery or simulates that  
139 sexual battery is being or will be committed. A mother's  
140 breastfeeding of her baby does not under any circumstance  
141 constitute "sexual conduct."

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

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

149       (2) A person is guilty of the use of a child in a sexual  
150 performance if, knowing the character and content thereof, he or  
151 she employs, authorizes, or induces a child ~~less than 18 years~~  
152 ~~of age~~ to engage in a sexual performance or, being a parent,  
153 legal guardian, or custodian of such child, consents to the  
154 participation by such child in a sexual performance. A person  
155 who ~~whoever~~ violates this subsection commits ~~is guilty of a~~



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156 felony of the second degree, punishable as provided in s.  
157 775.082, s. 775.083, or s. 775.084.

158 (3) A person is guilty of promoting a sexual performance by  
159 a child when, knowing the character and content thereof, he or  
160 she produces, directs, or promotes any performance which  
161 includes sexual conduct by a child ~~less than 18 years of age~~. A  
162 person who ~~Whoever~~ violates this subsection commits ~~is guilty of~~  
163 a felony of the second degree, punishable as provided in s.  
164 775.082, s. 775.083, or s. 775.084.

165 (4) It is unlawful for any person to possess with the  
166 intent to promote any photograph, motion picture, exhibition,  
167 show, representation, or other presentation which, in whole or  
168 in part, includes child sexual abuse material ~~any sexual conduct~~  
169 ~~by a child~~. The possession of three or more copies of such  
170 photograph, motion picture, representation, or presentation is  
171 prima facie evidence of an intent to promote. A person who  
172 ~~Whoever~~ violates this subsection commits ~~is guilty of~~ a felony  
173 of the second degree, punishable as provided in s. 775.082, s.  
174 775.083, or s. 775.084.

175 (5) (a) It is unlawful for any person to knowingly possess,  
176 control, or intentionally view a photograph, motion picture,  
177 exhibition, show, representation, image, data, computer  
178 depiction, or other presentation which, in whole or in part, he  
179 or she knows to include child sexual abuse material ~~any sexual~~  
180 ~~conduct by a child~~. The possession, control, or intentional  
181 viewing of each such photograph, motion picture, exhibition,  
182 show, image, data, computer depiction, representation, or  
183 presentation is a separate offense. If such photograph, motion  
184 picture, exhibition, show, representation, image, data, computer



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185 depiction, or other presentation includes child sexual abuse  
186 material depicting sexual conduct by more than one child, then  
187 each such child in each such photograph, motion picture,  
188 exhibition, show, representation, image, data, computer  
189 depiction, or other presentation that is knowingly possessed,  
190 controlled, or intentionally viewed is a separate offense. A  
191 person who violates this paragraph subsection commits a felony  
192 of the third degree, punishable as provided in s. 775.082, s.  
193 775.083, or s. 775.084.

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

197 (6) Prosecution of a any person for an offense under this  
198 section does shall not preclude prohibit prosecution of that  
199 person in this state for a violation of any other law of this  
200 state, including a law providing for greater penalties than  
201 prescribed in this section or any other crime punishing the  
202 sexual performance or the sexual exploitation of children.

203 Section 4. Section 836.13, Florida Statutes, is created to  
204 read:

205 836.13 Promotion of an altered sexual depiction; prohibited  
206 acts; penalties; applicability.-

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

208 (a) "Altered sexual depiction" means any visual depiction  
209 that, as a result of any type of digital, electronic,  
210 mechanical, or other modification, alteration, or adaptation,  
211 depicts a realistic version of an identifiable person:

212 1. With the nude body parts of another person as the nude  
213 body parts of the identifiable person;





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

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

218 (b) "Identifiable person" means a person who is  
219 recognizable as an actual person by the person's face, likeness,  
220 or other distinguishing characteristic, such as a unique  
221 birthmark, or other recognizable feature.

222 (c) "Nude body parts" means the human male or female  
223 genitals, pubic area, or buttocks with less than fully opaque  
224 covering; or the female breast with less than a fully opaque  
225 covering of any portion thereof below the top of the nipple; or  
226 the depiction of covered male genitals in a discernibly turgid  
227 state. The term does not under any circumstances include a  
228 mother breastfeeding her baby.

229 (d) "Promote" means to procure, manufacture, issue, sell,  
230 give, provide, lend, mail, deliver, transfer, transmit,  
231 transmute, publish, distribute, circulate, disseminate, present,  
232 exhibit, send, post, share, or advertise or to offer or agree to  
233 do the same.

234 (e) "Visual depiction" includes, but is not limited to, a  
235 photograph, picture, image, motion picture, film, video, or  
236 representation, regardless of whether such photograph, picture,  
237 image, motion picture, film, video, or representation was made,  
238 modified, altered, adapted, or produced by digital, electronic,  
239 mechanical, or other means.

240 (2) A person who willfully and maliciously promotes any  
241 altered sexual depiction of an identifiable person, without the  
242 consent of the identifiable person, and who knows or reasonably



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243 should have known that such visual depiction was an altered  
244 sexual depiction, commits a felony of the third degree,  
245 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

246 (3) Every act, thing, or transaction prohibited by this  
247 section constitutes a separate offense and is punishable as  
248 such.

249 (4) The presence of a disclaimer within an altered sexual  
250 depiction which notifies a viewer that the person or persons  
251 depicted did not consent to or participate in the creation or  
252 promotion of the material, or that the person or persons  
253 depicted did not actually perform the actions portrayed, is not  
254 a defense and does not relieve a person of criminal liability  
255 under this section.

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

260 (a) Injunctive relief.

261 (b) Monetary damages to include \$10,000 or actual damages  
262 incurred as a result of a violation of subsection (2), whichever  
263 is greater.

264 (c) Reasonable attorney fees and costs.

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

267 (a) A provider of an interactive computer service as  
268 defined in 47 U.S.C. s. 230(f), of an information service as  
269 defined in 47 U.S.C. s. 153, or of a communications service as  
270 defined in s. 202.11 which provides the transmission, storage,  
271 or caching of electronic communications or messages of others;



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272 another related telecommunications or commercial mobile radio  
273 service; or content provided by another person;

274 (b) A law enforcement officer, as defined in s. 943.10, or  
275 any local, state, federal, or military law enforcement agency  
276 that promotes an altered sexual depiction in connection with the  
277 performance of his or her duties as a law enforcement officer or  
278 the duties of the law enforcement agency;

279 (c) A person reporting unlawful activity; or

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

282 (7) A violation of this section is committed within this  
283 state if any conduct that is an element of the offense, or any  
284 harm to the depicted person resulting from the offense, occurs  
285 within this state.

286 (8) Prosecution of a person for an offense under this  
287 section does not preclude prosecution of that person in this  
288 state for a violation of any other law of this state, including  
289 a law providing for greater penalties than prescribed in this  
290 section or any other crime related to child sexual abuse  
291 material or the sexual performance or the sexual exploitation of  
292 children.

293 Section 5. Section 836.14, Florida Statutes, is created to  
294 read:

295 836.14 Theft or unauthorized promotion of a sexually  
296 explicit image.—

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

298 (a) "Identifiable person" has the same meaning as in s.  
299 836.13.

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



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301 (c) "Sexually explicit image" means any image depicting  
302 nudity as defined in s. 847.001 or a person engaging in sexual  
303 conduct as defined in s. 847.001.

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

308 (3) A person who willfully possesses with the intent to  
309 promote a sexually explicit image that he or she knows or should  
310 have known was obtained in violation of subsection (2) commits a  
311 felony of the third degree, punishable as provided in s.  
312 775.082, s. 775.083, or s. 775.084.

313 (4) A person who willfully promotes for the purpose of  
314 pecuniary or any other financial gain a sexually explicit image  
315 of an identifiable person without that person's consent commits  
316 a felony of the second degree, punishable as provided in s.  
317 775.082, s. 775.083, or s. 775.084.

318 (5) Every act, thing, or transaction prohibited by this  
319 section constitutes a separate offense and is punishable as  
320 such.

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

325 (a) Injunctive relief.

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

329 (c) Reasonable attorney fees and costs.



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

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

339       (b) A law enforcement officer, as defined in s. 943.10, or  
340 any local, state, federal, or military law enforcement agency  
341 that disseminates a sexually explicit image in connection with  
342 the performance of his or her duties as a law enforcement  
343 officer or the duties of the law enforcement agency;

344       (c) A person reporting unlawful activity;

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

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

349       (f) Sexually explicit images possessed or promoted by a  
350 bona fide news media organization for a legitimate and  
351 newsworthy purpose.

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

356       (9) Prosecution of a person for an offense under this  
357 section does not preclude prosecution of that person in this  
358 state for a violation of any other law of this state, including



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359 a law providing for greater penalties than prescribed in this  
360 section or any other crime related to child sexual abuse  
361 material or the sexual performance or the sexual exploitation of  
362 children.

363 Section 6. Present subsections (7) through (11) and (12)  
364 through (20) of section 847.001, Florida Statutes, are  
365 redesignated as subsections (8) through (12) and (14) through  
366 (22), respectively, new subsections (7) and (13) are added to  
367 that section, and subsection (3) and present subsections (8),  
368 (16), and (19) of that section are amended, to read:

369 847.001 Definitions.—As used in this chapter, the term:

370 (3) "Child sexual abuse material" ~~"Child pornography"~~  
371 means:

372 (a) Any image depicting a minor engaged in sexual conduct;  
373 or

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

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

378 (a) Who was a minor at the time the image was created,  
379 altered, adapted, or modified, or whose image as a minor was  
380 used in the creating, altering, adapting, or modifying of the  
381 image; and

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

385  
386 The term may not be construed to require proof of the actual  
387 identity of the identifiable minor.



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388            (9)~~(8)~~ "Minor" or "child" means any person, whose identity  
389 is known or unknown, younger than under the age of 18 years of  
390 age.

391            (13) "Promote" means to procure, manufacture, issue, sell,  
392 give, provide, lend, mail, deliver, transfer, transmit,  
393 transmute, publish, distribute, circulate, disseminate, present,  
394 exhibit, send, post, share, or advertise or to offer or agree to  
395 do the same.

396            (18)~~(16)~~ "Sexual conduct" means actual or simulated sexual  
397 intercourse, deviate sexual intercourse, sexual bestiality,  
398 masturbation, or sadomasochistic abuse; actual or simulated lewd  
399 exhibition of the genitals; actual physical contact with a  
400 person's clothed or unclothed genitals, pubic area, buttocks,  
401 or, if such person is a female, breast with the intent to arouse  
402 or gratify the sexual desire of either party; or any act or  
403 conduct which constitutes sexual battery or simulates that  
404 sexual battery is being or will be committed. A mother's  
405 breastfeeding of her baby does not under any circumstance  
406 constitute "sexual conduct."

407            (21)~~(19)~~ "Simulated" means the explicit depiction of  
408 conduct described in subsection (18) ~~(16)~~ which creates the  
409 appearance of such conduct and which exhibits any uncovered  
410 portion of the breasts, genitals, or buttocks.

411            Section 7. Subsection (5) of section 847.011, Florida  
412 Statutes, is amended to read:

413            847.011 Prohibition of certain acts in connection with  
414 obscene, lewd, etc., materials; penalty.—

415            (5) (a) 1. A person may not knowingly sell, lend, give away,  
416 distribute, transmit, show, or transmute; offer to sell, lend,



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417 give away, distribute, transmit, show, or transmute; have in his  
418 or her possession, custody, or control with the intent to sell,  
419 lend, give away, distribute, transmit, show, or transmute; or  
420 advertise in any manner an obscene, child-like sex doll.

421 2.a. Except as provided in sub-subparagraph b., a person  
422 who violates this paragraph commits a felony of the third  
423 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
424 775.084.

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

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

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

435 (c)1. A law enforcement officer may arrest without a  
436 warrant any person who he or she has probable cause to believe  
437 has violated paragraph (b).

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

441 Section 8. Subsections (1) through (4) of section 847.0137,  
442 Florida Statutes, are amended to read:

443 847.0137 Transmission of pornography by electronic device  
444 or equipment prohibited; penalties.—

445 (1) As used in this section, the term ~~For purposes of this~~





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446 ~~section:~~

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

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

455 (2) Notwithstanding ss. 847.012 and 847.0133, any person in  
456 this state who knew or reasonably should have known that he or  
457 she was transmitting child sexual abuse material ~~child~~  
458 ~~pornography~~, as defined in s. 847.001, to another person in this  
459 state or in another jurisdiction commits a felony of the third  
460 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
461 775.084.

462 (3) Notwithstanding ss. 847.012 and 847.0133, any person in  
463 any jurisdiction other than this state who knew or reasonably  
464 should have known that he or she was transmitting child sexual  
465 abuse material ~~child pornography~~, as defined in s. 847.001, to  
466 any person in this state commits a felony of the third degree,  
467 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

468 (4) This section shall not be construed to preclude  
469 ~~prohibit~~ prosecution of a person in this state or another  
470 jurisdiction for a violation of any law of this state, including  
471 a law providing for greater penalties than prescribed in this  
472 section, for the transmission of child sexual abuse material  
473 ~~child pornography~~, as defined in s. 847.001, to any person in  
474 this state.



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475  
476 The provisions of this section do not apply to subscription-  
477 based transmissions such as list servers.

478 Section 9. Section 828.126, Florida Statutes, is amended to  
479 read:

480 828.126 Sexual activities involving animals.—

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

482 ~~(a) "Sexual conduct" means any touching or fondling by a~~  
483 ~~person, either directly or through clothing, of the sex organs~~  
484 ~~or anus of an animal or any transfer or transmission of semen by~~  
485 ~~the person upon any part of the animal for the purpose of sexual~~  
486 ~~gratification or arousal of the person.~~

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

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

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

493 (c) The insertion, however slight, of any part of the body  
494 of a person or any object into the vaginal or anal opening of an  
495 animal, or the insertion of any part of the body of an animal  
496 into the vaginal or anal opening of a person ~~contact, however~~  
497 ~~slight, between the mouth, sex organ, or anus of a person and~~  
498 ~~the sex organ or anus of an animal, or any penetration, however~~  
499 ~~slight, of any part of the body of the person into the sex organ~~  
500 ~~or anus of an animal, or any penetration of the sex organ or~~  
501 ~~anus of the person into the mouth of the animal, for the purpose~~  
502 ~~of sexual gratification or sexual arousal of the person.~~

503 (2) A person may not:



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

506           (b) Knowingly cause, aid, or abet another person to engage  
507 in any ~~sexual conduct or~~ sexual contact with an animal;

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

511           (d) Knowingly organize, promote, conduct, ~~advertise,~~ aid,  
512 abet, participate in as an observer, or advertise, offer,  
513 solicit, or accept an offer of an animal for the purpose of  
514 sexual contact with such animal, or perform any service in the  
515 furtherance of an act involving any ~~sexual conduct or~~ sexual  
516 contact with an animal; or

517           (e) Knowingly film, distribute, or possess any pornographic  
518 image or video of a person and an animal engaged in any of the  
519 activities prohibited by this section for a commercial or  
520 recreational purpose.

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

524           (4) In addition to other penalties prescribed by law, the  
525 court shall issue an order prohibiting a person convicted under  
526 this section from harboring, owning, possessing, or exercising  
527 control over any animal; from residing in any household in which  
528 animals are present; and from engaging in an occupation, whether  
529 paid or unpaid, or participating in a volunteer position at any  
530 establishment at which animals are present. The order may be  
531 effective for up to 5 years after the date of the conviction,  
532 regardless of whether adjudication is withheld.



533        (5)~~(4)~~ This section does not apply to accepted animal  
534 husbandry practices, including, but not limited to, bona fide  
535 agricultural purposes, assistance with the birthing process or  
536 artificial insemination of an animal for reproductive purposes,  
537 accepted conformation judging practices, or accepted veterinary  
538 medical practices.

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

541        921.0022 Criminal Punishment Code; offense severity ranking  
542 chart.—

543        (3) OFFENSE SEVERITY RANKING CHART

544        (c) LEVEL 3

545

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle

546

547

548

549



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550			with siren and lights activated.
	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
551			
	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
552			
	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
553			
	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
554			
	327.35 (2) (b)	3rd	Felony BUI.
555			
	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.



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556

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

557

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

558

379.2431 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.  
(1) (e) 5.

559

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



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560			Turtle Protection Act.
	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
561			
	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
562			
	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
563			
	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
564			
	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
565			



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566	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
567	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
568	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
569	697.08	3rd	Equity skimming.
570	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
571	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
572	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
	810.09 (2) (c)	3rd	Trespass on property other





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573			than structure or conveyance armed with firearm or dangerous weapon.
574	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
575	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
576	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
577	812.081 (2)	3rd	Theft of a trade secret.
578	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
579	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
580	817.233	3rd	Burning to defraud insurer.



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581	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
582	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
583	817.236	3rd	Filing a false motor vehicle insurance application.
584	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
585	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
586	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment



587			instrument with intent to defraud.
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
588	<u>836.13(2)</u>	<u>3rd</u>	<u>Person who promotes an altered sexual depiction of an identifiable person without consent.</u>
589	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
590	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
591	860.15(3)	3rd	Overcharging for repairs and parts.
592	870.01(2)	3rd	Riot.
593	870.01(4)	3rd	Inciting a riot.
594	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other



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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).

595

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.

596

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.

597

893.13(4)(c)

3rd

Use or hire of minor;  
deliver to minor other  
controlled substances.



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598	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
599	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
600	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
601	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
602	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
603	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a



729720

controlled substance  
through deceptive, untrue,  
or fraudulent  
representations in or  
related to the  
practitioner's practice.

604

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.

605

893.13(8)(a)3.

3rd

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

606

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.

607

918.13(1)(a)

3rd

Alter, destroy, or conceal



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investigation evidence.

608

944.47  
(1) (a) 1. & 2.

3rd

Introduce contraband to  
correctional facility.

609

944.47 (1) (c)

2nd

Possess contraband while  
upon the grounds of a  
correctional institution.

610

985.721

3rd

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

611

612

613 (d) LEVEL 4

614

Florida  
Statute

Felony  
Degree

Description

615

316.1935 (3) (a)

2nd

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

616



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617	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
618	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
619	517.07 (1)	3rd	Failure to register securities.
620	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
621	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
622	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
	784.075	3rd	Battery on detention or





623			commitment facility staff.
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
624			
	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
625			
	784.081 (3)	3rd	Battery on specified official or employee.
626			
	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
627			
	784.083 (3)	3rd	Battery on code inspector.
628			
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
629			
	787.03 (1)	3rd	Interference with



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custody; wrongly takes  
minor from appointed  
guardian.

630

787.04(2)

3rd

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

631

787.04(3)

3rd

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

632

787.07

3rd

Human smuggling.

633

790.115(1)

3rd

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

634

790.115(2)(b)

3rd

Possessing electric  
weapon or device,  
destructive device, or  
other weapon on school  
property.



635	790.115 (2) (c)	3rd	Possessing firearm on school property.
636	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
637	806.135	2nd	Destroying or demolishing a memorial or historic property.
638	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
639	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
640	810.06	3rd	Burglary; possession of tools.
641	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or



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dangerous weapon.

642

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree  
\$10,000 or more but less  
than \$20,000.

643

812.014 3rd Grand theft, 3rd degree;  
(2) (c) 4.-10. specified items.

644

812.0195 (2) 3rd Dealing in stolen  
property by use of the  
Internet; property  
stolen \$300 or more.

645

817.505 (4) (a) 3rd Patient brokering.

646

817.563 (1) 3rd Sell or deliver  
substance other than  
controlled substance  
agreed upon, excluding  
s. 893.03(5) drugs.

647

817.568 (2) (a) 3rd Fraudulent use of  
personal identification  
information.

648

817.625 (2) (a) 3rd Fraudulent use of  
scanning device,  
skimming device, or



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reencoder.

649

817.625 (2) (c)

3rd

Possess, sell, or  
deliver skimming device.

650

828.125 (1)

2nd

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

651

836.14 (2)

3rd

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

652

836.14 (3)

3rd

Person who possesses a  
sexually explicit image  
with certain knowledge  
and intent to promote  
it.

653

837.02 (1)

3rd

Perjury in official  
proceedings.

654

837.021 (1)

3rd

Make contradictory  
statements in official  
proceedings.



655	838.022	3rd	Official misconduct.
656	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
657	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
658	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
659	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
660	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
661	847.0135 (5) (c)	3rd	Lewd or lascivious



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exhibition using  
computer; offender less  
than 18 years.

662

870.01 (3) 2nd Aggravated rioting.

663

870.01 (5) 2nd Aggravated inciting a  
riot.

664

874.05 (1) (a) 3rd Encouraging or  
recruiting another to  
join a criminal gang.

665

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).

666

914.14 (2) 3rd Witnesses accepting  
bribes.

667

914.22 (1) 3rd Force, threaten, etc.,  
witness, victim, or  
informant.

668

914.23 (2) 3rd Retaliation against a  
witness, victim, or  
informant, no bodily



injury.

669

916.1085  
(2) (c) 1.

3rd

Introduction of  
specified contraband  
into certain DCF  
facilities.

670

918.12

3rd

Tampering with jurors.

671

934.215

3rd

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

672

944.47 (1) (a) 6.

3rd

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

673

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

3rd

Intoxicating drug,  
instrumentality or other  
device to aid escape, or  
cellular telephone or  
other portable  
communication device  
introduced into county





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detention facility.

674

675

676 (e) LEVEL 5

677

Florida

Felony

Statute

Degree

Description

678

316.027(2)(a)

3rd

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

679

316.1935(4)(a)

2nd

Aggravated fleeing or eluding.

680

316.80(2)

2nd

Unlawful conveyance of fuel; obtaining fuel fraudulently.

681

322.34(6)

3rd

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

682

327.30(5)

3rd

Vessel accidents involving personal



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injury; leaving scene.

683

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.

684



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685	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
686	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
687	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
688	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
689	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.



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690	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
691	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
692	790.01 (2)	3rd	Carrying a concealed firearm.
693	790.162	2nd	Threat to throw or discharge destructive device.
694	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
695	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
696			



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697	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
698	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
699	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
700	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
701	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
702	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more



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703			specified acts.
	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
704			
	812.081 (3)	2nd	Trafficking in trade secrets.
705			
	812.131 (2) (b)	3rd	Robbery by sudden snatching.
706			
	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
707			
	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
708			
	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
709			
	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the



729720

710

817.568 (2) (b)

2nd

solvency of an insuring  
entity.

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.

711

817.611 (2) (a)

2nd

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

712

817.625 (2) (b)

2nd

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

713

825.1025 (4)

3rd

Lewd or lascivious  
exhibition in the  
presence of an elderly



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person or disabled  
adult.

714

827.071(4)

2nd

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

715

827.071(5)

3rd

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

716

828.12(2)

3rd

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

717

836.14(4)

2nd

Person who promotes for  
financial gain a  
sexually explicit image





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718	839.13 (2) (b)	2nd	<u>of an identifiable person without consent.</u> Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
719	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
720	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
721	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
722	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
723			



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724	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
725	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
726	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).
	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,



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county, or municipal park or publicly owned recreational facility or community center.

727

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.

728

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.

729

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.

730

893.13(4) (b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
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731

893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
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732

733

734 (f) LEVEL 6

735

Florida Statute	Felony Degree	Description
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736

316.027(2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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737

316.193(2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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738



739	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
740	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
741	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
742	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
743	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
744	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
745	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
746	784.041	3rd	Felony battery; domestic battery by strangulation.



747	784.048 (3)	3rd	Aggravated stalking; credible threat.
748	784.048 (5)	3rd	Aggravated stalking of person under 16.
749	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
750	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
751	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
752	784.081 (2)	2nd	Aggravated assault on specified official or employee.
753	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
754	784.083 (2)	2nd	Aggravated assault on code inspector.
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.



755	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
756	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
757	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.
758	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
759	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
760	794.05(1)	2nd	Unlawful sexual activity with specified minor.
761	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older



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but less than 16 years of age;  
 offender less than 18 years.

762

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

763

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

764

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

765

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

766

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

767

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

768

812.015 (9) (a)       2nd    Retail theft; property stolen  
 \$750 or more; second or  
 subsequent conviction.





769	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
770	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
771	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
772	817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
773	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
774	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
775	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
776	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.



777	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
778	827.03(2)(c)	3rd	Abuse of a child.
779	827.03(2)(d)	3rd	Neglect of a child.
780	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
781	<u>828.126(3)</u>	<u>3rd</u>	<u>Sexual activities involving animals.</u>
782	836.05	2nd	Threats; extortion.
783	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
784	843.12	3rd	Aids or assists person to escape.
785	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene



materials depicting minors.

786

847.012                    3rd    Knowingly using a minor in the  
   production of materials harmful  
   to minors.

787

847.0135(2)                3rd    Facilitates sexual conduct of  
   or with a minor or the visual  
   depiction of such conduct.

788

914.23                      2nd    Retaliation against a witness,  
   victim, or informant, with  
   bodily injury.

789

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.

790

944.40                      2nd    Escapes.

791

944.46                      3rd    Harboring, concealing, aiding  
   escaped prisoners.

792

944.47(1)(a)5.            2nd    Introduction of contraband  
   (firearm, weapon, or explosive)  
   into correctional facility.



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793

951.22(1)(i) 3rd Firearm or weapon introduced  
into county detention facility.

794

795

796

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

798 And the title is amended as follows:

799 Delete lines 2 - 35

800 and insert:

801 An act relating to sexually related offenses; amending  
802 s. 775.0847, F.S.; redefining terms; replacing the  
803 term "child pornography" with the term "child sexual  
804 abuse material"; defining the term "identifiable  
805 minor"; revising the list of circumstances under which  
806 specified offenses may be reclassified; amending s.  
807 784.049, F.S.; increasing the monetary damages that an  
808 aggrieved person may receive as a result of violations  
809 relating to sexual cyberharassment; amending s.  
810 827.071, F.S.; defining and redefining terms;  
811 conforming provisions to changes made by the act;  
812 creating s. 836.13, F.S.; defining terms; prohibiting  
813 the willful and malicious promotion of certain sexual  
814 depictions without consent; providing criminal  
815 penalties; providing a civil cause of action;  
816 providing applicability; providing construction;  
817 creating s. 836.14, F.S.; defining terms; prohibiting  
818 a person from committing theft of sexually explicit  
819 images with the intent to promote such images;



820 prohibiting the possession of sexually explicit images  
821 with certain knowledge and with intent to promote  
822 without consent; prohibiting the promotion of sexually  
823 explicit images for financial gain, without consent;  
824 providing criminal penalties; providing a civil cause  
825 of action; providing applicability; providing  
826 construction; amending s. 847.001, F.S.; redefining  
827 terms; replacing the term "child pornography" with the  
828 term "child sexual abuse material"; defining the terms  
829 "identifiable minor" and "promote"; amending s.  
830 847.011, F.S.; authorizing law enforcement officers to  
831 arrest certain persons without a warrant; authorizing  
832 a search warrant to be issued for further  
833 investigation upon proper affidavits being made;  
834 amending s. 847.0137, F.S.; deleting the definition of  
835 the term "minor"; redefining the term "transmit";  
836 conforming provisions to changes made by the act;  
837 amending s. 828.126, F.S.; revising definitions;  
838 revising the prohibition on sexual activities with  
839 animals; increasing the criminal penalties for such  
840 sexual activities; requiring courts to issue orders  
841 prohibiting persons convicted of such sexual  
842 activities from engaging in specified activities, from  
843 residing in certain households, or from engaging in  
844 occupations or positions in which animals are present;  
845 revising applicability;