

20221798e1

1                   A bill to be entitled  
2     An act relating to sexually related offenses; amending  
3     s. 775.0847, F.S.; redefining terms; defining the term  
4     "identifiable minor"; revising the list of  
5     circumstances under which specified offenses may be  
6     reclassified; amending s. 784.049, F.S.; increasing  
7     the monetary damages that an aggrieved person may  
8     receive as a result of violations relating to sexual  
9     cyberharassment; amending s. 827.071, F.S.; defining  
10    and redefining terms; conforming provisions to changes  
11    made by the act; amending s. 828.126, F.S.; revising  
12    definitions; revising the prohibition on sexual  
13    activities with animals; increasing the criminal  
14    penalties for such sexual activities; requiring courts  
15    to issue orders prohibiting persons convicted of such  
16    sexual activities from engaging in specified  
17    activities, from residing in certain households, or  
18    from engaging in occupations or positions in which  
19    animals are present; revising applicability; creating  
20    s. 836.13, F.S.; defining terms; prohibiting the  
21    willful and malicious promotion of certain sexual  
22    depictions without consent; providing criminal  
23    penalties; providing a civil cause of action;  
24    providing applicability; providing construction;  
25    creating s. 836.14, F.S.; defining terms; prohibiting  
26    a person from committing theft of sexually explicit  
27    images with the intent to promote such images;  
28    prohibiting the willful possession of sexually  
29    explicit images with the intent to promote such images

20221798e1

30 and with certain knowledge; prohibiting the promotion  
31 of sexually explicit images of identifiable persons  
32 for financial gain, without consent; providing  
33 criminal penalties; providing a civil cause of action;  
34 providing applicability; providing construction;  
35 amending s. 847.001, F.S.; redefining terms; defining  
36 the terms "identifiable minor" and "promote"; amending  
37 s. 847.011, F.S.; authorizing law enforcement officers  
38 to arrest certain persons without a warrant;  
39 authorizing a search warrant to be issued for further  
40 investigation upon proper affidavits being made;  
41 amending s. 847.0137, F.S.; deleting the definition of  
42 the term "minor"; redefining the term "transmit";  
43 conforming provisions to changes made by the act;  
44 amending s. 921.0022, F.S.; ranking offenses created  
45 by this act for purposes of the severity ranking chart  
46 of the Criminal Punishment Code; conforming provisions  
47 to changes made by the act; amending ss. 288.1254 and  
48 847.0141, F.S.; conforming cross-references; providing  
49 an effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Section 775.0847, Florida Statutes, is amended  
54 to read:

55 775.0847 Possession or promotion of certain images of child  
56 pornography; reclassification.—

57 (1) For purposes of this section:

58 (a) "Child" or "minor" means any person, whose identity is

20221798e1

59 known or unknown, younger ~~less~~ than 18 years of age.

60 (b) "Child pornography" means:

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

62 or

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

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

67 1. Who was a minor at the time the image was created,  
68 altered, adapted, or modified, or whose image as a minor was  
69 used in the creating, altering, adapting, or modifying of the  
70 image; and

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

74  
75 The term may not be construed to require proof of the actual  
76 identity of the identifiable minor.

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

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

20221798e1

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

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

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

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

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

- 109        1. A child who is younger than the age of 5.
- 110        2. Sadomasochistic abuse involving a child.
- 111        3. Sexual battery involving a child.
- 112        4. Sexual bestiality involving a child.

113        5. Any motion picture, film, video, or computer-generated  
114 motion picture, film, or video ~~movie~~ involving a child,  
115 regardless of length and regardless of whether the motion  
116 picture, film, video, or computer-generated motion picture,

20221798e1

117 film, or video ~~movie~~ contains sound.

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

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

122

123 For purposes of sentencing under chapter 921 and determining  
124 incentive gain-time eligibility under chapter 944, a felony  
125 offense that is reclassified under this section is ranked one  
126 level above the ranking under s. 921.0022 or s. 921.0023 of the  
127 offense committed.

128 Section 2. Paragraph (b) of subsection (5) of section  
129 784.049, Florida Statutes, is amended to read:

130 784.049 Sexual cyberharassment.—

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

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

138 Section 3. Section 827.071, Florida Statutes, is amended to  
139 read:

140 827.071 Sexual performance by a child; child pornography;  
141 penalties.—

142 (1) As used in this section, the following definitions  
143 shall apply:

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

20221798e1

146 (b) "Child pornography" means:

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

148 or

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

152 (c)~~(a)~~ "Deviate sexual intercourse" means sexual conduct  
153 between persons not married to each other consisting of contact  
154 between the penis and the anus, the mouth and the penis, or the  
155 mouth and the vulva.

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

157 1. Who was a minor at the time the image was created,  
158 altered, adapted, or modified, or whose image as a minor was  
159 used in the creating, altering, adapting, or modifying of the  
160 image; and

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

164  
165 The term may not be construed to require proof of the actual  
166 identity of the identifiable minor.

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

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

20221798e1

175        (g)~~(d)~~ "Promote" means to procure, manufacture, issue,  
176 sell, give, provide, lend, mail, deliver, transfer, transmit,  
177 transmute, publish, distribute, circulate, disseminate, present,  
178 exhibit, send, post, share, or advertise or to offer or agree to  
179 do the same.

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

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

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

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

20221798e1

204        (1)~~(i)~~ "Sexual performance" means any performance or part  
205 thereof which includes sexual conduct by a child ~~of less than 18~~  
206 ~~years of age~~.

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

211        (2) A person is guilty of the use of a child in a sexual  
212 performance if, knowing the character and content thereof, he or  
213 she employs, authorizes, or induces a child ~~less than 18 years~~  
214 ~~of age~~ to engage in a sexual performance or, being a parent,  
215 legal guardian, or custodian of such child, consents to the  
216 participation by such child in a sexual performance. A person  
217 who ~~Whoever~~ violates this subsection commits ~~is guilty of~~ a  
218 felony of the second degree, punishable as provided in s.  
219 775.082, s. 775.083, or s. 775.084.

220        (3) A person is guilty of promoting a sexual performance by  
221 a child when, knowing the character and content thereof, he or  
222 she produces, directs, or promotes any performance which  
223 includes sexual conduct by a child ~~less than 18 years of age~~. A  
224 person who ~~Whoever~~ violates this subsection commits ~~is guilty of~~  
225 a felony of the second degree, punishable as provided in s.  
226 775.082, s. 775.083, or s. 775.084.

227        (4) It is unlawful for any person to possess with the  
228 intent to promote any photograph, motion picture, exhibition,  
229 show, representation, or other presentation which, in whole or  
230 in part, includes child pornography ~~any sexual conduct by a~~  
231 ~~child~~. The possession of three or more copies of such  
232 photograph, motion picture, representation, or presentation is

20221798e1

233 prima facie evidence of an intent to promote. A person who  
234 ~~Whoever~~ violates this subsection commits ~~is guilty of~~ a felony  
235 of the second degree, punishable as provided in s. 775.082, s.  
236 775.083, or s. 775.084.

237 (5) (a) It is unlawful for any person to knowingly possess,  
238 control, or intentionally view a photograph, motion picture,  
239 exhibition, show, representation, image, data, computer  
240 depiction, or other presentation which, in whole or in part, he  
241 or she knows to include child pornography ~~any sexual conduct by~~  
242 ~~a child~~. The possession, control, or intentional viewing of each  
243 such photograph, motion picture, exhibition, show, image, data,  
244 computer depiction, representation, or presentation is a  
245 separate offense. If such photograph, motion picture,  
246 exhibition, show, representation, image, data, computer  
247 depiction, or other presentation includes child pornography  
248 depicting ~~sexual conduct by~~ more than one child, then each such  
249 child in each such photograph, motion picture, exhibition, show,  
250 representation, image, data, computer depiction, or other  
251 presentation that is knowingly possessed, controlled, or  
252 intentionally viewed is a separate offense. A person who  
253 violates this paragraph ~~subsection~~ commits a felony of the third  
254 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
255 775.084.

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

259 (6) Prosecution of a ~~any~~ person for an offense under this  
260 section does ~~shall~~ not preclude ~~prohibit~~ prosecution of that  
261 person in this state for a violation of any other law of this

20221798e1

262 state, including a law providing for greater penalties than  
263 prescribed in this section or any other crime punishing the  
264 sexual performance or the sexual exploitation of children.

265 Section 4. Section 828.126, Florida Statutes, is amended to  
266 read:

267 828.126 Sexual activities involving animals.—

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

269 ~~(a) "Sexual conduct" means any touching or fondling by a~~  
270 ~~person, either directly or through clothing, of the sex organs~~  
271 ~~or anus of an animal or any transfer or transmission of semen by~~  
272 ~~the person upon any part of the animal for the purpose of sexual~~  
273 ~~gratification or arousal of the person.~~

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

277 ~~(a) Contact between the sex organ or anus of one and the~~  
278 ~~mouth, sex organ, or anus of the other;~~

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

280 ~~(c) The insertion, however slight, of any part of the body~~  
281 ~~of a person or any object into the vaginal or anal opening of an~~  
282 ~~animal, or the insertion of any part of the body of an animal~~  
283 ~~into the vaginal or anal opening of a person ~~contact, however~~~~  
284 ~~slight, between the mouth, sex organ, or anus of a person and~~  
285 ~~the sex organ or anus of an animal, or any penetration, however~~  
286 ~~slight, of any part of the body of the person into the sex organ~~  
287 ~~or anus of an animal, or any penetration of the sex organ or~~  
288 ~~anus of the person into the mouth of the animal, for the purpose~~  
289 ~~of sexual gratification or sexual arousal of the person.~~

290 (2) A person may not:

20221798e1

- 291 (a) Knowingly engage in any ~~sexual conduct or~~ sexual  
292 contact with an animal;
- 293 (b) Knowingly cause, aid, or abet another person to engage  
294 in any ~~sexual conduct or~~ sexual contact with an animal;
- 295 (c) Knowingly permit any ~~sexual conduct or~~ sexual contact  
296 with an animal to be conducted on any premises under his or her  
297 charge or control; ~~or~~
- 298 (d) Knowingly organize, promote, conduct, ~~advertise,~~ aid,  
299 abet, participate in as an observer, or advertise, offer,  
300 solicit, or accept an offer of an animal for the purpose of  
301 sexual contact with such animal, or perform any service in the  
302 furtherance of an act involving any ~~sexual conduct or~~ sexual  
303 contact with an animal; or
- 304 (e) Knowingly film, distribute, or possess any pornographic  
305 image or video of a person and an animal engaged in any of the  
306 activities prohibited by this section ~~for a commercial or~~  
307 ~~recreational purpose.~~
- 308 (3) A person who violates this section commits a felony of  
309 the third ~~misdemeanor of the first~~ degree, punishable as  
310 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.
- 311 (4) In addition to other penalties prescribed by law, the  
312 court shall issue an order prohibiting a person convicted under  
313 this section from harboring, owning, possessing, or exercising  
314 control over any animal; from residing in any household in which  
315 animals are present; and from engaging in an occupation, whether  
316 paid or unpaid, or participating in a volunteer position at any  
317 establishment at which animals are present. The order may be  
318 effective for up to 5 years after the date of the conviction,  
319 regardless of whether adjudication is withheld.

20221798e1

320 (5)~~(4)~~ This section does not apply to accepted animal  
321 husbandry practices, including, but not limited to, bona fide  
322 agricultural purposes, assistance with the birthing process or  
323 artificial insemination of an animal for reproductive purposes,  
324 accepted conformation judging practices, or accepted veterinary  
325 medical practices.

326 Section 5. Section 836.13, Florida Statutes, is created to  
327 read:

328 836.13 Promotion of an altered sexual depiction; prohibited  
329 acts; penalties; applicability.-

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

331 (a) "Altered sexual depiction" means any visual depiction  
332 that, as a result of any type of digital, electronic,  
333 mechanical, or other modification, alteration, or adaptation,  
334 depicts a realistic version of an identifiable person:

335 1. With the nude body parts of another person as the nude  
336 body parts of the identifiable person;

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

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

341 (b) "Identifiable person" means a person who is  
342 recognizable as an actual person by the person's face, likeness,  
343 or other distinguishing characteristic, such as a unique  
344 birthmark, or other recognizable feature.

345 (c) "Nude body parts" means the human male or female  
346 genitals, pubic area, or buttocks with less than fully opaque  
347 covering; or the female breast with less than a fully opaque  
348 covering of any portion thereof below the top of the nipple; or

20221798e1

349 the depiction of covered male genitals in a discernibly turgid  
350 state. The term does not under any circumstances include a  
351 mother breastfeeding her baby.

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

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

359 (2) A person who willfully and maliciously promotes any  
360 altered sexual depiction of an identifiable person, without the  
361 consent of the identifiable person, and who knows or reasonably  
362 should have known that such visual depiction was an altered  
363 sexual depiction, commits a felony of the third degree,  
364 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

365 (3) Every act, thing, or transaction prohibited by this  
366 section constitutes a separate offense and is punishable as  
367 such.

368 (4) The presence of a disclaimer within an altered sexual  
369 depiction which notifies a viewer that the person or persons  
370 depicted did not consent to or participate in the creation or  
371 promotion of the material, or that the person or persons  
372 depicted did not actually perform the actions portrayed, is not  
373 a defense and does not relieve a person of criminal liability  
374 under this section.

375 (5) An aggrieved person may initiate a civil action against  
376 a person who violates subsection (2) to obtain appropriate  
377 relief in order to prevent or remedy a violation of subsection

20221798e1

378 (2), including all of the following:

379 (a) Injunctive relief.

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

383 (c) Reasonable attorney fees and costs.

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

386 (a) A provider of an interactive computer service as  
387 defined in 47 U.S.C. s. 230(f), of an information service as  
388 defined in 47 U.S.C. s. 153, or of a communications service as  
389 defined in s. 202.11 which provides the transmission, storage,  
390 or caching of electronic communications or messages of others;  
391 another related telecommunications or commercial mobile radio  
392 service; or content provided by another person;

393 (b) A law enforcement officer, as defined in s. 943.10, or  
394 any local, state, federal, or military law enforcement agency  
395 that promotes an altered sexual depiction in connection with the  
396 performance of his or her duties as a law enforcement officer or  
397 the duties of the law enforcement agency;

398 (c) A person reporting unlawful activity; or

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

401 (7) A violation of this section is committed within this  
402 state if any conduct that is an element of the offense, or any  
403 harm to the depicted person resulting from the offense, occurs  
404 within this state.

405 (8) Prosecution of a person for an offense under this  
406 section does not preclude prosecution of that person in this

20221798e1

407 state for a violation of any other law of this state, including  
408 a law providing for greater penalties than prescribed in this  
409 section or any other crime related to child pornography or the  
410 sexual performance or the sexual exploitation of children.

411 Section 6. Section 836.14, Florida Statutes, is created to  
412 read:

413 836.14 Theft or unauthorized promotion of a sexually  
414 explicit image.—

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

416 (a) "Identifiable person" has the same meaning as in s.  
417 836.13.

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

419 (c) "Sexually explicit image" means any image depicting an  
420 identifiable person portraying nudity as defined in s. 847.001  
421 or an identifiable person engaging in sexual conduct as defined  
422 in s. 847.001.

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

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

433 (4) A person who willfully promotes, through the use of  
434 print media, an Internet website, or other electronic means, for  
435 the purpose of pecuniary or any other financial gain a sexually

20221798e1

436 explicit image without consent of the identifiable person  
437 commits a felony of the second degree, punishable as provided in  
438 s. 775.082, s. 775.083, or s. 775.084.

439 (5) Every act, thing, or transaction prohibited by this  
440 section constitutes a separate offense and is punishable as  
441 such.

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

446 (a) Injunctive relief.

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

450 (c) Reasonable attorney fees and costs.

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

453 (a) A provider of an interactive computer service as  
454 defined in 47 U.S.C. s. 230(f), of an information service as  
455 defined in 47 U.S.C. s. 153, or of a communications service as  
456 defined in s. 202.11 which provides the transmission, storage,  
457 or caching of electronic communications or messages of others;  
458 another related telecommunications or commercial mobile radio  
459 service; or content provided by another person;

460 (b) A law enforcement officer, as defined in s. 943.10, or  
461 any local, state, federal, or military law enforcement agency  
462 that disseminates a sexually explicit image in connection with  
463 the performance of his or her duties as a law enforcement  
464 officer or the duties of the law enforcement agency;

20221798e1

465 (c) A person reporting unlawful activity;

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

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

470 (f) Sexually explicit images possessed or promoted by a  
471 bona fide news media organization for a legitimate and  
472 newsworthy purpose.

473 (8) A violation of this section is committed within this  
474 state if any conduct that is an element of the offense, or any  
475 harm to the depicted individual resulting from the offense,  
476 occurs within this state.

477 (9) Prosecution of a person for an offense under this  
478 section does not preclude prosecution of that person in this  
479 state for a violation of any other law of this state, including  
480 a law providing for greater penalties than prescribed in this  
481 section or any other crime related to child pornography or the  
482 sexual performance or the sexual exploitation of children.

483 Section 7. Present subsections (7) through (11) and (12)  
484 through (20) of section 847.001, Florida Statutes, are  
485 redesignated as subsections (8) through (12) and (14) through  
486 (22), respectively, new subsections (7) and (13) are added to  
487 that section, and subsection (3) and present subsections (8),  
488 (16), and (19) of that section are amended, to read:

489 847.001 Definitions.—As used in this chapter, the term:

490 (3) "Child pornography" means:

491 (a) Any image depicting a minor engaged in sexual conduct;

492 or

493 (b) Any image that has been created, altered, adapted, or

20221798e1

494 modified by electronic, mechanical, or other means, to portray  
495 an identifiable minor engaged in sexual conduct.

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

497 (a) Who was a minor at the time the image was created,  
498 altered, adapted, or modified, or whose image as a minor was  
499 used in the creating, altering, adapting, or modifying of the  
500 image; and

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

504  
505 The term may not be construed to require proof of the actual  
506 identity of the identifiable minor.

507 (9)~~(8)~~ "Minor" or "child" means any person, whose identity  
508 is known or unknown, younger than under the age of 18 years of  
509 age.

510 (13) "Promote" means to procure, manufacture, issue, sell,  
511 give, provide, lend, mail, deliver, transfer, transmit,  
512 transmute, publish, distribute, circulate, disseminate, present,  
513 exhibit, send, post, share, or advertise or to offer or agree to  
514 do the same.

515 (18)~~(16)~~ "Sexual conduct" means actual or simulated sexual  
516 intercourse, deviate sexual intercourse, sexual bestiality,  
517 masturbation, or sadomasochistic abuse; actual or simulated lewd  
518 exhibition of the genitals; actual physical contact with a  
519 person's clothed or unclothed genitals, pubic area, buttocks,  
520 or, if such person is a female, breast with the intent to arouse  
521 or gratify the sexual desire of either party; or any act or  
522 conduct which constitutes sexual battery or simulates that

20221798e1

523 sexual battery is being or will be committed. A mother's  
524 breastfeeding of her baby does not under any circumstance  
525 constitute "sexual conduct."

526 (21)~~(19)~~ "Simulated" means the explicit depiction of  
527 conduct described in subsection (18) ~~(16)~~ which creates the  
528 appearance of such conduct and which exhibits any uncovered  
529 portion of the breasts, genitals, or buttocks.

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

532 847.011 Prohibition of certain acts in connection with  
533 obscene, lewd, etc., materials; penalty.—

534 (5) (a) 1. A person may not knowingly sell, lend, give away,  
535 distribute, transmit, show, or transmute; offer to sell, lend,  
536 give away, distribute, transmit, show, or transmute; have in his  
537 or her possession, custody, or control with the intent to sell,  
538 lend, give away, distribute, transmit, show, or transmute; or  
539 advertise in any manner an obscene, child-like sex doll.

540 2.a. Except as provided in sub-subparagraph b., a person  
541 who violates this paragraph commits a felony of the third  
542 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
543 775.084.

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

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

551 2. A person who is convicted of violating this paragraph a

20221798e1

552 second or subsequent time commits a felony of the third degree,  
553 punishable as provided in s. 775.082 or s. 775.083.

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

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

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

562 847.0137 Transmission of pornography by electronic device  
563 or equipment prohibited; penalties.—

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

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

567 ~~(b) "transmit" means the act of sending and causing to be~~  
568 delivered, including the act of providing access for receiving  
569 and causing to be delivered, any image, information, or data  
570 ~~from one or more persons or places to one or more other persons~~  
571 ~~or places over or through any medium, including the Internet or~~  
572 an interconnected network, by use of any electronic equipment or  
573 other device.

574 (2) Notwithstanding ss. 847.012 and 847.0133, any person in  
575 this state who knew or reasonably should have known that he or  
576 she was transmitting child pornography, as defined in s.  
577 847.001, to another person in this state or in another  
578 jurisdiction commits a felony of the third degree, punishable as  
579 provided in s. 775.082, s. 775.083, or s. 775.084.

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

20221798e1

581 any jurisdiction other than this state who knew or reasonably  
 582 should have known that he or she was transmitting child  
 583 pornography, as defined in s. 847.001, to any person in this  
 584 state commits a felony of the third degree, punishable as  
 585 provided in s. 775.082, s. 775.083, or s. 775.084.

586 (4) This section shall not be construed to preclude  
 587 ~~prohibit~~ prosecution of a person in this state or another  
 588 jurisdiction for a violation of any law of this state, including  
 589 a law providing for greater penalties than prescribed in this  
 590 section, for the transmission of child pornography, as defined  
 591 in s. 847.001, to any person in this state.

592  
 593 The provisions of this section do not apply to subscription-  
 594 based transmissions such as list servers.

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

597 921.0022 Criminal Punishment Code; offense severity ranking  
 598 chart.—

599 (3) OFFENSE SEVERITY RANKING CHART

600 (c) LEVEL 3

601

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066	3rd	Unlawfully obtaining or

602

603

20221798e1

	(3) (b) - (d)		using confidential crash reports.
604			
	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
605			
	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
606			
	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
607			
	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
608			
	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
609			
	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

20221798e1

610	327.35 (2) (b)	3rd	Felony BUI.
611	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
612	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
613	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
614	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

20221798e1

Protection Act.

615

379.2431  
(1) (e) 6.

3rd

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

616

379.2431  
(1) (e) 7.

3rd

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

617

400.9935 (4) (a)  
or (b)

3rd

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

618

400.9935 (4) (e)

3rd

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

619

440.1051 (3)

3rd

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

20221798e1

a report.

620

501.001 (2) (b)

2nd

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

621

624.401 (4) (a)

3rd

Transacting insurance without a certificate of authority.

622

624.401 (4) (b) 1.

3rd

Transacting insurance without a certificate of authority; premium collected less than \$20,000.

623

626.902 (1) (a) &  
(b)

3rd

Representing an unauthorized insurer.

624

697.08

3rd

Equity skimming.

625

790.15 (3)

3rd

Person directs another to discharge firearm from a vehicle.

626

806.10 (1)

3rd

Maliciously injure, destroy, or interfere with

20221798e1

			vehicles or equipment used in firefighting.
627	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
628	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
629	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
630	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
631	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
632	812.081(2)	3rd	Theft of a trade secret.
633	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
634			

20221798e1

	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
635	817.233	3rd	Burning to defraud insurer.
636	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
637	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
638	817.236	3rd	Filing a false motor vehicle insurance application.
639	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
640	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
641	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing

20221798e1

great bodily harm,  
 permanent disfigurement, or  
 permanent disability.

642

831.28 (2) (a)

3rd

Counterfeiting a payment  
 instrument with intent to  
 defraud or possessing a  
 counterfeit payment  
 instrument with intent to  
 defraud.

643

831.29

2nd

Possession of instruments  
 for counterfeiting driver  
 licenses or identification  
 cards.

644

836.13 (2)3rd

Person who promotes an  
altered sexual depiction of  
an identifiable person  
without consent.

645

838.021 (3) (b)

3rd

Threatens unlawful harm to  
 public servant.

646

843.19

2nd

Injure, disable, or kill  
 police, fire, or SAR canine  
 or police horse.

647

860.15 (3)

3rd

Overcharging for repairs

20221798e1

and parts.

648			
	870.01 (2)	3rd	Riot.
649			
	870.01 (4)	3rd	Inciting a riot.
650			
	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).
651			
	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.
652			
	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.,

20221798e1

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

653	893.13 (4) (c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
654	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
655	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
656	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
657	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
658			

20221798e1

659	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
660	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.
661	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.
662	893.13 (8) (a) 3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
	893.13 (8) (a) 4.	3rd	Write a prescription for a controlled substance for a

20221798e1

patient, other person, or  
 an animal if the sole  
 purpose of writing the  
 prescription is a monetary  
 benefit for the  
 practitioner.

663 918.13 (1) (a) 3rd Alter, destroy, or conceal  
 investigation evidence.

664 944.47 3rd Introduce contraband to  
 (1) (a) 1. & 2. correctional facility.

665 944.47 (1) (c) 2nd Possess contraband while  
 upon the grounds of a  
 correctional institution.

666 985.721 3rd Escapes from a juvenile  
 facility (secure detention  
 or residential commitment  
 facility).

667  
 668 (d) LEVEL 4

669 Florida Felony Description  
 Statute Degree  
 670 316.1935 (3) (a) 2nd Driving at high speed or  
 with wanton disregard

20221798e1

for safety while fleeing  
or attempting to elude  
law enforcement officer  
who is in a patrol  
vehicle with siren and  
lights activated.

671

499.0051(1)

3rd

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

672

499.0051(5)

2nd

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

673

517.07(1)

3rd

Failure to register  
securities.

674

517.12(1)

3rd

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

675

784.07(2)(b)

3rd

Battery of law  
enforcement officer,

20221798e1

676			firefighter, etc.
	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
677			
	784.075	3rd	Battery on detention or commitment facility staff.
678			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
679			
	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
680			
	784.081 (3)	3rd	Battery on specified official or employee.
681			
	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
682			
	784.083 (3)	3rd	Battery on code inspector.
683			

20221798e1

684	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
685	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
686	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
687	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
688	787.07	3rd	Human smuggling.
	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet

20221798e1

of a school.

689	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
690	790.115 (2) (c)	3rd	Possessing firearm on school property.
691	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
692	806.135	2nd	Destroying or demolishing a memorial or historic property.
693	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
694	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or

20221798e1

695			battery.
696	810.06	3rd	Burglary; possession of tools.
697	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
698	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
699	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
700	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
701	817.505 (4) (a)	3rd	Patient brokering.
702	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.

20221798e1

703	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
704	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
705	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
706	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
707	<u>836.14 (2)</u>	<u>3rd</u>	<u>Person who commits theft of a sexually explicit image with intent to promote it.</u>
	<u>836.14 (3)</u>	<u>3rd</u>	<u>Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.</u>

20221798e1

708	837.02 (1)	3rd	Perjury in official proceedings.
709	837.021 (1)	3rd	Make contradictory statements in official proceedings.
710	838.022	3rd	Official misconduct.
711	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
712	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
713	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
714	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

20221798e1

715	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
716	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
717	870.01 (3)	2nd	Aggravated rioting.
718	870.01 (5)	2nd	Aggravated inciting a riot.
719	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
720	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).
721	914.14 (2)	3rd	Witnesses accepting bribes.
722			

20221798e1

723	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
724	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
725	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
726	918.12	3rd	Tampering with jurors.
727	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
728	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

20221798e1

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  
 detention facility.

729

730 (e) LEVEL 5

731

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

732

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

733

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

734

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

735

322.34 (6)	3rd	Careless operation of motor vehicle with
------------	-----	---

20221798e1

736

327.30 (5)

3rd

suspended license,  
 resulting in death or  
 serious bodily injury.

Vessel accidents  
 involving personal  
 injury; leaving scene.

737

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

20221798e1

			trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
738	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
739	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
740	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
741	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
742	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
743	440.381(2)	3rd	Submission of false,

20221798e1

			misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
744	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
745	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
746	790.01 (2)	3rd	Carrying a concealed firearm.
747	790.162	2nd	Threat to throw or discharge destructive device.
748	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent

20221798e1

			manner.
749	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
750	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
751	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
752	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
753	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
754	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
755	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older;

20221798e1

			\$10,000 or more but less than \$50,000.
756	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
757	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
758	812.081 (3)	2nd	Trafficking in trade secrets.
759	812.131 (2) (b)	3rd	Robbery by sudden snatching.
760	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
761	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
762	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
763			

20221798e1

764	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 solvency of an insuring entity.
765	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.
766	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device,

20221798e1

767	825.1025 (4)	3rd	skimming device, or reencoder.
768	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
769	827.071 (5)	3rd	Possess with intent to promote any photographic material, motion picture, etc., which includes <u>child pornography</u> <del>sexual conduct by a child</del> .
770	828.12 (2)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes <u>child pornography</u> <del>sexual conduct by a child</del> .
			Tortures any animal with intent to inflict intense pain, serious physical injury, or

20221798e1

death.

771 836.14(4) 2nd Person who willfully  
promotes for financial  
gain a sexually explicit  
image of an identifiable  
person without consent.

772 839.13(2)(b) 2nd Falsifying records of an  
individual in the care  
and custody of a state  
agency involving great  
bodily harm or death.

773 843.01 3rd Resist officer with  
violence to person;  
resist arrest with  
violence.

774 847.0135(5)(b) 2nd Lewd or lascivious  
exhibition using  
computer; offender 18  
years or older.

775 847.0137 3rd Transmission of  
(2) & (3) pornography by  
electronic device or  
equipment.

776

20221798e1

777	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
778	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
779	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
780	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.,

20221798e1

(2) (c) 9., (2) (c) 10.,  
 (3), or (4) drugs)  
 within 1,000 feet of a  
 child care facility,  
 school, or state,  
 county, or municipal  
 park or publicly owned  
 recreational facility or  
 community center.

781

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.

782

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

20221798e1

or a specified business site.

783

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.

784

893.13(4)(b)

2nd

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

785

893.1351(1)

3rd

Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

786

787

(f) LEVEL 6

788

Florida  
Statute

Felony  
Degree

Description

789

316.027(2)(b)

2nd

Leaving the scene of a crash involving serious bodily injury.

20221798e1

790	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
791	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
792	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
793	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
794	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
795	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
796	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
797	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.

20221798e1

798	784.041	3rd	Felony battery; domestic battery by strangulation.
799	784.048 (3)	3rd	Aggravated stalking; credible threat.
800	784.048 (5)	3rd	Aggravated stalking of person under 16.
801	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
802	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
803	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
804	784.081 (2)	2nd	Aggravated assault on specified official or employee.
805	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
806	784.083 (2)	2nd	Aggravated assault on code inspector.

20221798e1

807	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
808	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
809	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
810	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.
811	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
812	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
813	794.05 (1)	2nd	Unlawful sexual activity with

20221798e1

specified minor.

814	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.
815	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
816	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
817	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
818	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
819	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
820	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.

20221798e1

821	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
822	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
823	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
824	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825	817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
826	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
827	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
828	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.

20221798e1

829	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
830	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
831	827.03 (2) (c)	3rd	Abuse of a child.
832	827.03 (2) (d)	3rd	Neglect of a child.
833	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
834	<u>828.126 (3)</u>	<u>3rd</u>	<u>Sexual activities involving animals.</u>
835	836.05	2nd	Threats; extortion.
836	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
837	843.12	3rd	Aids or assists person to escape.

20221798e1

838	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
839	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
840	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
841	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
842	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.
843	944.40	2nd	Escapes.
844	944.46	3rd	Harboring, concealing, aiding escaped prisoners.



20221798e1

869 Statutes, is amended to read:

870 847.0141 Sexting; prohibited acts; penalties.—

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

873 (a) Uses a computer, or any other device capable of  
874 electronic data transmission or distribution, to transmit or  
875 distribute to another minor any photograph or video of any  
876 person which depicts nudity, as defined in s. 847.001 ~~s.~~  
877 ~~847.001(9)~~, and is harmful to minors, as defined in s. 847.001  
878 ~~s. 847.001(6)~~.

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

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

885 2. The minor took reasonable steps to report the photograph  
886 or video to the minor's legal guardian or to a school or law  
887 enforcement official.

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

890 Section 13. This act shall take effect October 1, 2022.