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1
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

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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

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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.

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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,

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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.

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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.

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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."

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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

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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

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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:

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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.

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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

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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

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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

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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

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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;

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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

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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

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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

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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

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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.

603

316.066	3rd	Unlawfully obtaining or
---------	-----	-------------------------

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

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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

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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

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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

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

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

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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

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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.,

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(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

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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

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

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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,

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676

784.074 (1) (c)

3rd

firefighter, etc.

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

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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

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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

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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.

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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>

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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.

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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			

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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.

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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

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suspended license,
resulting in death or
serious bodily injury.

736

327.30 (5)

3rd

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

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

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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

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749			manner.
	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;

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

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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,

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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> sexual conduct by a child .
770	828.12 (2)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes <u>child pornography</u> sexual conduct by a child .
			Tortures any animal with intent to inflict intense pain, serious physical injury, or

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771			death.
	<u>836.14 (4)</u>	<u>2nd</u>	<u>Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.</u>
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 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
776			

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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.,

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(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

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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.

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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.

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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.

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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

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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.

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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.

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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.

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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.

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845

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

846

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

847

848 Section 11. Paragraph (j) of subsection (1) of section
849 288.1254, Florida Statutes, is amended to read:

850 288.1254 Entertainment industry financial incentive
851 program.—

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

853 (j) "Qualified production" means a production in this state
854 meeting the requirements of this section. The term does not
855 include a production:

856 1. In which, for the first 2 years of the incentive
857 program, less than 50 percent, and thereafter, less than 60
858 percent, of the positions that make up its production cast and
859 below-the-line production crew, or, in the case of digital media
860 projects, less than 75 percent of such positions, are filled by
861 legal residents of this state, whose residency is demonstrated
862 by a valid Florida driver license or other state-issued
863 identification confirming residency, or students enrolled full-
864 time in a film-and-entertainment-related course of study at an
865 institution of higher education in this state; or

866 2. That contains obscene content as defined in s. 847.001
867 ~~s. 847.001(10)~~.

868 Section 12. Subsection (1) of section 847.0141, Florida

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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.