

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Cassel offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 810.145, Florida Statutes, is amended
 8 to read:

9 810.145 Digital Video voyeurism.—

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

11 (a) "Broadcast" means electronically transmitting a visual
 12 image or visual recording with the intent that it be viewed by
 13 another person.

14 (b) "Family or household member" has the same meaning as
 15 in s. 741.28.

Amendment No.1

16 ~~(c)-(b)~~ "Imaging device" means any mechanical, digital, or
17 electronic viewing device; still camera; camcorder; motion
18 picture camera; or any other instrument, equipment, or format
19 capable of recording, storing, or transmitting visual images of
20 another person.

21 (d) "Position of authority or trust" means a position
22 occupied by a person 18 years of age or older who is a relative,
23 caregiver, coach, employer, or other person who, by reason of
24 his or her relationship with the victim, is able to exercise
25 undue influence over him or her or exploit his or her trust.

26 ~~(e)-(d)~~ "Privately exposing the body" means exposing a
27 sexual organ.

28 ~~(f)-(c)~~ "Place and time when a person has a Reasonable
29 expectation of privacy" means circumstances under which a place
30 ~~and time when~~ a reasonable person would believe that he or she
31 could fully disrobe in privacy, without being concerned that the
32 person's undressing was being viewed, recorded, or broadcasted
33 by another, including, but not limited to, the interior of a
34 residential dwelling, bathroom, changing room, fitting room,
35 dressing room, or tanning booth.

36 (2) (a) A person commits the offense of digital video
37 voyeurism if that person:

38 ~~1.(a)~~ For his or her own amusement, entertainment, sexual
39 arousal, gratification, or profit, or for the purpose of
40 degrading, exploiting, or abusing another person, intentionally

Amendment No.1

41 uses or installs an imaging device to secretly view, broadcast,
42 or record a person, without that person's knowledge and consent,
43 who is dressing, undressing, or privately exposing the body, at
44 a place and time when that person has a reasonable expectation
45 of privacy;

46 ~~2.(b)~~ For the amusement, entertainment, sexual arousal,
47 gratification, or profit of another, or on behalf of another,
48 intentionally permits the use or installation of an imaging
49 device to secretly view, broadcast, or record a person, without
50 that person's knowledge and consent, who is dressing,
51 undressing, or privately exposing the body, at a place and time
52 when that person has a reasonable expectation of privacy; or

53 ~~3.(e)~~ For the amusement, entertainment, sexual arousal,
54 gratification, or profit of oneself or another, or on behalf of
55 oneself or another, intentionally uses an imaging device to
56 secretly view, broadcast, or record under or through the
57 clothing being worn by another person, without that person's
58 knowledge and consent, for the purpose of viewing the body of,
59 or the undergarments worn by, that person.

60 (b) A person who is under 19 years of age and who violates
61 this subsection commits a misdemeanor of the first degree,
62 punishable as provided in s. 775.082 or s. 775.083.

63 (c) A person who is 19 years of age or older and who
64 violates this subsection commits a felony of the third degree,
65 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Amendment No.1

66 (3)(a) A person commits the offense of digital ~~vide~~
67 voyeurism dissemination if that person, knowing or having reason
68 to believe that an image or recording was created in a manner
69 described in subsection (2) ~~this section~~, intentionally
70 disseminates, distributes, or transfers the image or recording
71 to another person for the purpose of the amusement,
72 entertainment, sexual arousal, or gratification of any person,
73 ~~or profit~~, or for the purpose of degrading, exploiting, or
74 abusing another person.

75 (b) A person who violates this subsection commits a felony
76 of the third degree, punishable as provided in s. 775.082, s.
77 775.083, or s. 775.084.

78 (4) A person commits the offense of commercial digital
79 ~~vide~~ voyeurism dissemination if that person:

80 (a) Knowing or having reason to believe that an image or
81 recording was created in a manner described in subsection (2)
82 ~~this section~~, sells the image or recording for consideration to
83 another person; or

84 (b) Having created the image or recording in a manner
85 described in subsection (2) ~~this section~~, disseminates,
86 distributes, or transfers the image or recording to another
87 person for that person to sell the image or recording to others.

88 (c) A person who violates this subsection commits a felony
89 of the third degree, punishable as provided in s. 775.082, s.
90 775.083, or s. 775.084.

Amendment No.1

91 (5) This section does not apply to any:

92 (a) Law enforcement agency conducting surveillance for a
93 law enforcement purpose;

94 (b) Security system when a written notice is conspicuously
95 posted on the premises stating that a video surveillance system
96 has been installed for the purpose of security for the premises;

97 (c) Video surveillance device that is installed in such a
98 manner that the presence of the device is clearly and
99 immediately obvious; or

100 (d) Dissemination, distribution, or transfer of images or
101 recordings subject to this section by a provider of an
102 electronic communication service as defined in 18 U.S.C. s.
103 2510(15), or a provider of a remote computing service as defined
104 in 18 U.S.C. s. 2711(2). For purposes of this section, the
105 exceptions to the definition of "electronic communication" set
106 forth in 18 U.S.C. s. 2510(12) (a), (b), (c), and (d) do not
107 apply, but are included within the definition of the term.

108 (6) Each instance of the viewing, broadcasting, recording,
109 disseminating, distributing, or transferring of an image or
110 recording made in violation of subsection (2) is a separate
111 offense for which a separate penalty is authorized. ~~Except as~~
112 provided in subsections (7) and (8):

113 ~~(a) A person who is under 19 years of age and who violates~~
114 ~~this section commits a misdemeanor of the first degree,~~
115 ~~punishable as provided in s. 775.082 or s. 775.083.~~

Amendment No.1

116 ~~(b) A person who is 19 years of age or older and who~~
117 ~~violates this section commits a felony of the third degree,~~
118 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

119 (7)(a) A person who violates this section and who has
120 previously been convicted of or adjudicated delinquent for any
121 violation of this section commits a felony of the second degree,
122 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

123 (b) If a person who is 19 years or age or older is
124 convicted of a violation of this section and is a family or
125 household member of the victim or holds a position of authority
126 or trust with the victim, the court shall reclassify the felony
127 to the next higher degree as follows:

128 1. A felony of the third degree is reclassified as a
129 felony of the second degree.

130 2. A felony of the second degree is reclassified as a
131 felony of the first degree.

132
133 For purposes of sentencing under chapter 921 and incentive gain-
134 time eligibility under chapter 944, a felony that is
135 reclassified under this subsection is ranked one level above the
136 ranking under s. 921.0022 of the felony offense committed.

137 (8)(a) A person who is:

138 1. Eighteen years of age or older who is responsible for
139 the welfare of a child younger than 16 years of age, regardless
140 of whether the person knows or has reason to know the age of the

Amendment No.1

141 child, and who commits an offense under this section against
142 that child;

143 2. Eighteen years of age or older who is employed at a
144 private school as defined in s. 1002.01; a school as defined in
145 s. 1003.01; or a voluntary prekindergarten education program as
146 described in s. 1002.53(3)(a), (b), or (c) and who commits an
147 offense under this section against a student of the private
148 school, school, or voluntary prekindergarten education program;
149 or

150 3. Twenty-four years of age or older who commits an
151 offense under this section against a child younger than 16 years
152 of age, regardless of whether the person knows or has reason to
153 know the age of the child

154
155 commits a felony of the second degree, punishable as provided in
156 s. 775.082, s. 775.083, or s. 775.084.

157 (b) A person who violates this subsection and who has
158 previously been convicted of or adjudicated delinquent for any
159 violation of this section commits a felony of the second degree,
160 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

161 (9) For purposes of this section, a person has previously
162 been convicted of or adjudicated delinquent for a violation of
163 this section if the violation resulted in a conviction that was
164 sentenced separately, or an adjudication of delinquency entered
165 separately, before ~~prior to~~ the current offense.

Amendment No.1

166 Section 2. Paragraphs (c), (d), (e), and (f) of subsection
167 (3) of section 921.0022, Florida Statutes, are amended to read:
168 921.0022 Criminal Punishment Code; offense severity
169 ranking chart.—

170 (3) OFFENSE SEVERITY RANKING CHART

171 (c) LEVEL 3

172

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

173

174

175

176

177

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1389 (2024)

Amendment No.1

178	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
179	319.33(1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
180	319.33(1) (c)	3rd	Procure or pass title on stolen vehicle.
181	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
182	327.35(2) (b)	3rd	Felony BUI.
183	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

Amendment No.1

184	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
185	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
186	379.2431 (1) (e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
187	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.

Amendment No.1

188	379.2431 (1) (e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
189	400.9935(4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
190	400.9935(4) (e)	3rd	Filing a false license application or other required information or failing to report information.
191	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
192	501.001(2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1389 (2024)

Amendment No.1

193	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
194	624.401 (4) (b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
195	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
196	697.08	3rd	Equity skimming.
197	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
198	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

404085 - h1389-strike.docx

Published On: 1/29/2024 4:44:58 PM

Amendment No.1

199 806.10(2) 3rd Interferes with or assaults
firefighter in performance of
duty.

200 810.09(2)(c) 3rd Trespass on property other than
structure or conveyance armed
with firearm or dangerous
weapon.

201 810.145(2)(c) 3rd Digital voyeurism; 19 years of
age or older.

202 812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but
less than \$10,000.

203 812.0145(2)(c) 3rd Theft from person 65 years of
age or older; \$300 or more but
less than \$10,000.

204 812.015(8)(b) 3rd Retail theft with intent to
sell; conspires with others.

205 812.081(2) 3rd Theft of a trade secret.

Amendment No.1

206	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
207	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
208	817.233	3rd	Burning to defraud insurer.
209	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
210	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
211	817.236	3rd	Filing a false motor vehicle insurance application.
212	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

Amendment No.1

213	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
214	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
215	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
216	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
217	836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.
218			

Amendment No.1

219	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
220	860.15(3)	3rd	Overcharging for repairs and parts.
221	870.01(2)	3rd	Riot.
222	870.01(4)	3rd	Inciting a riot.
223	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).
224	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.

Amendment No.1

225	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
226	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
227	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
228	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

Amendment No.1

- 229
- 893.13(7)(a)10. 3rd Affix false or forged label to
package of controlled
substance.
- 230
- 893.13(7)(a)11. 3rd Furnish false or fraudulent
material information on any
document or record required by
chapter 893.
- 231
- 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.
- 232
- 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.

Amendment No.1

233	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
234	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
235	918.13(1)	3rd	Tampering with or fabricating physical evidence.
236	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
237	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
238	985.721	3rd	Escapes from a juvenile facility (secure detention or

Amendment No.1

residential commitment
facility).

239

240 (d) LEVEL 4

241

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

242

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

243

499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
-------------	-----	---

244

499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
-------------	-----	---

245

517.07(1)	3rd	Failure to register securities.
-----------	-----	---------------------------------

Amendment No.1

246	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
247	784.031	3rd	Battery by strangulation.
248	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
249	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
250	784.075	3rd	Battery on detention or commitment facility staff.
251	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
252	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
253	784.081(3)	3rd	Battery on specified official or employee.

404085 - h1389-strike.docx

Published On: 1/29/2024 4:44:58 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1389 (2024)

Amendment No.1

254	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
255	784.083 (3)	3rd	Battery on code inspector.
256	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
257	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
258	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
259	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

404085 - h1389-strike.docx

Published On: 1/29/2024 4:44:58 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1389 (2024)

Amendment No.1

260	787.07	3rd	Human smuggling.
261	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
262	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
263	790.115 (2) (c)	3rd	Possessing firearm on school property.
264	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
265	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
266	806.135	2nd	Destroying or demolishing a memorial or historic property.
267	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied

404085 - h1389-strike.docx

Published On: 1/29/2024 4:44:58 PM

Amendment No.1

structure; unarmed; no assault
or battery.

268

810.02(4)(b) 3rd Burglary, or attempted
burglary, of an unoccupied
conveyance; unarmed; no assault
or battery.

269

810.06 3rd Burglary; possession of tools.

270

810.08(2)(c) 3rd Trespass on property, armed
with firearm or dangerous
weapon.

271

810.145(3)(b) 3rd Digital voyeurism
dissemination.

272

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

273

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

274

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1389 (2024)

Amendment No.1

275	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
276	817.505(4)(a)	3rd	Patient brokering.
277	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
278	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
279	817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
280	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
281	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.

404085 - h1389-strike.docx

Published On: 1/29/2024 4:44:58 PM

Amendment No.1

282	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
283	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
284	836.14 (3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
285	837.02 (1)	3rd	Perjury in official proceedings.
286	837.021 (1)	3rd	Make contradictory statements in official proceedings.
287	838.022	3rd	Official misconduct.
	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.

Amendment No.1

288	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
289	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
290	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
291	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
292	843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
293	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.

Amendment No.1

294
870.01(3) 2nd Aggravated rioting.

295
870.01(5) 2nd Aggravated inciting a riot.

296
874.05(1)(a) 3rd Encouraging or recruiting
another to join a criminal
gang.

297
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).

298
914.14(2) 3rd Witnesses accepting bribes.

299
914.22(1) 3rd Force, threaten, etc., witness,
victim, or informant.

300
914.23(2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

301

Amendment No.1

302	916.1085 (2) (c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
303	918.12	3rd	Tampering with jurors.
304	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
305	944.47(1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
306	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.
307	(e) LEVEL 5		
308			

Amendment No.1

	Florida Statute	Felony Degree	Description
309	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
310	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
311	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
312	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
313	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
314	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or

Amendment No.1

sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

315

379.367 (4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

316

379.407 (5) (b) 3. 3rd Possession of 100 or more undersized spiny lobsters.

317

381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing HIV positive.

318

Amendment No.1

319	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
320	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
321	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
322	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
323	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
324	790.01(3)	3rd	Unlawful carrying of a concealed firearm.

Amendment No.1

325	790.162	2nd	Threat to throw or discharge destructive device.
326	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
327	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
328	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
329	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
330	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.

Amendment No.1

331	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
332	<u>810.145 (4) (c)</u>	<u>3rd</u>	<u>Commercial digital voyeurism dissemination.</u>
333	<u>810.145 (7) (a)</u>	<u>2nd</u>	<u>Digital voyeurism; 2nd or subsequent offense.</u>
334	<u>810.145 (8) (a)</u>	<u>2nd</u>	<u>Digital voyeurism; certain minor victims.</u>
335	812.0145(2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
336	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.

Amendment No.1

337	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
338	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
339	812.081 (3)	2nd	Trafficking in trade secrets.
340	812.131 (2) (b)	3rd	Robbery by sudden snatching.
341	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
342	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
343	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
344	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding

Amendment No.1

property values relating to the
solvency of an insuring entity.

345

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.

346

817.611 (2) (a)

2nd

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

347

817.625 (2) (b)

2nd

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

348

825.1025 (4)

3rd

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

349

Amendment No.1

350	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
351	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
352	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
353	836.14 (4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency

Amendment No.1

involving great bodily harm or death.

354

843.01(1) 3rd Resist officer with violence to person; resist arrest with violence.

355

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

356

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

357

847.0138 3rd Transmission of material (2) & (3) harmful to minors to a minor by electronic device or equipment.

358

874.05(1)(b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

359

Amendment No.1

360	874.05(2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
361	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).
362	893.13(1) (c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (2) (c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
362	893.13(1) (d)1.	1st	Sell, manufacture, or deliver cocaine (or other s.

Amendment No.1

893.03(1) (a), (1) (b), (1) (d),
(2) (a), (2) (b), or (2) (c) 5.
drugs) within 1,000 feet of
university.

363

893.13(1) (e) 2. 2nd Sell, manufacture, or deliver
cannabis or other drug
prohibited under s.
893.03(1) (c), (2) (c) 1.,
(2) (c) 2., (2) (c) 3., (2) (c) 6.,
(2) (c) 7., (2) (c) 8., (2) (c) 9.,
(2) (c) 10., (3), or (4) within
1,000 feet of property used for
religious services or a
specified business site.

364

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.

365

Amendment No.1

366	893.13(4) (b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
367	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
368	(f) LEVEL 6		
369			
370	Florida Statute	Felony Degree	Description
371	316.027(2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
372	316.193(2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
373	400.9935(4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.

Amendment No.1

374	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
375	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
376	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
377	775.0875(1)	3rd	Taking firearm from law enforcement officer.
378	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
379	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
380	784.041	3rd	Felony battery; domestic battery by strangulation.

Amendment No.1

381	784.048 (3)	3rd	Aggravated stalking; credible threat.
382	784.048 (5)	3rd	Aggravated stalking of person under 16.
383	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
384	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
385	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
386	784.081 (2)	2nd	Aggravated assault on specified official or employee.
387	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
	784.083 (2)	2nd	Aggravated assault on code inspector.

404085 - h1389-strike.docx

Published On: 1/29/2024 4:44:58 PM

Amendment No.1

388 | 787.02(2) | 3rd | False imprisonment; restraining
with purpose other than those
in s. 787.01.

389 | 790.115(2)(d) | 2nd | Discharging firearm or weapon
on school property.

390 | 790.161(2) | 2nd | Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.

391 | 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.

392 | 790.19 | 2nd | Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

393 |

Amendment No.1

394	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
395	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
396	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.
397	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
398	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
399	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.

Amendment No.1

400	810.145 (8) (b)	2nd	<u>Digital Video</u> voyeurism; certain minor victims; 2nd or subsequent offense.
401			
402	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
403			
404	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.
405	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
406	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1389 (2024)

Amendment No.1

is \$3,000 or more; coordination
of others.

407

812.015(9)(d) 2nd Retail theft; multiple thefts
within specified period.

408

812.13(2)(c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

409

817.4821(5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

410

817.49(2)(b)2. 2nd Willful making of a false
report of a crime resulting in
death.

411

817.505(4)(b) 2nd Patient brokering; 10 or more
patients.

412

817.5695(3)(b) 2nd Exploitation of person 65 years
of age or older, value \$10,000
or more, but less than \$50,000.

413

404085 - h1389-strike.docx

Published On: 1/29/2024 4:44:58 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1389 (2024)

Amendment No.1

414	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
415	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
416	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
417	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
418	827.03 (2) (c)	3rd	Abuse of a child.
419	827.03 (2) (d)	3rd	Neglect of a child.
420	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
421	828.126 (3)	3rd	Sexual activities involving animals.

404085 - h1389-strike.docx

Published On: 1/29/2024 4:44:58 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1389 (2024)

Amendment No.1

422	836.05	2nd	Threats; extortion.
423	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
424	843.12	3rd	Aids or assists person to escape.
425	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
426	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
427	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
	893.131	2nd	Distribution of controlled substances resulting in

404085 - h1389-strike.docx

Published On: 1/29/2024 4:44:58 PM

Amendment No.1

overdose or serious bodily
injury.

428

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

429

918.13(2) (b) 2nd Tampering with or fabricating
physical evidence relating to a
capital felony.

430

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.

431

944.40 2nd Escapes.

432

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

433

Amendment No.1

454 3. Section 409.920, relating to Medicaid provider fraud,
455 if the offense was a felony of the first or second degree.

456 4. Section 415.111, relating to abuse, neglect, or
457 exploitation of vulnerable adults.

458 5. Any offense that constitutes domestic violence as
459 defined in s. 741.28.

460 6. Section 777.04, relating to attempts, solicitation, and
461 conspiracy to commit an offense listed in this paragraph.

462 7. Section 782.04, relating to murder.

463 8. Section 782.07, relating to manslaughter; aggravated
464 manslaughter of an elderly person or a disabled adult;
465 aggravated manslaughter of a child; or aggravated manslaughter
466 of an officer, a firefighter, an emergency medical technician,
467 or a paramedic.

468 9. Section 782.071, relating to vehicular homicide.

469 10. Section 782.09, relating to killing an unborn child by
470 injury to the mother.

471 11. Chapter 784, relating to assault, battery, and
472 culpable negligence, if the offense was a felony.

473 12. Section 787.01, relating to kidnapping.

474 13. Section 787.02, relating to false imprisonment.

475 14. Section 787.025, relating to luring or enticing a
476 child.

477 15. Section 787.04(2), relating to leading, taking,
478 enticing, or removing a minor beyond state limits, or concealing

Amendment No.1

479 | the location of a minor, with criminal intent pending custody
480 | proceedings.

481 | 16. Section 787.04(3), relating to leading, taking,
482 | enticing, or removing a minor beyond state limits, or concealing
483 | the location of a minor, with criminal intent pending dependency
484 | proceedings or proceedings concerning alleged abuse or neglect
485 | of a minor.

486 | 17. Section 790.115(1), relating to exhibiting firearms or
487 | weapons within 1,000 feet of a school.

488 | 18. Section 790.115(2) (b), relating to possessing an
489 | electric weapon or device, a destructive device, or any other
490 | weapon on school property.

491 | 19. Section 794.011, relating to sexual battery.

492 | 20. Former s. 794.041, relating to prohibited acts of
493 | persons in familial or custodial authority.

494 | 21. Section 794.05, relating to unlawful sexual activity
495 | with certain minors.

496 | 22. Section 794.08, relating to female genital mutilation.

497 | 23. Section 796.07, relating to procuring another to
498 | commit prostitution, except for those offenses expunged pursuant
499 | to s. 943.0583.

500 | 24. Section 798.02, relating to lewd and lascivious
501 | behavior.

502 | 25. Chapter 800, relating to lewdness and indecent
503 | exposure.

404085 - h1389-strike.docx

Published On: 1/29/2024 4:44:58 PM

Amendment No.1

- 504 26. Section 806.01, relating to arson.
- 505 27. Section 810.02, relating to burglary, if the offense
506 was a felony of the first degree.
- 507 28. Section 810.14, relating to voyeurism, if the offense
508 was a felony.
- 509 29. Section 810.145, relating to digital ~~video~~ voyeurism,
510 if the offense was a felony.
- 511 30. Section 812.13, relating to robbery.
- 512 31. Section 812.131, relating to robbery by sudden
513 snatching.
- 514 32. Section 812.133, relating to carjacking.
- 515 33. Section 812.135, relating to home-invasion robbery.
- 516 34. Section 817.034, relating to communications fraud, if
517 the offense was a felony of the first degree.
- 518 35. Section 817.234, relating to false and fraudulent
519 insurance claims, if the offense was a felony of the first or
520 second degree.
- 521 36. Section 817.50, relating to fraudulently obtaining
522 goods or services from a health care provider and false reports
523 of a communicable disease.
- 524 37. Section 817.505, relating to patient brokering.
- 525 38. Section 817.568, relating to fraudulent use of
526 personal identification, if the offense was a felony of the
527 first or second degree.

Amendment No.1

528 39. Section 825.102, relating to abuse, aggravated abuse,
529 or neglect of an elderly person or a disabled adult.

530 40. Section 825.1025, relating to lewd or lascivious
531 offenses committed upon or in the presence of an elderly person
532 or a disabled person.

533 41. Section 825.103, relating to exploitation of an
534 elderly person or a disabled adult, if the offense was a felony.

535 42. Section 826.04, relating to incest.

536 43. Section 827.03, relating to child abuse, aggravated
537 child abuse, or neglect of a child.

538 44. Section 827.04, relating to contributing to the
539 delinquency or dependency of a child.

540 45. Former s. 827.05, relating to negligent treatment of
541 children.

542 46. Section 827.071, relating to sexual performance by a
543 child.

544 47. Section 831.30, relating to fraud in obtaining
545 medicinal drugs.

546 48. Section 831.31, relating to the sale; manufacture;
547 delivery; or possession with intent to sell, manufacture, or
548 deliver of any counterfeit controlled substance, if the offense
549 was a felony.

550 49. Section 843.01, relating to resisting arrest with
551 violence.

Amendment No.1

552 50. Section 843.025, relating to depriving a law
553 enforcement, correctional, or correctional probation officer of
554 the means of protection or communication.

555 51. Section 843.12, relating to aiding in an escape.

556 52. Section 843.13, relating to aiding in the escape of
557 juvenile inmates of correctional institutions.

558 53. Chapter 847, relating to obscenity.

559 54. Section 874.05, relating to encouraging or recruiting
560 another to join a criminal gang.

561 55. Chapter 893, relating to drug abuse prevention and
562 control, if the offense was a felony of the second degree or
563 greater severity.

564 56. Section 895.03, relating to racketeering and
565 collection of unlawful debts.

566 57. Section 896.101, relating to the Florida Money
567 Laundering Act.

568 58. Section 916.1075, relating to sexual misconduct with
569 certain forensic clients and reporting of such sexual
570 misconduct.

571 59. Section 944.35(3), relating to inflicting cruel or
572 inhuman treatment on an inmate resulting in great bodily harm.

573 60. Section 944.40, relating to escape.

574 61. Section 944.46, relating to harboring, concealing, or
575 aiding an escaped prisoner.

Amendment No.1

576 62. Section 944.47, relating to introduction of contraband
577 into a correctional institution.

578 63. Section 985.701, relating to sexual misconduct in
579 juvenile justice programs.

580 64. Section 985.711, relating to introduction of
581 contraband into a detention facility.

582 Section 4. Paragraph (ff) of subsection (2) of section
583 435.04, Florida Statutes, as amended by s. 2, ch. 2023-220, Laws
584 of Florida, is amended to read:

585 435.04 Level 2 screening standards.—

586 (2) The security background investigations under this
587 section must ensure that no persons subject to the provisions of
588 this section have been arrested for and are awaiting final
589 disposition of, have been found guilty of, regardless of
590 adjudication, or entered a plea of nolo contendere or guilty to,
591 or have been adjudicated delinquent and the record has not been
592 sealed or expunged for, any offense prohibited under any of the
593 following provisions of state law or similar law of another
594 jurisdiction:

595 (ff) Section 810.145, relating to digital ~~video~~ voyeurism,
596 if the offense is a felony.

597 Section 5. Paragraph (s) of subsection (5) of section
598 456.074, Florida Statutes, is amended to read:

599 456.074 Certain health care practitioners; immediate
600 suspension of license.—

Amendment No.1

601 (5) The department shall issue an emergency order
602 suspending the license of any health care practitioner who is
603 arrested for committing or attempting, soliciting, or conspiring
604 to commit any act that would constitute a violation of any of
605 the following criminal offenses in this state or similar
606 offenses in another jurisdiction:

607 (s) Section 810.145(8), relating to digital ~~video~~
608 voyeurism of a minor.

609 Section 6. Subsection (17) of section 775.15, Florida
610 Statutes, is amended to read:

611 775.15 Time limitations; general time limitations;
612 exceptions.—

613 (17) In addition to the time periods prescribed in this
614 section, a prosecution for digital ~~video~~ voyeurism in violation
615 of s. 810.145 may be commenced within 1 year after the date on
616 which the victim of digital ~~video~~ voyeurism obtains actual
617 knowledge of the existence of such a recording or the date on
618 which the recording is confiscated by a law enforcement agency,
619 whichever occurs first. Any dissemination of such a recording
620 before the victim obtains actual knowledge thereof or before its
621 confiscation by a law enforcement agency does not affect any
622 provision of this subsection.

623 Section 7. Paragraph (q) of subsection (2) of section
624 943.0584, Florida Statutes, is amended to read:

Amendment No.1

625 943.0584 Criminal history records ineligible for court-
626 ordered expunction or court-ordered sealing.—

627 (2) A criminal history record is ineligible for a
628 certificate of eligibility for expunction or a court-ordered
629 expunction pursuant to s. 943.0585 or a certificate of
630 eligibility for sealing or a court-ordered sealing pursuant to
631 s. 943.059 if the record is a conviction for any of the
632 following offenses:

633 (r) Voyeurism or digital ~~video~~ voyeurism, as defined in
634 ss. 810.14 and 810.145, respectively;

635 Section 8. Paragraph (y) of subsection (1) of section
636 1012.315, Florida Statutes, is amended to read:

637 1012.315 Screening standards.—A person is ineligible for
638 educator certification or employment in any position that
639 requires direct contact with students in a district school
640 system, a charter school, or a private school that participates
641 in a state scholarship program under chapter 1002 if the person
642 is on the disqualification list maintained by the department
643 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
644 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible
645 for an exemption under s. 435.07(4)(c), or has been convicted or
646 found guilty of, has had adjudication withheld for, or has pled
647 guilty or nolo contendere to:

648 (1) Any felony offense prohibited under any of the
649 following statutes:

404085 - h1389-strike.docx

Published On: 1/29/2024 4:44:58 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1389 (2024)

Amendment No.1

650 (y) Section 810.145, relating to digital ~~video~~ voyeurism.
651 Section 9. This act shall take effect October 1, 2024.