

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

27 (a) "Broadcast" means electronically transmitting a visual
 28 image or visual recording with the intent that it be viewed by
 29 another person.

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

32 ~~(c)-(b)~~ "Imaging device" means any mechanical, digital, or
 33 electronic viewing device; still camera; camcorder; motion
 34 picture camera; or any other instrument, equipment, or format
 35 capable of recording, storing, or transmitting visual images of
 36 another person.

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

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

44 ~~(f)-(e)~~ ~~"Place and time when a person has a~~ Reasonable
 45 expectation of privacy" means circumstances under which ~~a place~~
 46 ~~and time when~~ a reasonable person would believe that he or she
 47 could fully disrobe in privacy, without being concerned that the
 48 person's undressing was being viewed, recorded, or broadcasted
 49 by another, including, but not limited to, the interior of a
 50 residential dwelling, bathroom, changing room, fitting room,

51 | dressing room, or tanning booth.

52 | (2) (a) A person commits the offense of digital video
53 | voyeurism if that person:

54 | 1.(a) For his or her own amusement, entertainment, sexual
55 | arousal, gratification, or profit, or for the purpose of
56 | degrading, exploiting, or abusing another person, intentionally
57 | uses or installs an imaging device to secretly view, broadcast,
58 | or record a person, without that person's knowledge and consent,
59 | who is dressing, undressing, or privately exposing the body, at
60 | a place and time when that person has a reasonable expectation
61 | of privacy;

62 | 2.(b) For the amusement, entertainment, sexual arousal,
63 | gratification, or profit of another, or on behalf of another,
64 | intentionally permits the use or installation of an imaging
65 | device to secretly view, broadcast, or record a person, without
66 | that person's knowledge and consent, who is dressing,
67 | undressing, or privately exposing the body, at a place and time
68 | when that person has a reasonable expectation of privacy; or

69 | 3.(c) For the amusement, entertainment, sexual arousal,
70 | gratification, or profit of oneself or another, or on behalf of
71 | oneself or another, intentionally uses an imaging device to
72 | secretly view, broadcast, or record under or through the
73 | clothing being worn by another person, without that person's
74 | knowledge and consent, for the purpose of viewing the body of,
75 | or the undergarments worn by, that person.

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

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

82 (3)(a) A person commits the offense of digital video
 83 voyeurism dissemination if that person, knowing or having reason
 84 to believe that an image or recording was created in a manner
 85 described in subsection (2) ~~this section~~, intentionally
 86 disseminates, distributes, or transfers the image or recording
 87 to another person for the purpose of the amusement,
 88 entertainment, sexual arousal, or gratification of any person,
 89 ~~or profit,~~ or for the purpose of degrading, exploiting, or
 90 abusing another person.

91 (b) A person who violates this subsection commits a felony
 92 of the third degree, punishable as provided in s. 775.082, s.
 93 775.083, or s. 775.084.

94 (4) A person commits the offense of commercial digital
 95 ~~video~~ voyeurism dissemination if that person:

96 (a) Knowing or having reason to believe that an image or
 97 recording was created in a manner described in subsection (2)
 98 ~~this section~~, sells the image or recording for consideration to
 99 another person; or

100 (b) Having created the image or recording in a manner

101 described in subsection (2) ~~this section~~, disseminates,
102 distributes, or transfers the image or recording to another
103 person for that person to sell the image or recording to others.

104 (c) A person who violates this subsection commits a felony
105 of the third degree, punishable as provided in s. 775.082, s.
106 775.083, or s. 775.084.

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

108 (a) Law enforcement agency conducting surveillance for a
109 law enforcement purpose;

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

113 (c) Video surveillance device that is installed in such a
114 manner that the presence of the device is clearly and
115 immediately obvious; or

116 (d) Dissemination, distribution, or transfer of images or
117 recordings subject to this section by a provider of an
118 electronic communication service as defined in 18 U.S.C. s.
119 2510(15), or a provider of a remote computing service as defined
120 in 18 U.S.C. s. 2711(2). For purposes of this section, the
121 exceptions to the definition of "electronic communication" set
122 forth in 18 U.S.C. s. 2510(12) (a), (b), (c), and (d) do not
123 apply, but are included within the definition of the term.

124 (6) Each instance of the viewing, broadcasting, recording,
125 disseminating, distributing, or transferring of an image or

126 recording made in violation of subsection (2) is a separate
 127 offense for which a separate penalty is authorized. ~~Except as~~
 128 provided in subsections (7) and (8):

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

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

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

139 (b) If a person who is 19 years or age or older commits a
 140 violation of this section and is a family or household member of
 141 the victim or holds a position of authority or trust with the
 142 victim, the court shall reclassify the felony to the next higher
 143 degree as follows:

144 1. A felony of the third degree is reclassified as a
 145 felony of the second degree.

146 2. A felony of the second degree is reclassified as a
 147 felony of the first degree.

148
 149 For purposes of sentencing under chapter 921 and incentive gain-
 150 time eligibility under chapter 944, a felony that is

151 reclassified under this subsection is ranked one level above the
152 ranking under s. 921.0022 of the felony offense committed.

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

154 1. Eighteen years of age or older who is responsible for
155 the welfare of a child younger than 16 years of age, regardless
156 of whether the person knows or has reason to know the age of the
157 child, and who commits an offense under this section against
158 that child;

159 2. Eighteen years of age or older who is employed at a
160 private school as defined in s. 1002.01; a school as defined in
161 s. 1003.01; or a voluntary prekindergarten education program as
162 described in s. 1002.53(3)(a), (b), or (c) and who commits an
163 offense under this section against a student of the private
164 school, school, or voluntary prekindergarten education program;
165 or

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

170
171 commits a felony of the second degree, punishable as provided in
172 s. 775.082, s. 775.083, or s. 775.084.

173 (b) A person who violates this subsection and who has
174 previously been convicted of or adjudicated delinquent for any
175 violation of this section commits a felony of the second degree,

176 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 177 (9) For purposes of this section, a person has previously
 178 been convicted of or adjudicated delinquent for a violation of
 179 this section if the violation resulted in a conviction that was
 180 sentenced separately, or an adjudication of delinquency entered
 181 separately, before ~~prior to~~ the current offense.

182 Section 2. Paragraphs (c), (d), (e), and (f) of subsection
 183 (3) of section 921.0022, Florida Statutes, are amended to read:
 184 921.0022 Criminal Punishment Code; offense severity
 185 ranking chart.—

186 (3) OFFENSE SEVERITY RANKING CHART
 187 (c) LEVEL 3
 188

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.

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193	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
194	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
195	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
196	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
197	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
198	327.35(2)(b)	3rd	Felony BUI.
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or

			fraudulent titles or bills of sale of vessels.
199	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
200	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
201	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.
202	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.
203	379.2431 (1) (e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
204	400.9935(4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
205	400.9935(4) (e)	3rd	Filing a false license application or other required information or failing to report information.
206	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
207	501.001(2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading

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information.

208 624.401 (4) (a) 3rd Transacting insurance without a
certificate of authority.

209 624.401 (4) (b) 1. 3rd Transacting insurance without a
certificate of authority;
premium collected less than
\$20,000.

210 626.902 (1) (a) & 3rd Representing an unauthorized
(b) insurer.

211 697.08 3rd Equity skimming.

212 790.15 (3) 3rd Person directs another to
discharge firearm from a
vehicle.

213 794.053 3rd Lewd or lascivious written
solicitation of a person 16 or
17 years of age by a person 24
years of age or older.

214 806.10 (1) 3rd Maliciously injure, destroy, or

			interfere with vehicles or equipment used in firefighting.
215	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
216	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
217	<u>810.145(2)(c)</u>	<u>3rd</u>	<u>Digital voyeurism; 19 years of age or older.</u>
218	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
219	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
220	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.

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221	812.081 (2)	3rd	Theft of a trade secret.
222	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
223	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
224	817.233	3rd	Burning to defraud insurer.
225	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
226	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
227	817.236	3rd	Filing a false motor vehicle insurance application.
228	817.2361	3rd	Creating, marketing, or presenting a false or

fraudulent motor vehicle
insurance card.

229

817.413(2) 3rd Sale of used goods of \$1,000 or
more as new.

230

817.49(2)(b)1. 3rd Willful making of a false
report of a crime causing great
bodily harm, permanent
disfigurement, or permanent
disability.

231

831.28(2)(a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument
with intent to defraud.

232

831.29 2nd Possession of instruments for
counterfeiting driver licenses
or identification cards.

233

836.13(2) 3rd Person who promotes an altered
sexual depiction of an
identifiable person without

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consent.

234

838.021 (3) (b) 3rd Threatens unlawful harm to public servant.

235

860.15 (3) 3rd Overcharging for repairs and parts.

236

870.01 (2) 3rd Riot.

237

870.01 (4) 3rd Inciting a riot.

238

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).

239

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.

240

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.

241

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

242

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

243

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

244

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

forgery, misrepresentation,
etc.

245

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

246

893.13(7)(a)11. 3rd Furnish false or fraudulent
material information on any
document or record required by
chapter 893.

247

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.

248

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.

249

893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

250

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.

251

918.13(1) 3rd Tampering with or fabricating physical evidence.

252

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

253

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

254

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255	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
256	(d) LEVEL 4		
257	Florida Statute	Felony Degree	Description
258	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.
259	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
260	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

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261	517.07(1)	3rd	Failure to register securities.
262	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
263	784.031	3rd	Battery by strangulation.
264	784.07(2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
265	784.074(1) (c)	3rd	Battery of sexually violent predators facility staff.
266	784.075	3rd	Battery on detention or commitment facility staff.
267	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
268	784.08(2) (c)	3rd	Battery on a person 65 years of age or older.
269			

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270	784.081 (3)	3rd	Battery on specified official or employee.
271	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
272	784.083 (3)	3rd	Battery on code inspector.
273	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
274	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
275	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at

			custody hearing or delivering to designated person.
276	787.07	3rd	Human smuggling.
277	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
278	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
279	790.115 (2) (c)	3rd	Possessing firearm on school property.
280	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
281	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
282	806.135	2nd	Destroying or demolishing a memorial or historic property.
283			

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284	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
285	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
286	810.06	3rd	Burglary; possession of tools.
287	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
288	<u>810.145 (3) (b)</u>	<u>3rd</u>	<u>Digital voyeurism dissemination.</u>
289	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
	812.014 (2) (c) 4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.

290	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
291	817.505(4)(a)	3rd	Patient brokering.
292	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
293	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
294	817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
295	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
296	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.

297	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
298	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
299	836.14 (3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
300	837.02 (1)	3rd	Perjury in official proceedings.
301	837.021 (1)	3rd	Make contradictory statements in official proceedings.
302	838.022	3rd	Official misconduct.
303	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and

304			custody of a state agency.
	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
305			
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
306			
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
307			
	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
308			
	843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
309			
	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less

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than 18 years.

310

870.01(3) 2nd Aggravated rioting.

311

870.01(5) 2nd Aggravated inciting a riot.

312

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

313

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).

314

914.14(2) 3rd Witnesses accepting bribes.

315

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

316

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

317

916.1085 3rd Introduction of specified

318	(2) (c) 1.		contraband into certain DCF facilities.
319	918.12	3rd	Tampering with jurors.
320	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
321	944.47(1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
322	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.
323	(e) LEVEL 5		
324			

Florida	Felony	Description
Statute	Degree	

325	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
326	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
327	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
328	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
329	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
330	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or

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

- 331
379.367 (4)
3rd
Willful molestation of a
 commercial harvester's spiny
 lobster trap, line, or buoy.
- 332
379.407 (5) (b) 3.
3rd
Possession of 100 or more
 undersized spiny lobsters.
- 333
381.0041 (11) (b)
3rd
Donate blood, plasma, or organs
 knowing HIV positive.
- 334
440.10 (1) (g)
2nd
Failure to obtain workers'
 compensation coverage.

335	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
336	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
337	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
338	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
339	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
340	790.162	2nd	Threat to throw or discharge destructive device.
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342	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
343	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
344	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
345	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
346	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
347	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent

to damage any structure or property.

348

810.145 (4) (c) 3rd Commercial digital voyeurism dissemination.

349

810.145 (7) (a) 2nd Digital voyeurism; 2nd or subsequent offense.

350

810.145 (8) (a) 2nd Digital voyeurism; certain minor victims.

351

812.0145(2) (b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

352

812.015 3rd Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
 (8) (a) & (c) -
 (e)

353

812.015 (8) (f) 3rd Retail theft; multiple thefts within specified period.

354	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
355	812.081 (3)	2nd	Trafficking in trade secrets.
356	812.131 (2) (b)	3rd	Robbery by sudden snatching.
357	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
358	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
359	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
360	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.
361			

362	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.
363	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
364	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
365	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which

includes child pornography.

366

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.

367

828.12 (2)

3rd

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

368

836.14 (4)

2nd

Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.

369

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.

370

371	843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
372	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
373	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
374	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
375	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
376	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
	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).

377

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.

378

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.

379

380	893.13(1)(e)2.	2nd	<p>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.</p>
381	893.13(1)(f)1.	1st	<p>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.</p>
382	893.13(4)(b)	2nd	<p>Use or hire of minor; deliver to minor other controlled substance.</p>
382	893.1351(1)	3rd	<p>Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.</p>

383
384
385
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387
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389
390

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.

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391

499.0051(4) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

392

775.0875(1) 3rd Taking firearm from law enforcement officer.

393

784.021(1)(a) 3rd Aggravated assault; deadly weapon without intent to kill.

394

784.021(1)(b) 3rd Aggravated assault; intent to commit felony.

395

784.041 3rd Felony battery; domestic battery by strangulation.

396

784.048(3) 3rd Aggravated stalking; credible threat.

397

784.048(5) 3rd Aggravated stalking of person under 16.

398

784.07(2)(c) 2nd Aggravated assault on law enforcement officer.

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399	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
400	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
401	784.081 (2)	2nd	Aggravated assault on specified official or employee.
402	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
403	784.083 (2)	2nd	Aggravated assault on code inspector.
404	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
405	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
406			

407	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
408	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.
409	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
410	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
411	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
	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.
412	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
413	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
414	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
415	810.145 (8) (b)	2nd	<u>Digital Video</u> Video voyeurism; certain minor victims; 2nd or subsequent offense.
416	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
417			
418	812.014 (2) (c) 5.	3rd	Grand theft; third degree;

firearm.

419

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

420

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

421

812.015 (9) (b) 2nd Retail theft; aggregated
property stolen within 30 days
is \$3,000 or more; coordination
of others.

422

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

423

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

424

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

425

426	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
427	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
428	817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
429	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
430	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
431	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
432	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

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433	827.03(2)(c)	3rd	Abuse of a child.
434	827.03(2)(d)	3rd	Neglect of a child.
435	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
436	828.126(3)	3rd	Sexual activities involving animals.
437	836.05	2nd	Threats; extortion.
438	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
439	843.12	3rd	Aids or assists person to escape.
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

440	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
441	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
442	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
443	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
444	918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
445	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.

446

944.40 2nd Escapes.

447

944.46 3rd Harboring, concealing, aiding escaped prisoners.

448

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

449

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

450

451 Section 3. Paragraph (e) of subsection (4) of section
452 397.417, Florida Statutes, is amended to read:

453 397.417 Peer specialists.—

454 (4) BACKGROUND SCREENING.—

455 (e) The background screening conducted under this
456 subsection must ensure that a peer specialist has not been
457 arrested for and is awaiting final disposition of, found guilty
458 of, regardless of adjudication, or entered a plea of nolo
459 contendere or guilty to, or been adjudicated delinquent and the

460 record has not been sealed or expunged for, any offense
 461 prohibited under any of the following state laws or similar laws
 462 of another jurisdiction:

463 1. Section 393.135, relating to sexual misconduct with
 464 certain developmentally disabled clients and reporting of such
 465 sexual misconduct.

466 2. Section 394.4593, relating to sexual misconduct with
 467 certain mental health patients and reporting of such sexual
 468 misconduct.

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

471 4. Section 415.111, relating to abuse, neglect, or
 472 exploitation of vulnerable adults.

473 5. Any offense that constitutes domestic violence as
 474 defined in s. 741.28.

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

477 7. Section 782.04, relating to murder.

478 8. Section 782.07, relating to manslaughter; aggravated
 479 manslaughter of an elderly person or a disabled adult;
 480 aggravated manslaughter of a child; or aggravated manslaughter
 481 of an officer, a firefighter, an emergency medical technician,
 482 or a paramedic.

483 9. Section 782.071, relating to vehicular homicide.

484 10. Section 782.09, relating to killing an unborn child by

485 injury to the mother.

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

488 12. Section 787.01, relating to kidnapping.

489 13. Section 787.02, relating to false imprisonment.

490 14. Section 787.025, relating to luring or enticing a
491 child.

492 15. Section 787.04(2), relating to leading, taking,
493 enticing, or removing a minor beyond state limits, or concealing
494 the location of a minor, with criminal intent pending custody
495 proceedings.

496 16. Section 787.04(3), relating to leading, taking,
497 enticing, or removing a minor beyond state limits, or concealing
498 the location of a minor, with criminal intent pending dependency
499 proceedings or proceedings concerning alleged abuse or neglect
500 of a minor.

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

503 18. Section 790.115(2) (b), relating to possessing an
504 electric weapon or device, a destructive device, or any other
505 weapon on school property.

506 19. Section 794.011, relating to sexual battery.

507 20. Former s. 794.041, relating to prohibited acts of
508 persons in familial or custodial authority.

509 21. Section 794.05, relating to unlawful sexual activity

510 with certain minors.

511 22. Section 794.08, relating to female genital mutilation.

512 23. Section 796.07, relating to procuring another to

513 commit prostitution, except for those offenses expunged pursuant

514 to s. 943.0583.

515 24. Section 798.02, relating to lewd and lascivious

516 behavior.

517 25. Chapter 800, relating to lewdness and indecent

518 exposure.

519 26. Section 806.01, relating to arson.

520 27. Section 810.02, relating to burglary, if the offense

521 was a felony of the first degree.

522 28. Section 810.14, relating to voyeurism, if the offense

523 was a felony.

524 29. Section 810.145, relating to digital ~~vide~~ voyeurism,

525 if the offense was a felony.

526 30. Section 812.13, relating to robbery.

527 31. Section 812.131, relating to robbery by sudden

528 snatching.

529 32. Section 812.133, relating to carjacking.

530 33. Section 812.135, relating to home-invasion robbery.

531 34. Section 817.034, relating to communications fraud, if

532 the offense was a felony of the first degree.

533 35. Section 817.234, relating to false and fraudulent

534 insurance claims, if the offense was a felony of the first or

535 second degree.

536 36. Section 817.50, relating to fraudulently obtaining
 537 goods or services from a health care provider and false reports
 538 of a communicable disease.

539 37. Section 817.505, relating to patient brokering.

540 38. Section 817.568, relating to fraudulent use of
 541 personal identification, if the offense was a felony of the
 542 first or second degree.

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

545 40. Section 825.1025, relating to lewd or lascivious
 546 offenses committed upon or in the presence of an elderly person
 547 or a disabled person.

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

550 42. Section 826.04, relating to incest.

551 43. Section 827.03, relating to child abuse, aggravated
 552 child abuse, or neglect of a child.

553 44. Section 827.04, relating to contributing to the
 554 delinquency or dependency of a child.

555 45. Former s. 827.05, relating to negligent treatment of
 556 children.

557 46. Section 827.071, relating to sexual performance by a
 558 child.

559 47. Section 831.30, relating to fraud in obtaining

560 medicinal drugs.

561 48. Section 831.31, relating to the sale; manufacture;
 562 delivery; or possession with intent to sell, manufacture, or
 563 deliver of any counterfeit controlled substance, if the offense
 564 was a felony.

565 49. Section 843.01, relating to resisting arrest with
 566 violence.

567 50. Section 843.025, relating to depriving a law
 568 enforcement, correctional, or correctional probation officer of
 569 the means of protection or communication.

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

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

573 53. Chapter 847, relating to obscenity.

574 54. Section 874.05, relating to encouraging or recruiting
 575 another to join a criminal gang.

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

579 56. Section 895.03, relating to racketeering and
 580 collection of unlawful debts.

581 57. Section 896.101, relating to the Florida Money
 582 Laundering Act.

583 58. Section 916.1075, relating to sexual misconduct with
 584 certain forensic clients and reporting of such sexual

585 misconduct.

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

588 60. Section 944.40, relating to escape.

589 61. Section 944.46, relating to harboring, concealing, or
590 aiding an escaped prisoner.

591 62. Section 944.47, relating to introduction of contraband
592 into a correctional institution.

593 63. Section 985.701, relating to sexual misconduct in
594 juvenile justice programs.

595 64. Section 985.711, relating to introduction of
596 contraband into a detention facility.

597 Section 4. Paragraph (ff) of subsection (2) of section
598 435.04, Florida Statutes, as amended by s. 2, ch. 2023-220, Laws
599 of Florida, is amended to read:

600 435.04 Level 2 screening standards.—

601 (2) The security background investigations under this
602 section must ensure that no persons subject to the provisions of
603 this section have been arrested for and are awaiting final
604 disposition of, have been found guilty of, regardless of
605 adjudication, or entered a plea of nolo contendere or guilty to,
606 or have been adjudicated delinquent and the record has not been
607 sealed or expunged for, any offense prohibited under any of the
608 following provisions of state law or similar law of another
609 jurisdiction:

610 (ff) Section 810.145, relating to digital ~~vide~~ voyeurism,
 611 if the offense is a felony.

612 Section 5. Paragraph (s) of subsection (5) of section
 613 456.074, Florida Statutes, is amended to read:

614 456.074 Certain health care practitioners; immediate
 615 suspension of license.—

616 (5) The department shall issue an emergency order
 617 suspending the license of any health care practitioner who is
 618 arrested for committing or attempting, soliciting, or conspiring
 619 to commit any act that would constitute a violation of any of
 620 the following criminal offenses in this state or similar
 621 offenses in another jurisdiction:

622 (s) Section 810.145(8), relating to digital ~~vide~~
 623 voyeurism of a minor.

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

626 775.15 Time limitations; general time limitations;
 627 exceptions.—

628 (17) In addition to the time periods prescribed in this
 629 section, a prosecution for digital ~~vide~~ voyeurism in violation
 630 of s. 810.145 may be commenced within 1 year after the date on
 631 which the victim of digital ~~vide~~ voyeurism obtains actual
 632 knowledge of the existence of such a recording or the date on
 633 which the recording is confiscated by a law enforcement agency,
 634 whichever occurs first. Any dissemination of such a recording

635 before the victim obtains actual knowledge thereof or before its
636 confiscation by a law enforcement agency does not affect any
637 provision of this subsection.

638 Section 7. Paragraph (r) of subsection (2) of section
639 943.0584, Florida Statutes, is amended to read:

640 943.0584 Criminal history records ineligible for court-
641 ordered expunction or court-ordered sealing.—

642 (2) A criminal history record is ineligible for a
643 certificate of eligibility for expunction or a court-ordered
644 expunction pursuant to s. 943.0585 or a certificate of
645 eligibility for sealing or a court-ordered sealing pursuant to
646 s. 943.059 if the record is a conviction for any of the
647 following offenses:

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

650 Section 8. Paragraph (y) of subsection (1) of section
651 1012.315, Florida Statutes, is amended to read:

652 1012.315 Screening standards.—A person is ineligible for
653 educator certification or employment in any position that
654 requires direct contact with students in a district school
655 system, a charter school, or a private school that participates
656 in a state scholarship program under chapter 1002 if the person
657 is on the disqualification list maintained by the department
658 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
659 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible

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660 for an exemption under s. 435.07(4)(c), or has been convicted or
661 found guilty of, has had adjudication withheld for, or has pled
662 guilty or nolo contendere to:

663 (1) Any felony offense prohibited under any of the
664 following statutes:

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