



249990

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

810.145 Digital Video ~~Video~~ voyeurism.—

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

(a) "Broadcast" means electronically transmitting a visual
image or visual recording with the intent that it be viewed by



249990

11 another person.

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

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

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

24 (e)~~(d)~~ "Privately exposing the body" means exposing a
25 sexual organ.

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

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

36 1.~~(a)~~ For his or her own amusement, entertainment, sexual
37 arousal, gratification, or profit, or for the purpose of
38 degrading, exploiting, or abusing another person, intentionally
39 uses or installs an imaging device to secretly view, broadcast,



249990

40 or record a person, without that person's knowledge and consent,
41 who is dressing, undressing, or privately exposing the body, at
42 a place and time when that person has a reasonable expectation
43 of privacy;

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

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

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

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

64 (3)(a) A person commits the offense of digital video
65 voyeurism dissemination if that person, knowing or having reason
66 to believe that an image or recording was created in a manner
67 described in subsection (2) this section, intentionally
68 disseminates, distributes, or transfers the image or recording



249990

69 to another person for the purpose of the amusement,
70 entertainment, sexual arousal, or gratification of any person,
71 ~~or profit,~~ or for the purpose of degrading, exploiting, or
72 abusing another person.

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

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

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

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

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

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

90 (a) Law enforcement agency conducting surveillance for a
91 law enforcement purpose;

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

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



249990

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

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

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

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

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

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

126 1. A felony of the third degree is reclassified as a felony



249990

127 of the second degree.

128 2. A felony of the second degree is reclassified as a
129 felony of the first degree.

130

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

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

136 1. Eighteen years of age or older who is responsible for
137 the welfare of a child younger than 16 years of age, regardless
138 of whether the person knows or has reason to know the age of the
139 child, and who commits an offense under this section against
140 that child;

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

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

152

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

155 (b) A person who violates this subsection and who has



156 previously been convicted of or adjudicated delinquent for any
157 violation of this section commits a felony of the second degree,
158 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

164 Section 2. Paragraphs (c), (d), (e), and (f) of subsection
165 (3) of section 921.0022, Florida Statutes, are amended to read:

166 921.0022 Criminal Punishment Code; offense severity ranking
167 chart.—

168 (3) OFFENSE SEVERITY RANKING CHART

169 (c) LEVEL 3

170

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

171

172

173

174



patrol vehicle with siren and
lights activated.

175

319.30(4) 3rd Possession by junkyard of motor
vehicle with identification
number plate removed.

176

319.33(1)(a) 3rd Alter or forge any certificate
of title to a motor vehicle or
mobile home.

177

319.33(1)(c) 3rd Procure or pass title on stolen
vehicle.

178

319.33(4) 3rd With intent to defraud,
possess, sell, etc., a blank,
forged, or unlawfully obtained
title or registration.

179

327.35(2)(b) 3rd Felony BUI.

180

328.05(2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.

181

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



182	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
183	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.
184	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.
185	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
186	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure,



249990

without a license.

187

400.9935(4)(e) 3rd Filing a false license application or other required information or failing to report information.

188

440.1051(3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

189

501.001(2)(b) 2nd Tamper with a consumer product or the container using materially false/misleading information.

190

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

191

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

192

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

193

697.08 3rd Equity skimming.



194	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
195	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.
196	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
197	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
198	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
199	<u>810.145(2)(c)</u>	<u>3rd</u>	<u>Digital voyeurism; 19 years of age or older.</u>
200	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.



201	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
202	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
203	812.081(2)	3rd	Theft of a trade secret.
204	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
205	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
206	817.233	3rd	Burning to defraud insurer.
207	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
208	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
209	817.236	3rd	Filing a false motor vehicle insurance application.



210	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
211	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
212	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
213	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
214	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
215	836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.



216	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
217	860.15 (3)	3rd	Overcharging for repairs and parts.
218	870.01 (2)	3rd	Riot.
219	870.01 (4)	3rd	Inciting a riot.
220	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).
221	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.
222	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.,



249990

(2)(c)7., (2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4) drugs
within 1,000 feet of public
housing facility.

223

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

224

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

225

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

226

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

227

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

228

893.13(7)(a)11. 3rd Furnish false or fraudulent
material information on any



practitioner.

233

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

234

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

235

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

236

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

237

238

239 (d) LEVEL 4

240

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

241

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.
-----------------	-----	---



242	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
243	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
244	517.07 (1)	3rd	Failure to register securities.
245	517.12 (1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
246	784.031	3rd	Battery by strangulation.
247	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
248	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
249	784.075	3rd	Battery on detention or commitment facility staff.
250	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling



certain fluids or materials.

251

784.08(2)(c) 3rd Battery on a person 65 years of age or older.

252

784.081(3) 3rd Battery on specified official or employee.

253

784.082(3) 3rd Battery by detained person on visitor or other detainee.

254

784.083(3) 3rd Battery on code inspector.

255

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

256

787.03(1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

257

787.04(2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

258

787.04(3) 3rd Carrying child beyond state lines with criminal intent to



avoid producing child at
custody hearing or delivering
to designated person.

259

787.07 3rd Human smuggling.

260

790.115(1) 3rd Exhibiting firearm or weapon
within 1,000 feet of a school.

261

790.115(2)(b) 3rd Possessing electric weapon or
device, destructive device, or
other weapon on school
property.

262

790.115(2)(c) 3rd Possessing firearm on school
property.

263

794.051(1) 3rd Indecent, lewd, or lascivious
touching of certain minors.

264

800.04(7)(c) 3rd Lewd or lascivious exhibition;
offender less than 18 years.

265

806.135 2nd Destroying or demolishing a
memorial or historic property.

266

810.02(4)(a) 3rd Burglary, or attempted
burglary, of an unoccupied
structure; unarmed; no assault



276	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
277	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
278	817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
279	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
280	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
281	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
282	836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
	836.14(3)	3rd	Person who willfully possesses



a sexually explicit image with
certain knowledge, intent, and
purpose.

283

837.02 (1) 3rd Perjury in official
proceedings.

284

837.021 (1) 3rd Make contradictory statements
in official proceedings.

285

838.022 3rd Official misconduct.

286

839.13 (2) (a) 3rd Falsifying records of an
individual in the care and
custody of a state agency.

287

839.13 (2) (c) 3rd Falsifying records of the
Department of Children and
Families.

288

843.021 3rd Possession of a concealed
handcuff key by a person in
custody.

289

843.025 3rd Deprive law enforcement,
correctional, or correctional
probation officer of means of
protection or communication.

290



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



299 914.23(2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

300 916.1085 3rd Introduction of specified
(2) (c) 1. contraband into certain DCF
facilities.

301 918.12 3rd Tampering with jurors.

302 934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.

303 944.47(1) (a) 6. 3rd Introduction of contraband
(cellular telephone or other
portable communication device)
into correctional institution.

304 951.22(1) (h), 3rd Intoxicating drug,
(j) & (k) instrumentality or other device
to aid escape, or cellular
telephone or other portable
communication device introduced
into county detention facility.

305
306
307 (e) LEVEL 5



249990

308

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 sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply,
-----------------	-----	---



249990

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

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.

319

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

320



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.
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.
	790.23	2nd	Felons in possession of



249990

age or older; \$10,000 or more
but less than \$50,000.

336

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

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), 3rd Filing false financial
(2) (a) & (3) (a) statements, making false



249990

motion picture, etc., which
includes child pornography.

350

827.071(5) 3rd Possess, control, or
intentionally view any
photographic material, motion
picture, etc., which includes
child pornography.

351

828.12(2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

352

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

353

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.

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 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
357	847.0138 (2) & (3)	3rd	Transmission of material 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	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
360	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).
361	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s.



249990

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.
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



249990

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.

388

784.083 (2) 2nd Aggravated assault on code
inspector.

389

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

390



391	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
392	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
393	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.
394	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
395	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
396	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;



249990

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.

400

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

401

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

402

812.014 (2) (c) 5. 3rd Grand theft; third degree;
firearm.

403

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

404

812.015 (9) (a) 2nd Retail theft; property stolen



249990

\$750 or more; second or
subsequent conviction.

405

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

406

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

407

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

408

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

409

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

410

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

411

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

412



249990

413	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
414	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
415	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
416	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
417	827.03 (2) (c)	3rd	Abuse of a child.
418	827.03 (2) (d)	3rd	Neglect of a child.
419	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
420	828.126 (3)	3rd	Sexual activities involving animals.
421	836.05	2nd	Threats; extortion.
	836.10	2nd	Written or electronic threats to kill, do bodily injury, or



conduct a mass shooting or an
act of terrorism.

422

843.12 3rd Aids or assists person to
escape.

423

847.011 3rd Distributing, offering to
distribute, or possessing with
intent to distribute obscene
materials depicting minors.

424

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

425

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

426

893.131 2nd Distribution of controlled
substances resulting in
overdose or serious bodily
injury.

427

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

428

918.13(2)(b) 2nd Tampering with or fabricating



249990

physical evidence relating to a
capital felony.

429

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.

430

944.40 2nd Escapes.

431

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

432

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

433

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

434

435

436 Section 3. Paragraph (e) of subsection (4) of section
437 397.417, Florida Statutes, is amended to read:

438 397.417 Peer specialists.—

439 (4) BACKGROUND SCREENING.—

440 (e) The background screening conducted under this
441 subsection must ensure that a peer specialist has not been



249990

442 arrested for and is awaiting final disposition of, found guilty
443 of, regardless of adjudication, or entered a plea of nolo
444 contendere or guilty to, or been adjudicated delinquent and the
445 record has not been sealed or expunged for, any offense
446 prohibited under any of the following state laws or similar laws
447 of another jurisdiction:

448 1. Section 393.135, relating to sexual misconduct with
449 certain developmentally disabled clients and reporting of such
450 sexual misconduct.

451 2. Section 394.4593, relating to sexual misconduct with
452 certain mental health patients and reporting of such sexual
453 misconduct.

454 3. Section 409.920, relating to Medicaid provider fraud, if
455 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.



249990

471 11. Chapter 784, relating to assault, battery, and culpable
472 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
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 commit
498 prostitution, except for those offenses expunged pursuant to s.
499 943.0583.



249990

- 500 24. Section 798.02, relating to lewd and lascivious
501 behavior.
- 502 25. Chapter 800, relating to lewdness and indecent
503 exposure.
- 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 personal
526 identification, if the offense was a felony of the first or
527 second degree.
- 528 39. Section 825.102, relating to abuse, aggravated abuse,



249990

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 elderly
534 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.

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.



249990

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 collection
565 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.
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 contraband
581 into a detention facility.
582 Section 4. Paragraph (ff) of subsection (2) of section
583 435.04, Florida Statutes, as amended by section 2 of chapter
584 2023-220, Laws 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 persons subject to this section have
588 not been arrested for and are awaiting final disposition of,
589 have not been found guilty of, regardless of adjudication, or
590 entered a plea of nolo contendere or guilty to, or have not been
591 adjudicated delinquent and the record has not been sealed or
592 expunged for, any offense prohibited under any of the following
593 provisions of state law or similar law of another jurisdiction:

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

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

598 456.074 Certain health care practitioners; immediate
599 suspension of license.-

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

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

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

610 775.15 Time limitations; general time limitations;
611 exceptions.-

612 (17) In addition to the time periods prescribed in this
613 section, a prosecution for digital ~~videe~~ voyeurism in violation
614 of s. 810.145 may be commenced within 1 year after the date on
615 which the victim of digital ~~videe~~ voyeurism obtains actual



249990

616 knowledge of the existence of such a recording or the date on
617 which the recording is confiscated by a law enforcement agency,
618 whichever occurs first. Any dissemination of such a recording
619 before the victim obtains actual knowledge thereof or before its
620 confiscation by a law enforcement agency does not affect any
621 provision of this subsection.

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

624 943.0584 Criminal history records ineligible for court-
625 ordered expunction or court-ordered sealing.—

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

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

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

636 1012.315 Screening standards.—A person is ineligible for
637 educator certification or employment in any position that
638 requires direct contact with students in a district school
639 system, a charter school, or a private school that participates
640 in a state scholarship program under chapter 1002 if the person
641 is on the disqualification list maintained by the department
642 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
643 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible
644 for an exemption under s. 435.07(4)(c), or has been convicted or



645 found guilty of, has had adjudication withheld for, or has pled
646 guilty or nolo contendere to:

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

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

651
652 ===== T I T L E A M E N D M E N T =====

653 And the title is amended as follows:

654 Delete everything before the enacting clause
655 and insert:

656 A bill to be entitled
657 An act relating to digital voyeurism; amending s.
658 810.145, F.S.; providing definitions; redesignating
659 the offense of "video voyeurism" as "digital
660 voyeurism"; revising the elements of the offense;
661 providing criminal penalties; providing reduced
662 criminal penalties for certain violations by persons
663 who are under 19 years of age; redesignating the
664 offense of "video voyeurism dissemination" as "digital
665 voyeurism dissemination"; revising the elements of the
666 offense; providing criminal penalties; specifying that
667 each instance of certain violations is a separate
668 offense; providing for reclassification of certain
669 violations by certain persons; amending s. 921.0022,
670 F.S.; ranking offenses on the offense severity ranking
671 chart of the Criminal Punishment Code; amending ss.
672 397.417, 435.04, 456.074, 775.15, 943.0584, and
673 1012.315, F.S.; conforming provisions to changes made



249990

674

by the act; providing an effective date.