

By the Committee on Criminal Justice; and Senator Book

591-02968-24

20241604c1

1 A bill to be entitled
2 An act relating to digital voyeurism; amending s.
3 810.145, F.S.; providing definitions; redesignating
4 the offense of "video voyeurism" as "digital
5 voyeurism"; revising the elements of the offense;
6 providing criminal penalties; providing reduced
7 criminal penalties for certain violations by persons
8 who are under 19 years of age; redesignating the
9 offense of "video voyeurism dissemination" as "digital
10 voyeurism dissemination"; revising the elements of the
11 offense; providing criminal penalties; specifying that
12 each instance of certain violations is a separate
13 offense; providing for reclassification of certain
14 violations by certain persons; amending s. 921.0022,
15 F.S.; ranking offenses on the offense severity ranking
16 chart of the Criminal Punishment Code; amending ss.
17 397.417, 435.04, 456.074, 775.15, 943.0584, and
18 1012.315, F.S.; conforming provisions to changes made
19 by the act; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 810.145, Florida Statutes, is amended to
24 read:

25 810.145 Digital Video ~~Video~~ voyeurism.—

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.

591-02968-24

20241604c1

30 (b) "Family or household member" has the same meaning as in
31 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~~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,

591-02968-24

20241604c1

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.~~(e)~~ 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~~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,

591-02968-24

20241604c1

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

591-02968-24

20241604c1

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 felony
145 of the second degree.

591-02968-24

20241604c1

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 offense
167 under this section against a child younger than 16 years of age,
168 regardless of whether the person knows or has reason to know the
169 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

591-02968-24

20241604c1

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 ranking
 185 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.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and

189

190

191

192

591-02968-24

20241604c1

lights activated.

193

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

194

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

195

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

196

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

197

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

198

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

591-02968-24

20241604c1

201

376.302 (5)

3rd

Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

379.2431

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.

(1) (e) 5.

202

379.2431

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.

(1) (e) 6.

203

379.2431

3rd

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

(1) (e) 7.

204

400.9935 (4) (a)
or (b)

3rd

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

591-02968-24

20241604c1

205
206
207
208
209
210
211
212

400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.

591-02968-24

20241604c1

213

790.15 (3)

3rd

Person directs another to discharge firearm from a vehicle.

214

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.

215

806.10 (1)

3rd

Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

216

806.10 (2)

3rd

Interferes with or assaults firefighter in performance of duty.

217

810.09 (2) (c)

3rd

Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

218

810.145 (2) (c)

3rd

Digital voyeurism; 19 years of age or older.

219

812.014 (2) (c) 2.

3rd

Grand theft; \$5,000 or more but less than \$10,000.

591-02968-24 20241604c1

220	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
221	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
222	812.081(2)	3rd	Theft of a trade secret.
223	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
224	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
225	817.233	3rd	Burning to defraud insurer.
226	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
227	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
228	817.236	3rd	Filing a false motor vehicle insurance application.

591-02968-24

20241604c1

229

817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

230

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

231

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

232

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

233

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

234

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

591-02968-24

20241604c1

235

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

236

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

237

870.01(2) 3rd Riot.

238

870.01(4) 3rd Inciting a riot.

239

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).

240

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.

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.,

591-02968-24

20241604c1

(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

591-02968-24

20241604c1

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.

591-02968-24

20241604c1

251
252
253
254
255
256
257
258
259
260

918.13(1)	3rd	Tampering with or fabricating physical evidence.
944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
(d) LEVEL 4		
Florida Statute	Felony Degree	Description
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.

591-02968-24 20241604c1

261	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
262	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
263	517.07 (1)	3rd	Failure to register securities.
264	517.12 (1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
265	784.031	3rd	Battery by strangulation.
266	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
267	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
268	784.075	3rd	Battery on detention or commitment facility staff.
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

591-02968-24

20241604c1

269

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

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.

276

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

591-02968-24

20241604c1

custody hearing or delivering
to designated person.

277

787.07 3rd Human smuggling.

278

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

279

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

280

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

281

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

282

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

283

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

284

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

591-02968-24

20241604c1

285
286
287
288
289
290
291
292
293

810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
<u>810.145 (3) (b)</u>	<u>3rd</u>	<u>Digital voyeurism</u> <u>dissemination.</u>
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.
812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
817.505 (4) (a)	3rd	Patient brokering.
817.563 (1)	3rd	Sell or deliver substance other

591-02968-24

20241604c1

than controlled substance
 agreed upon, excluding s.
 893.03(5) drugs.

294

817.568 (2) (a) 3rd Fraudulent use of personal
 identification information.

295

817.5695 (3) (c) 3rd Exploitation of person 65 years
 of age or older, value less
 than \$10,000.

296

817.625 (2) (a) 3rd Fraudulent use of scanning
 device, skimming device, or
 reencoder.

297

817.625 (2) (c) 3rd Possess, sell, or deliver
 skimming device.

298

828.125 (1) 2nd Kill, maim, or cause great
 bodily harm or permanent
 breeding disability to any
 registered horse or cattle.

299

836.14 (2) 3rd Person who commits theft of a
 sexually explicit image with
 intent to promote it.

300

836.14 (3) 3rd Person who willfully possesses
 a sexually explicit image with

591-02968-24

20241604c1

certain knowledge, intent, and purpose.

301

837.02 (1) 3rd Perjury in official proceedings.

302

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

303

838.022 3rd Official misconduct.

304

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

305

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

306

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

307

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

308

843.15 (1) (a) 3rd Failure to appear while on bail

591-02968-24

20241604c1

for felony (bond estreature or
bond jumping).

309
310
311
312
313
314
315
316
317

- 843.19(2) 2nd Injure, disable, or kill
police, fire, or SAR canine or
police horse.
- 847.0135(5)(c) 3rd Lewd or lascivious exhibition
using computer; offender less
than 18 years.
- 870.01(3) 2nd Aggravated rioting.
- 870.01(5) 2nd Aggravated inciting a riot.
- 874.05(1)(a) 3rd Encouraging or recruiting
another to join a criminal
gang.
- 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).
- 914.14(2) 3rd Witnesses accepting bribes.
- 914.22(1) 3rd Force, threaten, etc., witness,
victim, or informant.

591-02968-24

20241604c1

318
319
320
321
322
323
324
325
326

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

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

918.12 3rd Tampering with jurors.

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

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

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.

(e) LEVEL 5

591-02968-24

20241604c1

	Florida Statute	Felony Degree	Description
327	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
328	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
329	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
330	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
331	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
332	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

591-02968-24

20241604c1

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.

333

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

334

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

335

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

336

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

337

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

338

440.381(2) 3rd Submission of false,

591-02968-24

20241604c1

misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

339

624.401 (4) (b) 2. 2nd Transacting insurance without a
certificate or authority;
premium collected \$20,000 or
more but less than \$100,000.

340

626.902 (1) (c) 2nd Representing an unauthorized
insurer; repeat offender.

341

790.01 (3) 3rd Unlawful carrying of a
concealed firearm.

342

790.162 2nd Threat to throw or discharge
destructive device.

343

790.163 (1) 2nd False report of bomb,
explosive, weapon of mass
destruction, or use of firearms
in violent manner.

344

790.221 (1) 2nd Possession of short-barreled
shotgun or machine gun.

345

790.23 2nd Felons in possession of
firearms, ammunition, or

591-02968-24

20241604c1

electronic weapons or devices.

346

796.05 (1) 2nd Live on earnings of a prostitute; 1st offense.

347

800.04 (6) (c) 3rd Lewd or lascivious conduct; offender less than 18 years of age.

348

800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender 18 years of age or older.

349

806.111 (1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

350

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

351

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

352

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

353

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

591-02968-24

20241604c1

but less than \$50,000.

354

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

355

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

356

812.019 (1) 2nd Stolen property; dealing in or
trafficking in.

357

812.081 (3) 2nd Trafficking in trade secrets.

358

812.131 (2) (b) 3rd Robbery by sudden snatching.

359

812.16 (2) 3rd Owning, operating, or
conducting a chop shop.

360

817.034 (4) (a) 2. 2nd Communications fraud, value
\$20,000 to \$50,000.

361

817.234 (11) (b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

362

817.2341 (1), 3rd Filing false financial
(2) (a) & (3) (a) statements, making false
entries of material fact or

591-02968-24

20241604c1

false statements regarding
property values relating to the
solvency of an insuring entity.

363

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.

364

817.611 (2) (a)

2nd

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

365

817.625 (2) (b)

2nd

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

366

825.1025 (4)

3rd

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

367

827.071 (4)

2nd

Possess with intent to promote
any photographic material,
motion picture, etc., which

591-02968-24

20241604c1

includes child pornography.

368

827.071 (5)

3rd

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

369

828.12 (2)

3rd

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

370

836.14 (4)

2nd

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

371

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.

372

843.01 (1)

3rd

Resist officer with violence to person; resist arrest with violence.

373

591-02968-24 20241604c1

374	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
375	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
376	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
377	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
378	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
379	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1.,

591-02968-24

20241604c1

(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.

380

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.

381

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.

382

893.13(1)(f)1. 1st Sell, manufacture, or deliver

591-02968-24

20241604c1

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.

383

893.13(4) (b) 2nd Use or hire of minor; deliver
 to minor other controlled
 substance.

384

893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing
 of controlled substance.

385

386

387 (f) LEVEL 6

388

Florida	Felony	Description
Statute	Degree	

389

316.027(2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
----------------	-----	---

390

316.193(2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
----------------	-----	--

391

400.9935(4) (c)	2nd	Operating a clinic, or offering services requiring licensure,
-----------------	-----	--

591-02968-24

20241604c1

without a license.

392

499.0051(2) 2nd Knowing forgery of transaction history, transaction information, or transaction statement.

393

499.0051(3) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

394

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

395

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

396

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

397

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

398

784.041 3rd Felony battery; domestic battery by strangulation.

399

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

591-02968-24

20241604c1

400
401
402
403
404
405
406
407
408

784.048 (5)	3rd	Aggravated stalking of person under 16.
784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081 (2)	2nd	Aggravated assault on specified official or employee.
784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083 (2)	2nd	Aggravated assault on code inspector.
787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115 (2) (d)	2nd	Discharging firearm or weapon

591-02968-24

20241604c1

on school property.

409

790.161(2)

2nd

Make, possess, or throw destructive device with intent to do bodily harm or damage property.

410

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.

411

790.19

2nd

Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

412

794.011(8)(a)

3rd

Solicitation of minor to participate in sexual activity by custodial adult.

413

794.05(1)

2nd

Unlawful sexual activity with specified minor.

414

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.

591-02968-24

20241604c1

415	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
416	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
417	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
418	810.145 (8) (b)	2nd	<u>Digital Video</u> voyeurism; certain minor victims; 2nd or subsequent offense.
419	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
420	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.
421	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
422	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or

591-02968-24

20241604c1

subsequent conviction.

423

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

424

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

425

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

426

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

427

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

428

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

429

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

430

825.102 (1) 3rd Abuse of an elderly person or

591-02968-24

20241604c1

disabled adult.

431

825.102(3)(c) 3rd Neglect of an elderly person or disabled adult.

432

825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

433

825.103(3)(c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

434

827.03(2)(c) 3rd Abuse of a child.

435

827.03(2)(d) 3rd Neglect of a child.

436

827.071(2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

437

828.126(3) 3rd Sexual activities involving animals.

438

836.05 2nd Threats; extortion.

439

836.10 2nd Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an

591-02968-24

20241604c1

act of terrorism.

440

843.12 3rd Aids or assists person to escape.

441

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

442

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

443

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

444

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

445

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

446

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

591-02968-24

20241604c1

capital felony.

447

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.

448

944.40 2nd Escapes.

449

944.46 3rd Harboring, concealing, aiding escaped prisoners.

450

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

451

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

452

453

454 Section 3. Paragraph (e) of subsection (4) of section
455 397.417, Florida Statutes, is amended to read:

456 397.417 Peer specialists.—

457 (4) BACKGROUND SCREENING.—

458 (e) The background screening conducted under this
459 subsection must ensure that a peer specialist has not been
460 arrested for and is awaiting final disposition of, found guilty

591-02968-24

20241604c1

461 of, regardless of adjudication, or entered a plea of nolo
462 contendere or guilty to, or been adjudicated delinquent and the
463 record has not been sealed or expunged for, any offense
464 prohibited under any of the following state laws or similar laws
465 of another jurisdiction:

466 1. Section 393.135, relating to sexual misconduct with
467 certain developmentally disabled clients and reporting of such
468 sexual misconduct.

469 2. Section 394.4593, relating to sexual misconduct with
470 certain mental health patients and reporting of such sexual
471 misconduct.

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

474 4. Section 415.111, relating to abuse, neglect, or
475 exploitation of vulnerable adults.

476 5. Any offense that constitutes domestic violence as
477 defined in s. 741.28.

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

480 7. Section 782.04, relating to murder.

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

486 9. Section 782.071, relating to vehicular homicide.

487 10. Section 782.09, relating to killing an unborn child by
488 injury to the mother.

489 11. Chapter 784, relating to assault, battery, and culpable

591-02968-24

20241604c1

- 490 negligence, if the offense was a felony.
- 491 12. Section 787.01, relating to kidnapping.
- 492 13. Section 787.02, relating to false imprisonment.
- 493 14. Section 787.025, relating to luring or enticing a
494 child.
- 495 15. Section 787.04(2), relating to leading, taking,
496 enticing, or removing a minor beyond state limits, or concealing
497 the location of a minor, with criminal intent pending custody
498 proceedings.
- 499 16. Section 787.04(3), relating to leading, taking,
500 enticing, or removing a minor beyond state limits, or concealing
501 the location of a minor, with criminal intent pending dependency
502 proceedings or proceedings concerning alleged abuse or neglect
503 of a minor.
- 504 17. Section 790.115(1), relating to exhibiting firearms or
505 weapons within 1,000 feet of a school.
- 506 18. Section 790.115(2)(b), relating to possessing an
507 electric weapon or device, a destructive device, or any other
508 weapon on school property.
- 509 19. Section 794.011, relating to sexual battery.
- 510 20. Former s. 794.041, relating to prohibited acts of
511 persons in familial or custodial authority.
- 512 21. Section 794.05, relating to unlawful sexual activity
513 with certain minors.
- 514 22. Section 794.08, relating to female genital mutilation.
- 515 23. Section 796.07, relating to procuring another to commit
516 prostitution, except for those offenses expunged pursuant to s.
517 943.0583.
- 518 24. Section 798.02, relating to lewd and lascivious

591-02968-24

20241604c1

519 behavior.

520 25. Chapter 800, relating to lewdness and indecent
521 exposure.

522 26. Section 806.01, relating to arson.

523 27. Section 810.02, relating to burglary, if the offense
524 was a felony of the first degree.

525 28. Section 810.14, relating to voyeurism, if the offense
526 was a felony.

527 29. Section 810.145, relating to digital ~~video~~ voyeurism,
528 if the offense was a felony.

529 30. Section 812.13, relating to robbery.

530 31. Section 812.131, relating to robbery by sudden
531 snatching.

532 32. Section 812.133, relating to carjacking.

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

534 34. Section 817.034, relating to communications fraud, if
535 the offense was a felony of the first degree.

536 35. Section 817.234, relating to false and fraudulent
537 insurance claims, if the offense was a felony of the first or
538 second degree.

539 36. Section 817.50, relating to fraudulently obtaining
540 goods or services from a health care provider and false reports
541 of a communicable disease.

542 37. Section 817.505, relating to patient brokering.

543 38. Section 817.568, relating to fraudulent use of personal
544 identification, if the offense was a felony of the first or
545 second degree.

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

591-02968-24

20241604c1

548 40. Section 825.1025, relating to lewd or lascivious
549 offenses committed upon or in the presence of an elderly person
550 or a disabled person.

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

553 42. Section 826.04, relating to incest.

554 43. Section 827.03, relating to child abuse, aggravated
555 child abuse, or neglect of a child.

556 44. Section 827.04, relating to contributing to the
557 delinquency or dependency of a child.

558 45. Former s. 827.05, relating to negligent treatment of
559 children.

560 46. Section 827.071, relating to sexual performance by a
561 child.

562 47. Section 831.30, relating to fraud in obtaining
563 medicinal drugs.

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

568 49. Section 843.01, relating to resisting arrest with
569 violence.

570 50. Section 843.025, relating to depriving a law
571 enforcement, correctional, or correctional probation officer of
572 the means of protection or communication.

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

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

576 53. Chapter 847, relating to obscenity.

591-02968-24

20241604c1

577 54. Section 874.05, relating to encouraging or recruiting
578 another to join a criminal gang.

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

582 56. Section 895.03, relating to racketeering and collection
583 of unlawful debts.

584 57. Section 896.101, relating to the Florida Money
585 Laundering Act.

586 58. Section 916.1075, relating to sexual misconduct with
587 certain forensic clients and reporting of such sexual
588 misconduct.

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

591 60. Section 944.40, relating to escape.

592 61. Section 944.46, relating to harboring, concealing, or
593 aiding an escaped prisoner.

594 62. Section 944.47, relating to introduction of contraband
595 into a correctional institution.

596 63. Section 985.701, relating to sexual misconduct in
597 juvenile justice programs.

598 64. Section 985.711, relating to introduction of contraband
599 into a detention facility.

600 Section 4. Paragraph (ff) of subsection (2) of section
601 435.04, Florida Statutes, as amended by section 2 of chapter
602 2023-220, Laws of Florida, is amended to read:

603 435.04 Level 2 screening standards.—

604 (2) The security background investigations under this
605 section must ensure that persons subject to this section have

591-02968-24

20241604c1

606 not been arrested for and are awaiting final disposition of,
607 have not been found guilty of, regardless of adjudication, or
608 entered a plea of nolo contendere or guilty to, or have not been
609 adjudicated delinquent and the record has not been sealed or
610 expunged for, any offense prohibited under any of the following
611 provisions of state law or similar law of another jurisdiction:

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

614 Section 5. Paragraph (s) of subsection (5) of section
615 456.074, Florida Statutes, is amended to read:

616 456.074 Certain health care practitioners; immediate
617 suspension of license.—

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

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

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

628 775.15 Time limitations; general time limitations;
629 exceptions.—

630 (17) In addition to the time periods prescribed in this
631 section, a prosecution for digital ~~videe~~ voyeurism in violation
632 of s. 810.145 may be commenced within 1 year after the date on
633 which the victim of digital ~~videe~~ voyeurism obtains actual
634 knowledge of the existence of such a recording or the date on

591-02968-24

20241604c1

635 which the recording is confiscated by a law enforcement agency,
636 whichever occurs first. Any dissemination of such a recording
637 before the victim obtains actual knowledge thereof or before its
638 confiscation by a law enforcement agency does not affect any
639 provision of this subsection.

640 Section 7. Paragraph (r) of subsection (2) of section
641 943.0584, Florida Statutes, is amended to read:

642 943.0584 Criminal history records ineligible for court-
643 ordered expunction or court-ordered sealing.—

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

650 (r) Voyeurism or digital video ~~video~~ voyeurism, as defined in ss.
651 810.14 and 810.145, respectively;

652 Section 8. Paragraph (y) of subsection (1) of section
653 1012.315, Florida Statutes, is amended to read:

654 1012.315 Screening standards.—A person is ineligible for
655 educator certification or employment in any position that
656 requires direct contact with students in a district school
657 system, a charter school, or a private school that participates
658 in a state scholarship program under chapter 1002 if the person
659 is on the disqualification list maintained by the department
660 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
661 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible
662 for an exemption under s. 435.07(4)(c), or has been convicted or
663 found guilty of, has had adjudication withheld for, or has pled

591-02968-24

20241604c1

664 guilty or nolo contendere to:

665 (1) Any felony offense prohibited under any of the
666 following statutes:

667 (y) Section 810.145, relating to digital ~~video~~ voyeurism.

668 Section 9. This act shall take effect October 1, 2024.