

By the Committees on Fiscal Policy; and Criminal Justice; and
Senator Book

594-03380-24

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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.

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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,

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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,

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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

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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 secret viewing of a person in
125 violation of subsection (2) or the broadcasting, recording,
126 disseminating, distributing, or transferring of an image or
127 recording made in violation of subsection (2) is a separate
128 offense for which a separate penalty is authorized. ~~Except as~~
129 provided in subsections (7) and (8):

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

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

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

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

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

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146 of the second degree.

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

149
150 For purposes of sentencing under chapter 921 and incentive gain-
151 time eligibility under chapter 944, a felony that is
152 reclassified under this subsection is ranked one level above the
153 ranking under s. 921.0022 of the felony offense committed.

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

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

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

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

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

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

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

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

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

185 921.0022 Criminal Punishment Code; offense severity ranking
 186 chart.—

187 (3) OFFENSE SEVERITY RANKING CHART

188 (c) LEVEL 3

189

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

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patrol vehicle with siren and
lights activated.

194

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

195

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

196

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

197

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

198

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

199

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

200

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

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201

376.302 (5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

202

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.

203

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.

204

379.2431 (1) (e) 7. 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

205

400.9935 (4) (a) or (b) 3rd Operating a clinic, or offering services requiring licensure,

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without a license.

206

400.9935 (4) (e)

3rd

Filing a false license application or other required information or failing to report information.

207

440.1051 (3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

208

501.001 (2) (b)

2nd

Tampers with a consumer product or the container using materially false/misleading information.

209

624.401 (4) (a)

3rd

Transacting insurance without a certificate of authority.

210

624.401 (4) (b) 1.

3rd

Transacting insurance without a certificate of authority; premium collected less than \$20,000.

211

626.902 (1) (a) &
(b)

3rd

Representing an unauthorized insurer.

212

697.08

3rd

Equity skimming.

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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.

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

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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.

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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.

241

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.,

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

242

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

243

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

244

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

245

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

246

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

247

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

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document or record required by
chapter 893.

248

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.

249

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.

250

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

251

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

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practitioner.

252

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

253

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

254

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

255

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

256

257 (d) LEVEL 4

258

Florida	Felony	Description
Statute	Degree	

259

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.
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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.

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784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
784.081 (3)	3rd	Battery on specified official or employee.
784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
784.083 (3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at

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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.

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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

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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

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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

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for felony (bond estreature or
bond jumping).

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- 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.

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318

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

319

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

320

918.12 3rd Tampering with jurors.

321

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

322

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

323

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.

324

(e) LEVEL 5

325

Florida Felony Description

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Statute

Degree

326

316.027(2)(a) 3rd Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.

327

316.1935(4)(a) 2nd Aggravated fleeing or eluding.

328

316.80(2) 2nd Unlawful conveyance of fuel; obtaining fuel fraudulently.

329

322.34(6) 3rd Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

330

327.30(5) 3rd Vessel accidents involving personal injury; leaving scene.

331

379.365(2)(c)1. 3rd Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or

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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.

332

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

333

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

334

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

335

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

336

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

337

440.381(2) 3rd Submission of false, misleading, or incomplete

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

338

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

339

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

340

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

341

790.162 2nd Threat to throw or discharge
destructive device.

342

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

343

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

344

790.23 2nd Felons in possession of
firearms, ammunition, or
electronic weapons or devices.

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796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
<u>810.145 (4) (c)</u>	<u>3rd</u>	<u>Commercial digital voyeurism dissemination.</u>
<u>810.145 (7) (a)</u>	<u>2nd</u>	<u>Digital voyeurism; 2nd or subsequent offense.</u>
<u>810.145 (8) (a)</u>	<u>2nd</u>	<u>Digital voyeurism; certain minor victims.</u>
812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

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353

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

354

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

355

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

356

812.081 (3) 2nd Trafficking in trade secrets.

357

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

358

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

359

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

360

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

361

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

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property values relating to the solvency of an insuring entity.

362

817.568 (2) (b)

2nd

Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

363

817.611 (2) (a)

2nd

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

364

817.625 (2) (b)

2nd

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

365

825.1025 (4)

3rd

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

366

827.071 (4)

2nd

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

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367

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

368

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

369

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

370

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.

371

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

372

847.0135 (5) (b) 2nd Lewd or lascivious exhibition

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using computer; offender 18 years or older.

373

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

374

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

375

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

376

874.05(2)(a) 2nd Encouraging or recruiting
person under 13 years of age to
join a criminal gang.

377

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).

378

893.13(1)(c)2. 2nd Sell, manufacture, or deliver
cannabis (or other s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)6.,

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(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.

379

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.

380

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.

381

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

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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.

382

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

383

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

384

385 (f) LEVEL 6

386

Florida Statute	Felony Degree	Description
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387

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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388

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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389

400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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391 499.0051 (2) 2nd Knowing forgery of transaction
 history, transaction
 information, or transaction
 statement.

392 499.0051 (3) 2nd Knowing purchase or receipt of
 prescription drug from
 unauthorized person.

393 499.0051 (4) 2nd Knowing sale or transfer of
 prescription drug to
 unauthorized person.

394 775.0875 (1) 3rd Taking firearm from law
 enforcement officer.

395 784.021 (1) (a) 3rd Aggravated assault; deadly
 weapon without intent to kill.

396 784.021 (1) (b) 3rd Aggravated assault; intent to
 commit felony.

397 784.041 3rd Felony battery; domestic
 battery by strangulation.

398 784.048 (3) 3rd Aggravated stalking; credible
 threat.

784.048 (5) 3rd Aggravated stalking of person

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under 16.

399

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

400

784.074(1)(b) 2nd Aggravated assault on sexually violent predators facility staff.

401

784.08(2)(b) 2nd Aggravated assault on a person 65 years of age or older.

402

784.081(2) 2nd Aggravated assault on specified official or employee.

403

784.082(2) 2nd Aggravated assault by detained person on visitor or other detainee.

404

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

405

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

406

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

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408

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

409

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.

410

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

411

794.011(8)(a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

412

794.05(1) 2nd Unlawful sexual activity with specified minor.

413

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.

800.04(6)(b) 2nd Lewd or lascivious conduct;

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offender 18 years of age or
older.

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806.031 (2) 2nd Arson resulting in great bodily
harm to firefighter or any
other person.

810.02 (3) (c) 2nd Burglary of occupied structure;
unarmed; no assault or battery.

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

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

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

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

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

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422 812.015 (9) (b) 2nd Retail theft; aggregated
property stolen within 30 days
is \$3,000 or more; coordination
of others.

423 812.015 (9) (d) 2nd Retail theft; multiple thefts
within specified period.

424 812.13 (2) (c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

425 817.4821 (5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

426 817.49 (2) (b) 2. 2nd Willful making of a false
report of a crime resulting in
death.

427 817.505 (4) (b) 2nd Patient brokering; 10 or more
patients.

428 817.5695 (3) (b) 2nd Exploitation of person 65 years
of age or older, value \$10,000
or more, but less than \$50,000.

429 825.102 (1) 3rd Abuse of an elderly person or
disabled adult.

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

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

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

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

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

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

828.126 (3) 3rd Sexual activities involving animals.

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.

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843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.

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944.35(3)(a)2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

446

944.40 2nd Escapes.

447

944.46 3rd Harboring, concealing, aiding escaped prisoners.

448

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

449

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

450

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

451

397.417 Peer specialists.—

452

(4) BACKGROUND SCREENING.—

453

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

460

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461 prohibited under any of the following state laws or similar laws
462 of another jurisdiction:

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

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

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

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

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

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

477 7. Section 782.04, relating to murder.

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

483 9. Section 782.071, relating to vehicular homicide.

484 10. Section 782.09, relating to killing an unborn child by
485 injury to the mother.

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

488 12. Section 787.01, relating to kidnapping.

489 13. Section 787.02, relating to false imprisonment.

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

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

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

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

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

506 19. Section 794.011, relating to sexual battery.

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

509 21. Section 794.05, relating to unlawful sexual activity
510 with certain minors.

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

512 23. Section 796.07, relating to procuring another to commit
513 prostitution, except for those offenses expunged pursuant to s.
514 943.0583.

515 24. Section 798.02, relating to lewd and lascivious
516 behavior.

517 25. Chapter 800, relating to lewdness and indecent
518 exposure.

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- 519 26. Section 806.01, relating to arson.
- 520 27. Section 810.02, relating to burglary, if the offense
521 was a felony of the first degree.
- 522 28. Section 810.14, relating to voyeurism, if the offense
523 was a felony.
- 524 29. Section 810.145, relating to digital ~~video~~ voyeurism,
525 if the offense was a felony.
- 526 30. Section 812.13, relating to robbery.
- 527 31. Section 812.131, relating to robbery by sudden
528 snatching.
- 529 32. Section 812.133, relating to carjacking.
- 530 33. Section 812.135, relating to home-invasion robbery.
- 531 34. Section 817.034, relating to communications fraud, if
532 the offense was a felony of the first degree.
- 533 35. Section 817.234, relating to false and fraudulent
534 insurance claims, if the offense was a felony of the first or
535 second degree.
- 536 36. Section 817.50, relating to fraudulently obtaining
537 goods or services from a health care provider and false reports
538 of a communicable disease.
- 539 37. Section 817.505, relating to patient brokering.
- 540 38. Section 817.568, relating to fraudulent use of personal
541 identification, if the offense was a felony of the first or
542 second degree.
- 543 39. Section 825.102, relating to abuse, aggravated abuse,
544 or neglect of an elderly person or a disabled adult.
- 545 40. Section 825.1025, relating to lewd or lascivious
546 offenses committed upon or in the presence of an elderly person
547 or a disabled person.

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

550 42. Section 826.04, relating to incest.

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

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

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

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

559 47. Section 831.30, relating to fraud in obtaining
560 medicinal drugs.

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

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

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

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

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

573 53. Chapter 847, relating to obscenity.

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

576 55. Chapter 893, relating to drug abuse prevention and

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577 control, if the offense was a felony of the second degree or
578 greater severity.

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

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

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

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

588 60. Section 944.40, relating to escape.

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

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

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

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

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

600 435.04 Level 2 screening standards.—

601 (2) The security background investigations under this
602 section must ensure that persons subject to this section have
603 not been arrested for and are awaiting final disposition of,
604 have not been found guilty of, regardless of adjudication, or
605 entered a plea of nolo contendere or guilty to, or have not been

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606 adjudicated delinquent and the record has not been sealed or
607 expunged for, any offense prohibited under any of the following
608 provisions of state law or similar law of another jurisdiction:

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

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

613 456.074 Certain health care practitioners; immediate
614 suspension of license.—

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

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

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

625 775.15 Time limitations; general time limitations;
626 exceptions.—

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

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635 confiscation by a law enforcement agency does not affect any
636 provision of this subsection.

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

639 943.0584 Criminal history records ineligible for court-
640 ordered expunction or court-ordered sealing.—

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

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

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

651 1012.315 Screening standards.—A person is ineligible for
652 educator certification or employment in any position that
653 requires direct contact with students in a district school
654 system, a charter school, or a private school that participates
655 in a state scholarship program under chapter 1002 if the person
656 is on the disqualification list maintained by the department
657 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
658 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible
659 for an exemption under s. 435.07(4)(c), or has been convicted or
660 found guilty of, has had adjudication withheld for, or has pled
661 guilty or nolo contendere to:

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

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