

By the Committee on Criminal Justice; and Senator Collins

591-02830-25

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1 A bill to be entitled
2 An act relating to age as an element of a criminal
3 offense; creating s. 787.001, F.S.; providing that
4 ignorance of a victim's age, misrepresentation of a
5 victim's age, and a bona fide belief concerning a
6 victim's age are not defenses to certain offenses in
7 which the victim's age is an element of the offense;
8 providing an exception; amending s. 787.025, F.S.;
9 revising the age requirements for committing the
10 offenses relating to luring or enticing a child;
11 providing increased criminal penalties; revising an
12 affirmative defense; amending s. 921.0022, F.S.;
13 ranking offenses on the offense severity ranking chart
14 of the Criminal Punishment Code; providing an
15 effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 787.001, Florida Statutes, is created to
20 read:

21 787.001 Victim's age; ignorance and misrepresentation not
22 defenses.—When, in this chapter, the criminality of conduct
23 depends upon the victim being below a certain age, ignorance of
24 the victim's age is not a defense. Misrepresentation of a
25 victim's age by any person or a bona fide belief that a victim
26 is over a specified age is also not a defense. This section does
27 not apply to s. 787.30.

28 Section 2. Subsection (2) and paragraph (b) of subsection
29 (3) of section 787.025, Florida Statutes, are amended to read:

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30 787.025 Luring or enticing a child.—

31 (2) (a) A person 18 years of age or older who intentionally
32 lures or entices, or attempts to lure or entice, a child under
33 the age of 16 ~~12~~ into a structure, dwelling, or conveyance for
34 other than a lawful purpose commits a felony ~~misdemeanor~~ of the
35 third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
36 775.083, or s. 775.084.

37 (b) A person 18 years of age or older who, having been
38 previously convicted of a violation of paragraph (a),
39 intentionally lures or entices, or attempts to lure or entice, a
40 child under the age of 16 ~~12~~ into a structure, dwelling, or
41 conveyance for other than a lawful purpose commits a felony of
42 the second ~~third~~ degree, punishable as provided in s. 775.082,
43 s. 775.083, or s. 775.084.

44 (c) A person 18 years of age or older who, having been
45 previously convicted of a violation of chapter 794, s. 800.04,
46 or s. 847.0135(5), or a violation of a similar law of another
47 jurisdiction, intentionally lures or entices, or attempts to
48 lure or entice, a child under the age of 16 ~~12~~ into a structure,
49 dwelling, or conveyance for other than a lawful purpose commits
50 a felony of the second ~~third~~ degree, punishable as provided in
51 s. 775.082, s. 775.083, or s. 775.084.

52 (3) It is an affirmative defense to a prosecution under
53 this section that:

54 (b) The person lured or enticed, or attempted to lure or
55 entice, the child under the age of 16 ~~12~~ into a structure,
56 dwelling, or conveyance for a lawful purpose.

57 Section 3. Paragraph (g) of subsection (3) of section
58 921.0022, Florida Statutes, is amended to read:

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59 921.0022 Criminal Punishment Code; offense severity ranking
 60 chart.—

61 (3) OFFENSE SEVERITY RANKING CHART

62 (g) LEVEL 7

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Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; 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.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm,

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69			permanent disfiguration, permanent disability, or death.
70	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
71	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
72	456.065 (2)	3rd	Practicing a health care profession without a license.
73	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
74	458.327 (1)	3rd	Practicing medicine without a license.
75	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
76	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine without a license.

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462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901 (7)	3rd	Practicing medical physics without a license.

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484.013(1)(c) 3rd Preparing or dispensing optical devices without a prescription.

484.053 3rd Dispensing hearing aids without a license.

494.0018(2) 1st Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

560.123(8)(b)1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

560.125(5)(a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

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	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
93	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
94	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
95	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
96	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
97	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular

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homicide).

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782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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784.045 (1) (a) 1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

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784.045 (1) (a) 2. 2nd Aggravated battery; using deadly weapon.

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784.045 (1) (b) 2nd Aggravated battery; perpetrator aware victim pregnant.

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784.048 (4) 3rd Aggravated stalking; violation of injunction or court order.

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784.048 (7) 3rd Aggravated stalking; violation of court order.

104

784.07 (2) (d) 1st Aggravated battery on law enforcement officer.

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784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.

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784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
784.081 (1)	1st	Aggravated battery on specified official or employee.
784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083 (1)	1st	Aggravated battery on code inspector.
<u>787.025 (2) (a)</u>	<u>3rd</u>	<u>Luring or enticing a child.</u>
<u>787.025 (2) (b)</u>	<u>2nd</u>	<u>Luring or enticing a child; second or subsequent offense.</u>
<u>787.025 (2) (c)</u>	<u>2nd</u>	<u>Luring or enticing a child with a specified prior conviction.</u>
787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of

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an adult from outside Florida
to within the state.

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790.07(4) 1st Specified weapons violation
subsequent to previous
conviction of s. 790.07(1) or
(2).

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790.16(1) 1st Discharge of a machine gun
under specified circumstances.

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790.165(2) 2nd Manufacture, sell, possess, or
deliver hoax bomb.

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790.165(3) 2nd Possessing, displaying, or
threatening to use any hoax
bomb while committing or
attempting to commit a felony.

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790.166(3) 2nd Possessing, selling, using, or
attempting to use a hoax weapon
of mass destruction.

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790.166(4) 2nd Possessing, displaying, or
threatening to use a hoax
weapon of mass destruction
while committing or attempting
to commit a felony.

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790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

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794.08 (4) 3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

124

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

125

796.05 (1) 1st Live on earnings of a prostitute; 3rd and subsequent offense.

126

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.

127

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.

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128	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
129	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
130	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
131	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
132	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
133	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other

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property damage; 1st degree grand theft.

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812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

135

812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

136

812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

137

812.014 (2) (g) 2nd Grand theft; second degree; firearm with previous conviction of s. 812.014(2) (c) 5.

138

812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.

139

812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

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812.131 (2) (a) 2nd Robbery by sudden snatching.

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812.133(2)(b) 1st Carjacking; no firearm, deadly
weapon, or other weapon.

142

817.034(4)(a)1. 1st Communications fraud, value
greater than \$50,000.

143

817.234(8)(a) 2nd Solicitation of motor vehicle
accident victims with intent to
defraud.

144

817.234(9) 2nd Organizing, planning, or
participating in an intentional
motor vehicle collision.

145

817.234(11)(c) 1st Insurance fraud; property value
\$100,000 or more.

146

817.2341 1st Making false entries of
(2)(b) & material fact or false
(3)(b) statements regarding property
values relating to the solvency
of an insuring entity which are
a significant cause of the
insolvency of that entity.

147

817.418(2)(a) 3rd Offering for sale or
advertising personal protective
equipment with intent to

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defraud.

148

817.504 (1) (a) 3rd Offering or advertising a vaccine with intent to defraud.

149

817.535 (2) (a) 3rd Filing false lien or other unauthorized document.

150

817.611 (2) (b) 2nd Traffic in or possess 15 to 49 counterfeit credit cards or related documents.

151

825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

152

825.103 (3) (b) 2nd Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.

153

827.03 (2) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

154

827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

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

156

827.071(4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.

157

837.05(2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

158

838.015 2nd Bribery.

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838.016 2nd Unlawful compensation or reward for official behavior.

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838.021(3)(a) 2nd Unlawful harm to a public servant.

161

838.22 2nd Bid tampering.

162

843.0855(2) 3rd Impersonation of a public officer or employee.

163

843.0855(3) 3rd Unlawful simulation of legal process.

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843.0855 (4) 3rd Intimidation of a public officer or employee.

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847.0135 (3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

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847.0135 (4) 2nd Traveling to meet a minor to commit an unlawful sex act.

167

872.06 2nd Abuse of a dead human body.

168

874.05 (2) (b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

169

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

170

893.13 (1) (c) 1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.) within 1,000 feet of a child

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care facility, school, or
state, county, or municipal
park or publicly owned
recreational facility or
community center.

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893.13(1)(e)1. 1st Sell, manufacture, or deliver
cocaine or other drug
prohibited under s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)5.,
within 1,000 feet of property
used for religious services or
a specified business site.

172

893.13(4)(a) 1st Use or hire of minor; deliver
to minor other controlled
substance.

173

893.135(1)(a)1. 1st Trafficking in cannabis, more
than 25 lbs., less than 2,000
lbs.

174

893.135 1st Trafficking in cocaine, more
(1)(b)1.a. than 28 grams, less than 200
grams.

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893.135 1st Trafficking in illegal drugs,
(1)(c)1.a. more than 4 grams, less than 14

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grams.

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893.135
(1) (c) 2.a.

1st

Trafficking in hydrocodone, 28
grams or more, less than 50
grams.

177

893.135
(1) (c) 2.b.

1st

Trafficking in hydrocodone, 50
grams or more, less than 100
grams.

178

893.135
(1) (c) 3.a.

1st

Trafficking in oxycodone, 7
grams or more, less than 14
grams.

179

893.135
(1) (c) 3.b.

1st

Trafficking in oxycodone, 14
grams or more, less than 25
grams.

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893.135
(1) (c) 4.b. (I)

1st

Trafficking in fentanyl, 4
grams or more, less than 14
grams.

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893.135
(1) (d) 1.a.

1st

Trafficking in phencyclidine,
28 grams or more, less than 200
grams.

182

893.135 (1) (e) 1.

1st

Trafficking in methaqualone,
200 grams or more, less than 5
kilograms.

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893.135(1)(f)1. 1st Trafficking in amphetamine, 14 grams or more, less than 28 grams.

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893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

185

893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

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893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

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893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

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893.135(1)(m)2.a. 1st Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.

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893.135(1)(m)2.b. 1st Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.

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893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

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943.0435 (9) (a) 3rd Sexual offender; failure to
comply with reporting
requirements.

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943.0435 (13) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

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943.0435 (14) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

200

944.607 (9) 3rd Sexual offender; failure to
comply with reporting
requirements.

201

944.607 (10) (a) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

202

944.607 (12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

944.607 (13) 3rd Sexual offender; failure to

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report and reregister; failure to respond to address verification; providing false registration information.

203

985.4815(10)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

204

985.4815(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

205

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

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Section 4. This act shall take effect October 1, 2025.