

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Criminal Justice; and Senator Gaetz

604-03476-25

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A bill to be entitled

An act relating to sexual images; creating s. 800.045, F.S.; defining terms; prohibiting a person from possessing with the intent to promote specified depictions that include a lewd or lascivious image; providing criminal penalties; prohibiting a person from knowingly soliciting, possessing, controlling, or intentionally viewing a depiction that includes a lewd or lascivious image; providing criminal penalties; providing applicability; amending s. 827.071, F.S.; revising the definition of the term "sexual conduct"; prohibiting a person from soliciting specified depictions of child pornography; specifying that the solicitation of each specified depiction or each child depicted is a separate offense; providing criminal penalties; revising applicability; creating s. 827.073, F.S.; defining terms; prohibiting a person from knowingly possessing, controlling, or intentionally viewing a visual depiction he or she knows includes an altered sexual depiction of an identifiable minor; providing for prima facie evidence of intent to promote; providing criminal penalties; providing criminal penalties for persons who intentionally generate an altered sexual depiction of a minor; providing criminal penalties for persons who solicit an altered sexual depiction of a minor, without consent of the identifiable minor, and who know or reasonably should have known that such visual depiction was an altered sexual depiction; providing

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criminal penalties for persons who willfully and intentionally promote an altered sexual depiction of an identifiable minor, without consent of the identifiable minor, and who know or reasonably should have known that such visual depiction was an altered sexual depiction; providing for a civil cause of action; providing for injunctive relief, damages, and attorney fees and costs; providing applicability; amending s. 836.13, F.S.; defining the term "generate"; providing criminal penalties for persons who possess with the intent to promote an altered sexual depiction of an identifiable person without the consent of the identifiable person; providing criminal penalties for a persons who willfully generate or solicit an altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who know or reasonably should have known that such visual depiction was an altered sexual depiction; revising what is not considered a defense to such offenses; providing for a civil cause of action; providing for injunctive relief, damages, and attorney fees and costs; revising and providing applicability; amending s. 921.0022, F.S.; ranking offenses created by and an offense revised by the act for purposes of the severity ranking chart of the Criminal Punishment Code; making a conforming change; providing an effective date.

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

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59
60 Section 1. Section 800.045, Florida Statutes, is created to
61 read:

62 800.045 Lewd or lascivious images; penalties.—

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

64 (a) "Identifiable minor" means a person:

65 1. Who was younger than 16 years of age at the time the
66 lewd or lascivious image was created, altered, adapted, or
67 modified, or whose image was used in the creating, altering,
68 adapting, or modifying of the lewd or lascivious image; and

69 2. Who is recognizable as an actual person by the person's
70 face, likeness, or any distinguishing characteristic, such as a
71 unique birthmark, or any recognizable feature.

72
73 The term may not be construed to require proof of the actual
74 identity of the identifiable minor.

75 (b) "Intentionally view" has the same meaning as in s.
76 827.071.

77 (c) "Lewd or lascivious image" means:

78 1. Any image depicting lewd or lascivious exhibition in
79 violation of s. 800.04(7); or

80 2. Any image that has been created, altered, adapted, or
81 modified by electronic, mechanical, or other means to portray
82 lewd or lascivious exhibition in violation of s. 800.04(7)
83 committed in the presence of an identifiable minor.

84 (d) "Promote" has the same meaning as in s. 827.071.

85 (2) It is unlawful for any person to possess with the
86 intent to promote any photograph, motion picture, exhibition,
87 show, representation, or other presentation which, in whole or

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in part, includes a lewd or lascivious image. The possession of
three or more copies of such photograph, motion picture,
representation, or presentation is prima facie evidence of an
intent to promote. A person who violates this subsection commits
a felony of the second degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.

(3)(a) It is unlawful for any person to knowingly solicit,
possess, control, or intentionally view a photograph, motion
picture, exhibition, show, representation, image, data, computer
depiction, or other presentation, in whole or in part, which he
or she knows to include a lewd or lascivious image. The
solicitation, possession, control, or intentional viewing of
each such photograph, motion picture, exhibition, show, image,
data, computer depiction, representation, or presentation is a
separate offense. If such photograph, motion picture,
exhibition, show, representation, image, data, computer
depiction, or other presentation includes a lewd or lascivious
image depicting more than one minor, each such minor in each
such photograph, motion picture, exhibition, show,
representation, image, data, computer depiction, or other
presentation who is knowingly solicited, possessed, controlled,
or intentionally viewed is a separate offense. A person who
violates this paragraph commits a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) does not apply to any material solicited,
possessed, controlled, or intentionally viewed as part of a law
enforcement investigation.

(4) Prosecution of a person for an offense under this
section does not preclude prosecution of that person in this

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117 state for a violation of any other law of this state, including
118 a law providing for greater penalties than prescribed in this
119 section or any other crime punishing the sexual performance or
120 the sexual exploitation of children.

121 Section 2. Paragraph (1) of subsection (1) and subsection
122 (5) of section 827.071, Florida Statutes, are amended, and
123 subsection (6) of that section is republished, to read:

124 827.071 Sexual performance by a child; child pornography;
125 penalties.—

126 (1) As used in this section, the following definitions
127 shall apply:

128 (1)1. "Sexual conduct" means actual or simulated sexual
129 intercourse, deviate sexual intercourse, sexual bestiality,
130 masturbation, or sadomasochistic abuse; actual or simulated lewd
131 exhibition of the genitals or anus; actual physical contact with
132 a person's clothed or unclothed genitals, pubic area, buttocks,
133 or, if such person is a female, breast, with the intent to
134 arouse or gratify the sexual desire of either party; or any act
135 or conduct which constitutes sexual battery or simulates that
136 sexual battery is being or will be committed. A mother's
137 breastfeeding of her baby does not under any circumstance
138 constitute "sexual conduct."

139 2. As used in subparagraph 1., "actual or simulated lewd
140 exhibition of the genitals" may be evidenced by the overall
141 content of an image, taking into account the age of the minor
142 depicted and, including, but not limited to, whether:

143 a. The focal point of the image is on the minor's genitals;
144 b. The setting of the image is sexually suggestive or in a
145 place or pose generally associated with sexual conduct;

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146 c. The minor is depicted in an unnatural pose, or in
147 inappropriate attire, considering the age of the minor;

148 d. The image suggests sexual coyness or a willingness to
149 engage in sexual conduct; or

150 e. The image is intended or designed to elicit a sexual
151 response in the viewer.

152 (5)(a) It is unlawful for any person to knowingly solicit,
153 possess, control, or intentionally view a photograph, motion
154 picture, exhibition, show, representation, image, data, computer
155 depiction, or other presentation which, in whole or in part, he
156 or she knows to include child pornography. The solicitation,
157 possession, control, or intentional viewing of each such
158 photograph, motion picture, exhibition, show, image, data,
159 computer depiction, representation, or presentation is a
160 separate offense. If such photograph, motion picture,
161 exhibition, show, representation, image, data, computer
162 depiction, or other presentation includes child pornography
163 depicting more than one child, then each such child in each such
164 photograph, motion picture, exhibition, show, representation,
165 image, data, computer depiction, or other presentation that is
166 knowingly solicited, possessed, controlled, or intentionally
167 viewed is a separate offense. A person who violates this
168 paragraph commits a felony of the third degree, punishable as
169 provided in s. 775.082, s. 775.083, or s. 775.084.

170 (b) Paragraph (a) does not apply to any material solicited,
171 possessed, controlled, or intentionally viewed as part of a law
172 enforcement investigation.

173 (6) Prosecution of a person for an offense under this
174 section does not preclude prosecution of that person in this

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state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

Section 3. Section 827.073, Florida Statutes, is created to read:

827.073 Altered sexual depiction of a minor; prohibited acts; penalties; applicability.—

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

(a) "Altered sexual depiction," "generate," and "visual depiction" have the same meaning as in s. 836.13.

(b) "Identifiable minor," "intentionally view," and "promote" have the same meaning as in s. 827.071.

(c) "Possess" means to knowingly or intentionally keep, control, maintain, store, or own, physically or electronically, any altered sexual depiction of an identifiable person, without the consent of the identifiable person.

(2) (a) It is unlawful for a person to knowingly possess, control, or intentionally view a visual depiction that, in whole or in part, he or she knows includes an altered sexual depiction of an identifiable minor. The possession or control of three or more copies of such visual depiction is prima facie evidence of an intent to promote. The possession, control, or intentional viewing of each visual depiction is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who intentionally generates an altered sexual depiction of a minor commits a felony of the third degree,

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204 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

205 (c) A person who solicits an altered sexual depiction of a
206 minor, without the consent of the identifiable minor, and who
207 knows or reasonably should have known that such visual depiction
208 was an altered sexual depiction commits a felony of the third
209 degree, punishable as provided in s. 775.082, s. 775.083, or s.
210 775.084.

211 (d) A person who willfully and intentionally promotes an
212 altered sexual depiction of an identifiable minor, without the
213 consent of the identifiable minor, and who knows or reasonably
214 should have known that such visual depiction was an altered
215 sexual depiction commits a felony of the second degree,
216 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

217 (3) An aggrieved person may initiate a civil action against
218 a person who violates subsection (2) to obtain appropriate
219 relief in order to prevent or remedy a violation of subsection
220 (2), including all of the following:

221 (a) Injunctive relief.

222 (b) Monetary damages to include \$10,000 or actual damages
223 incurred as a result of a violation of subsection (2), whichever
224 is greater.

225 (c) Reasonable attorney fees and costs.

226 (4) The criminal and civil penalties of this section do not
227 apply to:

228 (a) A provider of an interactive computer service as
229 defined in 47 U.S.C. s. 230(f), of an information service as
230 defined in 47 U.S.C. s. 153, or of a communications service as
231 defined in s. 202.11 which provides the transmission, storage,
232 or caching of electronic communications or messages of others;

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another related telecommunications or commercial mobile radio service; or content provided by another person;

(b) A law enforcement officer as defined in s. 943.10, or any local, state, federal, or military law enforcement agency engaged in the performance of his or her duties as a law enforcement officer or the duties of the law enforcement agency;

(c) A person reporting unlawful activity;

(d) A person participating in a hearing, trial, or other legal proceeding; or

(e) An identifiable person portrayed in an altered sexual depiction who receives an altered sexual depiction of himself or herself.

(5) A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

(6) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child pornography or the sexual performance or the sexual exploitation of children.

(7) Any offense under subsection (2) does not include an act done for a bona fide medical, literary, academic, or scientific purpose.

Section 4. Section 836.13, Florida Statutes, is amended to read:

836.13 ~~Promotion of an~~ Altered sexual depictions ~~depiction~~; prohibited acts; penalties; applicability.-

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

(a) "Altered sexual depiction" means any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:

1. With the nude body parts of another person as the nude body parts of the identifiable person;

2. With computer-generated nude body parts as the nude body parts of the identifiable person; or

3. Engaging in sexual conduct as defined in s. 847.001 in which the identifiable person did not engage.

(b) "Generate" means to create, alter, adapt, or modify any image by electronic, mechanical, or other computer-generated means to portray an identifiable person or to offer or agree to do the same.

(c)~~(b)~~ "Identifiable person" means a person who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

(d)~~(e)~~ "Nude body parts" means the human male or female genitals, pubic area, or buttocks with less than fully opaque covering; or the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. The term does not under any circumstances include a mother breastfeeding her baby.

(e)~~(d)~~ "Promote" means to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send,

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post, share, or advertise or to offer or agree to do the same.

(f)~~(e)~~ "Visual depiction" includes, but is not limited to, a photograph, picture, image, motion picture, film, video, or other visual representation.

(2) A person who willfully and maliciously promotes, or possesses with the intent to promote, any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who willfully generates an altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who solicits an altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Every act, thing, or transaction prohibited by this section constitutes a separate offense and is punishable as such.

(6)~~(4)~~ The presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the

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320 generation ~~creation~~ or promotion of the material, or that the
321 person or persons depicted did not actually perform the actions
322 portrayed, is not a defense and does not relieve a person of
323 criminal liability under this section.

324 ~~(7)(5)~~ An aggrieved person may initiate a civil action
325 against a person who violates subsection (2), subsection (3), or
326 subsection (4) to obtain appropriate relief in order to prevent
327 or remedy a violation of subsection (2), subsection (3), or
328 subsection (4), including all of the following:

329 (a) Injunctive relief.

330 (b) Monetary damages to include \$10,000 or actual damages
331 incurred as a result of a violation of subsection (2),
332 subsection (3), or subsection (4), whichever is greater.

333 (c) Reasonable attorney fees and costs.

334 ~~(8)(6)~~ The criminal and civil penalties of this section do
335 not apply to:

336 (a) A provider of an interactive computer service as
337 defined in 47 U.S.C. s. 230(f), of an information service as
338 defined in 47 U.S.C. s. 153, or of a communications service as
339 defined in s. 202.11 which provides the transmission, storage,
340 or caching of electronic communications or messages of others;
341 another related telecommunications or commercial mobile radio
342 service; or content provided by another person;

343 (b) A law enforcement officer, as defined in s. 943.10, or
344 any local, state, federal, or military law enforcement agency
345 engaged in ~~that promotes an altered sexual depiction in~~
346 ~~connection with~~ the performance of his or her duties as a law
347 enforcement officer or the duties of the law enforcement agency;

348 (c) A person reporting unlawful activity; ~~or~~

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(d) A person participating in a hearing, trial, or other legal proceeding; or

(e) An identifiable person portrayed in an altered sexual depiction who receives an altered sexual depiction of himself or herself.

(9)~~(7)~~ A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

(10)~~(8)~~ Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child pornography or the sexual performance or the sexual exploitation of children.

(11) Any offense under subsection (2), subsection (3), or subsection (4) does not include an act done for a bona fide medical, literary, academic, or scientific purpose.

Section 5. Paragraphs (b), (c), and (d) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

Florida	Felony	
Statute	Degree	Description
379.2431	3rd	Possession of 11 or

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(1) (e) 3.

fewer marine turtle eggs
in violation of the
Marine Turtle Protection
Act.

375

379.2431

3rd

Possession of more than
11 marine turtle eggs in
violation of the Marine
Turtle Protection Act.

(1) (e) 4.

376

403.413 (6) (c)

3rd

Dumps waste litter
exceeding 500 lbs. in
weight or 100 cubic feet
in volume or any
quantity for commercial
purposes, or hazardous
waste.

377

517.07 (2)

3rd

Failure to furnish a
prospectus meeting
requirements.

378

590.28 (1)

3rd

Intentional burning of
lands.

379

784.03 (3)

3rd

Battery during a riot or
an aggravated riot.

380

784.05 (3)

3rd

Storing or leaving a

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loaded firearm within
reach of minor who uses
it to inflict injury or
death.

381

787.04 (1)

3rd

In violation of court
order, take, entice,
etc., minor beyond state
limits.

382

806.13 (1) (b) 3.

3rd

Criminal mischief;
damage \$1,000 or more to
public communication or
any other public
service.

383

806.13 (3)

3rd

Criminal mischief;
damage of \$200 or more
to a memorial or
historic property.

384

810.061 (2)

3rd

Impairing or impeding
telephone or power to a
dwelling; facilitating
or furthering burglary.

385

810.09 (2) (d)

3rd

Trespassing on posted
commercial horticulture
property.

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386

812.014 (2) (c) 1.

3rd

Grand theft, 3rd degree;
\$750 or more but less
than \$5,000.

387

812.014 (2) (d) 1.

3rd

Grand theft, 3rd degree;
\$40 or more but less
than \$750, taken from
dwelling or its
unenclosed curtilage.

388

812.014 (2) (e) 2.

3rd

Petit theft, 1st degree;
less than \$40 taken from
dwelling or its
unenclosed curtilage
with one prior theft
conviction.

389

812.015 (7)

3rd

Possession, use, or
attempted use of an
antishoplifting or
inventory control device
countermeasure.

390

817.234 (1) (a) 2.

3rd

False statement in
support of insurance
claim.

391

817.481 (3) (a)

3rd

Obtain credit or

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purchase with false,
expired, counterfeit,
etc., credit card, value
over \$300.

392

817.52 (3)

3rd

Failure to redeliver
hired vehicle.

393

817.54

3rd

With intent to defraud,
obtain mortgage note,
etc., by false
representation.

394

817.60 (5)

3rd

Dealing in credit cards
of another.

395

817.60 (6) (a)

3rd

Forgery; purchase goods,
services with false
card.

396

817.61

3rd

Fraudulent use of credit
cards over \$100 or more
within 6 months.

397

826.04

3rd

Knowingly marries or has
sexual intercourse with
person to whom related.

398

831.01

3rd

Forgery.

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399

831.02

3rd

Uttering forged
instrument; utters or
publishes alteration
with intent to defraud.

400

831.07

3rd

Forging bank bills,
checks, drafts, or
promissory notes.

401

831.08

3rd

Possessing 10 or more
forged notes, bills,
checks, or drafts.

402

831.09

3rd

Uttering forged notes,
bills, checks, drafts,
or promissory notes.

403

831.11

3rd

Bringing into the state
forged bank bills,
checks, drafts, or
notes.

404

832.05 (3) (a)

3rd

Cashing or depositing
item with intent to
defraud.

405

836.13 (4)

3rd

Soliciting an altered
sexual depiction of an

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identifiable person
without consent.

406

843.01(2)

3rd

Resist police canine or
police horse with
violence; under certain
circumstances.

407

843.08

3rd

False personation.

408

843.19(3)

3rd

Touch or strike police,
fire, SAR canine or
police horse.

409

893.13(2)(a)2.

3rd

Purchase of any 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 other than
cannabis.

410

893.147(2)

3rd

Manufacture or delivery
of drug paraphernalia.

411

412

(c) LEVEL 3

413

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Florida

Felony

Statute

Degree

Description

119.10 (2) (b)

3rd

Unlawful use of
confidential information
from police reports.

316.066

3rd

(3) (b) - (d)

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 lights
activated.

319.30 (4)

3rd

Possession by junkyard of
motor vehicle with
identification number plate
removed.

319.33 (1) (a)

3rd

Alter or forge any
certificate of title to a
motor vehicle or mobile
home.

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319.33(1)(c)

3rd

Procure or pass title on
stolen vehicle.

421

319.33(4)

3rd

With intent to defraud,
possess, sell, etc., a
blank, forged, or
unlawfully obtained title
or registration.

422

327.35(2)(b)

3rd

Felony BUI.

423

328.05(2)

3rd

Possess, sell, or
counterfeit fictitious,
stolen, or fraudulent
titles or bills of sale of
vessels.

424

328.07(4)

3rd

Manufacture, exchange, or
possess vessel with
counterfeit or wrong ID
number.

425

376.302(5)

3rd

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

426

379.2431
(1)(e)5.

3rd

Taking, disturbing,
mutilating, destroying,

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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.

427

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.

428

379.2431
(1) (e) 7.

3rd

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

429

400.9935 (4) (a)
or (b)

3rd

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

430

400.9935 (4) (e)

3rd

Filing a false license

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application or other
required information or
failing to report
information.

431

440.1051(3)

3rd

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

432

501.001(2)(b)

2nd

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

433

624.401(4)(a)

3rd

Transacting insurance
without a certificate of
authority.

434

624.401(4)(b)1.

3rd

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

435

626.902(1)(a) &
(b)

3rd

Representing an
unauthorized insurer.

436

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437	697.08	3rd	Equity skimming.
438	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
439	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.
440	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
441	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
442	810.09 (2) (b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
	810.145 (2) (c)	3rd	Digital voyeurism; 19 years of age or older.

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443

812.014 (2) (c) 2.

3rd

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

444

812.0145 (2) (c)

3rd

Theft from person 65 years
of age or older; \$300 or
more but less than \$10,000.

445

812.015 (8) (b)

3rd

Retail theft with intent to
sell; conspires with
others.

446

812.081 (2)

3rd

Theft of a trade secret.

447

815.04 (4) (b)

2nd

Computer offense devised to
defraud or obtain property.

448

817.034 (4) (a) 3.

3rd

Engages in scheme to
defraud (Florida
Communications Fraud Act),
property valued at less
than \$20,000.

449

817.233

3rd

Burning to defraud insurer.

450

817.234

3rd

(8) (b) & (c)

Unlawful solicitation of
persons involved in motor
vehicle accidents.

451

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817.234 (11) (a)

3rd

Insurance fraud; property
value less than \$20,000.

452

817.236

3rd

Filing a false motor
vehicle insurance
application.

453

817.2361

3rd

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

454

817.413 (2)

3rd

Sale of used goods of
\$1,000 or more as new.

455

817.49 (2) (b) 1.

3rd

Willful making of a false
report of a crime causing
great bodily harm,
permanent disfigurement, or
permanent disability.

456

831.28 (2) (a)

3rd

Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment
instrument with intent to
defraud.

457

831.29

2nd

Possession of instruments

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for counterfeiting driver
licenses or identification
cards.

458

836.13 (2)

3rd

Person who promotes, or
possesses with intent to
promote, an altered sexual
depiction of an
identifiable person without
consent.

459

836.13 (3)3rd

Person who generates an
altered sexual depiction of
an identifiable person
without consent.

460

836.13 (4)3rd

Person who solicits an
altered sexual depiction of
an identifiable person
without consent.

461

838.021 (3) (b)

3rd

Threatens unlawful harm to
public servant.

462

847.01385

3rd

Harmful communication to a
minor.

463

860.15 (3)

3rd

Overcharging for repairs
and parts.

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464

870.01 (2) 3rd Riot.

465

870.01 (4) 3rd Inciting a riot.

466

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).

467

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.

468

893.13 (1) (f) 2. 2nd Sell, manufacture, or
 deliver s. 893.03 (1) (c),
 (2) (c) 1., (2) (c) 2.,
 (2) (c) 3., (2) (c) 6.,
 (2) (c) 7., (2) (c) 8.,
 (2) (c) 9., (2) (c) 10., (3),

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or (4) drugs within 1,000
feet of public housing
facility.

469

893.13 (4) (c)

3rd

Use or hire of minor;
deliver to minor other
controlled substances.

470

893.13 (6) (a)

3rd

Possession of any
controlled substance other
than felony possession of
cannabis.

471

893.13 (7) (a) 8.

3rd

Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

472

893.13 (7) (a) 9.

3rd

Obtain or attempt to obtain
controlled substance by
fraud, forgery,
misrepresentation, etc.

473

893.13 (7) (a) 10.

3rd

Affix false or forged label
to package of controlled
substance.

474

893.13 (7) (a) 11.

3rd

Furnish false or fraudulent

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material information on any
document or record required
by chapter 893.

475

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.

476

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.

477

893.13(8)(a)3.

3rd

Knowingly write a
prescription for a
controlled substance for a
fictitious person.

478

893.13(8)(a)4.

3rd

Write a prescription for a
controlled substance for a
patient, other person, or

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an animal if the sole
purpose of writing the
prescription is a monetary
benefit for the
practitioner.

479

918.13 (1)

3rd

Tampering with or
fabricating physical
evidence.

480

944.47
(1) (a) 1. & 2.

3rd

Introduce contraband to
correctional facility.

481

944.47 (1) (c)

2nd

Possess contraband while
upon the grounds of a
correctional institution.

482

985.721

3rd

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

483

484 (d) LEVEL 4

485

Florida
Statute

Felony
Degree

Description

486

104.155

3rd

Unqualified noncitizen
electors voting; aiding

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or soliciting
noncitizen electors in
voting.

487

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.

488

499.0051 (1)

3rd

Failure to maintain or
deliver transaction
history, transaction
information, or
transaction statements.

489

499.0051 (5)

2nd

Knowing sale or
delivery, or possession
with intent to sell,
contraband prescription
drugs.

490

517.07 (1)

3rd

Failure to register
securities.

491

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517.12 (1)

3rd

Failure of dealer or
associated person of a
dealer of securities to
register.

492

784.031

3rd

Battery by
strangulation.

493

784.07 (2) (b)

3rd

Battery of law
enforcement officer,
firefighter, etc.

494

784.074 (1) (c)

3rd

Battery of sexually
violent predators
facility staff.

495

784.075

3rd

Battery on detention or
commitment facility
staff.

496

784.078

3rd

Battery of facility
employee by throwing,
tossing, or expelling
certain fluids or
materials.

497

784.08 (2) (c)

3rd

Battery on a person 65
years of age or older.

498

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499	784.081 (3)	3rd	Battery on specified official or employee.
500	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
501	784.083 (3)	3rd	Battery on code inspector.
502	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
503	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
504	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

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

505

787.07

3rd

Human smuggling.

506

790.115 (1)

3rd

Exhibiting firearm or
weapon within 1,000
feet of a school.

507

790.115 (2) (b)

3rd

Possessing electric
weapon or device,
destructive device, or
other weapon on school
property.

508

790.115 (2) (c)

3rd

Possessing firearm on
school property.

509

794.051 (1)

3rd

Indecent, lewd, or
lascivious touching of
certain minors.

510

800.04 (7) (c)

3rd

Lewd or lascivious
exhibition; offender
less than 18 years.

511

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806.135

2nd

Destroying or
demolishing a memorial
or historic property.

810.02 (4) (a)

3rd

Burglary, or attempted
burglary, of an
unoccupied structure;
unarmed; no assault or
battery.

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.

810.145 (3) (b)

3rd

Digital voyeurism
dissemination.

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree
\$10,000 or more but
less than \$20,000.

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518

812.014
(2) (c) 4. &
6.-10.

3rd

Grand theft, 3rd
degree; specified
items.

519

812.014 (2) (d) 2.

3rd

Grand theft, 3rd
degree; \$750 or more
taken from dwelling or
its unenclosed
curtilage.

520

812.014 (2) (e) 3.

3rd

Petit theft, 1st
degree; less than \$40
taken from dwelling or
its unenclosed
curtilage with two or
more prior theft
convictions.

521

812.0195 (2)

3rd

Dealing in stolen
property by use of the
Internet; property
stolen \$300 or more.

522

817.505 (4) (a)

3rd

Patient brokering.

523

817.563 (1)

3rd

Sell or deliver
substance other than
controlled substance

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agreed upon, excluding
s. 893.03(5) drugs.

524

817.568(2)(a)

3rd

Fraudulent use of
personal identification
information.

525

817.5695(3)(c)

3rd

Exploitation of person
65 years of age or
older, value less than
\$10,000.

526

817.625(2)(a)

3rd

Fraudulent use of
scanning device,
skimming device, or
reencoder.

527

817.625(2)(c)

3rd

Possess, sell, or
deliver skimming
device.

528

827.073(2)(a)3rd

Possession, control, or
intentionally viewing
of an altered sexual
depiction of an
identifiable minor.

529

827.073(2)(b)3rd

Generation of an
altered sexual

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depiction of a minor.

530

827.073 (2) (c)3rdSolicitation of an
altered sexual
depiction of an
identifiable minor.

531

828.125 (1)

2nd

Kill, maim, or cause
great bodily harm or
permanent breeding
disability to any
registered horse or
cattle.

532

836.14 (2)

3rd

Person who commits
theft of a sexually
explicit image with
intent to promote it.

533

836.14 (3)

3rd

Person who willfully
possesses a sexually
explicit image with
certain knowledge,
intent, and purpose.

534

837.02 (1)

3rd

Perjury in official
proceedings.

535

837.021 (1)

3rd

Make contradictory

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statements in official
proceedings.

536

838.022

3rd

Official misconduct.

537

839.13 (2) (a)

3rd

Falsifying records of
an individual in the
care and custody of a
state agency.

538

839.13 (2) (c)

3rd

Falsifying records of
the Department of
Children and Families.

539

843.021

3rd

Possession of a
concealed handcuff key
by a person in custody.

540

843.025

3rd

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

541

843.15 (1) (a)

3rd

Failure to appear while
on bail for felony
(bond estreature or

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bond jumping).

542

843.19(2)

2nd

Injure, disable, or
kill police, fire, or
SAR canine or police
horse.

543

847.0135(5)(c)

3rd

Lewd or lascivious
exhibition using
computer; offender less
than 18 years.

544

870.01(3)

2nd

Aggravated rioting.

545

870.01(5)

2nd

Aggravated inciting a
riot.

546

874.05(1)(a)

3rd

Encouraging or
recruiting another to
join a criminal gang.

547

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).

548

914.14(2)

3rd

Witnesses accepting
bribes.

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549

914.22 (1)

3rd

Force, threaten, etc.,
witness, victim, or
informant.

550

914.23 (2)

3rd

Retaliation against a
witness, victim, or
informant, no bodily
injury.

551

916.1085
(2) (c) 1.

3rd

Introduction of
specified contraband
into certain DCF
facilities.

552

918.12

3rd

Tampering with jurors.

553

934.215

3rd

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

554

944.47 (1) (a) 6.

3rd

Introduction of
contraband (cellular
telephone or other
portable communication
device) into
correctional
institution.

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555

951.22 (1) (h) ,
(j) & (k)

3rd

Intoxicating drug,
instrumentality or
other device to aid
escape, or cellular
telephone or other
portable communication
device introduced into
county detention
facility.

556

557

Section 6. This act shall take effect October 1, 2025.