

1 A bill to be entitled
2 An act relating to local government code enforcement;
3 amending s. 162.01, F.S.; revising a short title;
4 amending s. 162.02, F.S.; revising legislative intent;
5 amending s. 162.03, F.S.; authorizing a county or
6 municipality to designate a special magistrate;
7 authorizing a local governmental entity to assess
8 administrative fees through the adoption of an
9 alternate code enforcement system; amending s. 162.04,
10 F.S.; defining the term "special magistrate"; amending
11 s. 162.05, F.S.; revising the circumstances in which
12 an enforcement board must declare an enforcement board
13 member's office vacant; amending s. 162.06, F.S.;
14 revising the code violation notice, correction period,
15 and hearing process; amending s. 162.07, F.S.;
16 authorizing an enforcement board to record an original
17 order issued by the board in the public records of the
18 county; amending s. 162.08, F.S.; authorizing a person
19 designated by the local governing body to serve
20 certain subpoenas in a specified manner; amending s.
21 162.09, F.S.; clarifying certain penalty provisions;
22 requiring an enforcement board to record an original
23 order or a certified copy of such order in the public
24 records of the county; amending s. 162.10, F.S.;
25 conforming a provision to a change made by the act;

26 | amending s. 162.12, F.S.; revising the method by which
 27 | certain notices must be provided to an alleged code
 28 | violator; requiring an affidavit of delivery in
 29 | certain circumstances; creating s. 162.41, F.S.;
 30 | defining terms; requiring a governmental entity that
 31 | permits its code inspectors to wear body cameras to
 32 | establish certain policies and procedures; requiring
 33 | such governmental entity to ensure that certain
 34 | training occurs, retain certain data in accordance
 35 | with public records laws, and perform a periodic
 36 | review of actual body camera practices; amending s.
 37 | 784.083, F.S.; conforming a cross-reference;
 38 | increasing criminal penalties for certain crimes
 39 | committed against a code inspector in certain
 40 | circumstances; amending s. 921.0022, F.S.; conforming
 41 | provisions to changes made by the act; providing an
 42 | effective date.

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

46 | **Section 1. Section 162.01, Florida Statutes, is amended to**
 47 | **read:**

48 | 162.01 Short title.—Sections 162.01-162.13 may be cited as
 49 | the "Local Government Code Enforcement ~~Boards~~ Act."

50 | **Section 2. Section 162.02, Florida Statutes, is amended to**

51 **read:**

52 162.02 Intent.—It is the intent of this part to promote,
53 protect, and improve the health, safety, and welfare of the
54 citizens of the counties and municipalities of this state by
55 authorizing the creation of administrative boards or designation
56 of special magistrates with authority to impose administrative
57 fines and other noncriminal penalties to provide an equitable,
58 expeditious, effective, and inexpensive method of enforcing any
59 state laws or local codes and ordinances, land development
60 regulations, or other technical codes adopted by a county or
61 municipality in force in counties and municipalities, where a
62 pending or repeated violation continues to exist.

63 **Section 3. Section 162.03, Florida Statutes, is amended to**
64 **read:**

65 162.03 Applicability.—

66 (1) Each county or municipality may, at its option, create
67 or abolish by ordinance local government code enforcement boards
68 or designate special magistrates as provided herein.

69 (2) A charter county, a noncharter county, or a
70 municipality may, by ordinance, adopt an alternate code
71 enforcement system that gives code enforcement boards or special
72 magistrates designated by the local governing body, or both, the
73 authority to hold hearings and assess fines and administrative
74 fees against violators of the respective county or municipal
75 codes and ordinances. A special magistrate has ~~shall have~~ the

76 same status as an enforcement board under this chapter.
 77 References in this chapter to an enforcement board, except in s.
 78 162.05, must ~~shall~~ include a special magistrate if the context
 79 permits.

80 **Section 4.** Section 162.04, Florida Statutes, is reordered
 81 and amended to read:

82 162.04 Definitions.—As used in ss. 162.01-162.13, the
 83 term:

84 (3)~~(1)~~ "Local governing body" means the governing body of
 85 the county or municipality, however designated.

86 (1)~~(2)~~ "Code inspector" means any authorized agent or
 87 employee of the county or municipality whose duty it is to
 88 assure code compliance.

89 (4)~~(3)~~ "Local governing body attorney" means the legal
 90 counselor for the county or municipality.

91 (2)~~(4)~~ "Enforcement board" means a local government code
 92 enforcement board.

93 (5) "Repeat violation" means a violation of a provision of
 94 a code or an ordinance by a person who has ~~been~~ previously been
 95 found, through a code enforcement board or any other quasi-
 96 judicial or judicial process, to have violated or who has
 97 admitted violating the same provision within the 5 years
 98 preceding ~~prior to~~ the violation, notwithstanding that the
 99 violations occurred ~~occur~~ at different locations.

100 (6) "Special magistrate" means a member of The Florida Bar

101 in good standing with a minimum of 5 years of experience as an
 102 attorney who is appointed by a county or municipality to oversee
 103 quasi-judicial proceedings related to a code violation in lieu
 104 of or in addition to a code enforcement board.

105 **Section 5. Paragraph (e) of subsection (3) of section**
 106 **162.05, Florida Statutes, is amended to read:**

107 162.05 Local government code enforcement boards;
 108 organization.—

109 (3)

110 (e) An appointment to fill any vacancy on an enforcement
 111 board must ~~shall~~ be for the remainder of the unexpired term of
 112 office. If any member fails to attend two of three successive
 113 meetings without cause and without notifying the recording
 114 secretary ~~prior approval of the chair~~, the enforcement board
 115 must ~~shall~~ declare the member's office vacant, and the local
 116 governing body must ~~shall~~ promptly fill such vacancy.

117 **Section 6. Subsections (2), (3), and (4) of section**
 118 **162.06, Florida Statutes, are amended to read:**

119 162.06 Enforcement procedure.—

120 (2) Except as provided in subsections (3) and (4), if a
 121 violation of the codes is found, the code inspector must ~~shall~~
 122 notify the violator and give him or her a reasonable period of
 123 time to correct the violation. If the violation is not corrected
 124 within the reasonable period of time, the code inspector must
 125 schedule a hearing and issue a notice of violation provided in

126 accordance with s. 162.12 which states the violation, provides
127 correction instructions, and includes the date and time of the
128 hearing. The notice may grant the violator an additional period
129 of time in which to correct the violation. The notice must state
130 that ~~Should the violation continue beyond the time specified for~~
131 ~~correction, the code inspector shall notify an enforcement board~~
132 ~~and request a hearing. The code enforcement board, through its~~
133 ~~clerical staff, shall schedule a hearing, and written notice of~~
134 ~~such hearing shall be hand delivered or mailed as provided in s.~~
135 ~~162.12 to said violator. At the option of the code enforcement~~
136 ~~board, notice may additionally be served by publication or~~
137 ~~posting as provided in s. 162.12. If the violation is corrected~~
138 ~~and then recurs or if the violation is not corrected by the time~~
139 ~~specified for correction by the code inspector,~~ the case will
140 not may be presented to the enforcement board or special
141 magistrate ~~even~~ if the violation is ~~has been~~ corrected before
142 ~~prior to the board hearing, and the notice shall so state.~~

143 (3) If a repeat violation is found, the code inspector
144 must ~~shall~~ notify the violator but is not required to give the
145 violator a reasonable period of time to correct the violation.
146 The code inspector shall, upon notifying the violator of a
147 repeat violation, schedule a hearing and ~~shall notify an~~
148 ~~enforcement board and request a hearing. The code enforcement~~
149 ~~board, through its clerical staff, shall schedule a hearing and~~
150 ~~shall~~ provide notice pursuant to s. 162.12. The notice must

151 state that the case may be presented to the enforcement board or
152 special magistrate even if the repeat violation has been
153 corrected before ~~prior to~~ the board hearing, ~~and the notice~~
154 ~~shall so state~~. If the repeat violation has been corrected, the
155 code enforcement board retains the right to schedule a hearing
156 to determine costs and impose the payment of reasonable
157 enforcement fees upon the repeat violator. The repeat violator
158 may choose to waive his or her rights to this hearing and pay
159 the ~~said~~ costs as determined by the code enforcement board.

160 (4) If the code inspector has reason to believe a
161 violation or the condition causing the violation presents a
162 serious threat to the public health, safety, and welfare or if
163 the violation is irreparable or irreversible in nature, the code
164 inspector must ~~shall~~ make a reasonable effort to notify the
165 violator and may immediately schedule ~~notify the enforcement~~
166 ~~board and request~~ a hearing.

167 **Section 7. Subsection (4) of section 162.07, Florida**
168 **Statutes, is amended to read:**

169 162.07 Conduct of hearing.—

170 (4) At the conclusion of the hearing, the enforcement
171 board shall issue findings of fact, based on evidence of record
172 and conclusions of law, and shall issue an order affording the
173 proper relief consistent with powers granted herein. The finding
174 must ~~shall~~ be by motion approved by a majority of those members
175 present and voting, except that at least four members of a

176 seven-member enforcement board, or three members of a five-
 177 member enforcement board, must vote in order for the action to
 178 be official. The order may include a notice that it must be
 179 complied with by a specified date and that a fine may be imposed
 180 and, under the conditions specified in s. 162.09(1), the cost of
 181 repairs may be included along with the fine if the order is not
 182 complied with by that ~~said~~ date. The original order or a
 183 certified copy of the ~~such~~ order may be recorded in the public
 184 records of the county and constitutes ~~shall constitute~~ notice to
 185 any subsequent purchaser ~~purchasers~~, successor ~~successors~~ in
 186 interest, or assign ~~assigns~~ if the violation concerns real
 187 property, and the findings therein are ~~shall be~~ binding upon the
 188 violator and, if the violation concerns real property, any
 189 subsequent purchaser ~~purchasers~~, successor ~~successors~~ in
 190 interest, or assign ~~assigns~~. If an order is recorded in the
 191 public records pursuant to this subsection and the order is
 192 complied with by the date specified in the order, the
 193 enforcement board must ~~shall~~ issue an order acknowledging
 194 compliance that must ~~shall~~ be recorded in the public records. A
 195 hearing is not required to issue ~~such~~ an order acknowledging
 196 compliance.

197 **Section 8. Subsection (2) of section 162.08, Florida**
 198 **Statutes, is amended to read:**

199 162.08 Powers of enforcement boards.—Each enforcement
 200 board shall have the power to:

201 (2) Subpoena alleged violators and witnesses to its
 202 hearings. Subpoenas may be served by the sheriff of the county
 203 or police department of the municipality or by a person
 204 designated to serve subpoenas by the local governing body,
 205 provided that the person hand delivers the subpoena and signs an
 206 affidavit of service that includes the date and time of service
 207 and the name of the person served.

208 **Section 9. Paragraph (a) of subsection (2) and subsection**
 209 **(3) of section 162.09, Florida Statutes, are amended to read:**

210 162.09 Administrative fines; costs of repair; liens.—

211 (2) (a) A fine imposed pursuant to this section may ~~shall~~
 212 not exceed \$250 per day per violation for a first violation and
 213 may ~~shall~~ not exceed \$500 per day per violation for a repeat
 214 violation, and, in addition, may include all costs of repairs
 215 pursuant to subsection (1). However, if a code enforcement board
 216 finds the violation to be irreparable or irreversible in nature,
 217 it may impose a fine not to exceed \$5,000 per violation.

218 (3) The original order or a certified copy of an order
 219 imposing a fine, or a fine plus repair costs, must ~~may~~ be
 220 recorded in the public records and thereafter constitutes ~~shall~~
 221 ~~constitute~~ a lien against the land on which the violation exists
 222 and upon any other real or personal property owned by the
 223 violator. Upon petition to the circuit court, such order must
 224 ~~shall~~ be enforceable in the same manner as a court judgment by
 225 the sheriffs of this state, including execution and levy against

226 | the personal property of the violator, but such order may ~~shall~~
 227 | not be deemed to be a court judgment except for enforcement
 228 | purposes. A fine imposed pursuant to this part continues ~~shall~~
 229 | ~~continue~~ to accrue until the violator comes into compliance or
 230 | until judgment is rendered in a suit filed pursuant to this
 231 | section, whichever occurs first. A lien arising from a fine
 232 | imposed pursuant to this section runs in favor of the local
 233 | governing body, and the local governing body may execute a
 234 | satisfaction or release of lien entered pursuant to this
 235 | section. After 3 months from the filing of any such lien which
 236 | remains unpaid, the enforcement board may authorize the local
 237 | governing body attorney to foreclose on the lien or to sue to
 238 | recover a money judgment for the amount of the lien plus accrued
 239 | interest. No lien created pursuant to ~~the provisions of~~ this
 240 | part may be foreclosed on real property which is a homestead
 241 | under s. 4, Art. X of the State Constitution. The money judgment
 242 | provisions of this section do ~~shall~~ not apply to real property
 243 | or personal property which is covered under s. 4(a), Art. X of
 244 | the State Constitution.

245 | **Section 10. Section 162.10, Florida Statutes, is amended**
 246 | **to read:**

247 | 162.10 Duration of lien.—No lien provided under the Local
 248 | Government Code Enforcement ~~Boards~~ Act may ~~shall~~ continue for a
 249 | period longer than 20 years after the certified copy of an order
 250 | imposing a fine has been recorded, unless within that time an

251 action is commenced pursuant to s. 162.09(3) in a court of
 252 competent jurisdiction. In an action to foreclose on a lien or
 253 for a money judgment, the prevailing party is entitled to
 254 recover all costs, including a reasonable attorney ~~attorney's~~
 255 fee, which ~~that~~ it incurs in the action. The local governing
 256 body is ~~shall be~~ entitled to collect all costs incurred in
 257 recording and satisfying a valid lien. The continuation of the
 258 lien effected by the commencement of the action is ~~shall~~ not be
 259 good against creditors or subsequent purchasers for valuable
 260 consideration without notice, unless a notice of lis pendens is
 261 recorded.

262 **Section 11. Subsection (1) of section 162.12, Florida**
 263 **Statutes, are amended to read:**

264 162.12 Notices.—

265 (1) All notices required by this part must be provided to
 266 the alleged violator by:

267 (a) Certified mail, and at the option of the local
 268 government return receipt requested, to the address listed in
 269 the tax collector's office for tax notices or to the address
 270 listed in the county property appraiser's database. The local
 271 government shall ~~may also~~ provide an additional notice to any
 272 other address it may find for the property owner. For property
 273 owned by:

274 1. A corporation, notices must ~~may~~ be provided by
 275 certified mail to the registered agent of the corporation. If

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276 any notice sent by certified mail is not signed as received
277 within 15 ~~30~~ days after the postmarked date of mailing, notice
278 may be provided by posting as described in subparagraphs
279 (2) (b)1. and 2.~~7~~

280 2. A condominium association, notices must be provided by
281 certified mail to the current board of directors and the
282 association's management company. If none of the notices sent by
283 certified mail are signed as received within 15 days after the
284 postmarked date of mailing, a notice must be posted on the
285 property of each board member or at the location at which board
286 meetings are held. Additional notice may be provided by posting
287 as described in subparagraphs (2) (b)1. and 2.;

288 (b) Hand delivery by the sheriff or other law enforcement
289 officer, code inspector, or other person designated by the local
290 governing body, provided that the person making the delivery
291 signs an affidavit of delivery that includes the date and time
292 of delivery and the name of the person or entity to which the
293 notice is delivered;

294 (c) Leaving the notice at the violator's usual place of
295 residence with any person residing therein who is above 15 years
296 of age and informing such person of the contents of the notice;
297 or

298 (d) In the case of commercial premises, leaving the notice
299 with the manager or other person in charge.

300 **Section 12. Section 162.41, Florida Statutes, is created**

301 **to read:**

302 162.41 Code inspector body cameras; policies and
303 procedures.-

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

305 (a) "Body camera" means a portable electronic recording
306 device worn on a code inspector's person which records audio and
307 video data of the code inspector's encounters and activities.

308 (b) "Code inspector" has the same meaning as provided in
309 s. 162.04.

310 (2) A governmental entity that permits its code inspectors
311 to wear body cameras must establish policies and procedures
312 addressing the proper use, maintenance, and storage of body
313 cameras and the data recorded by body cameras. The policies and
314 procedures must include:

315 (a) General guidelines for the proper use, maintenance,
316 and storage of body cameras.

317 (b) Any limitations on which code inspectors are permitted
318 to wear body cameras.

319 (c) Any limitations on code enforcement-related encounters
320 and activities in which code inspectors are permitted to wear
321 body cameras.

322 (d) General guidelines for the proper storage, retention,
323 and release of audio and video data recorded by body cameras.

324 (3) A governmental entity that permits its code inspectors
325 to wear body cameras shall:

326 (a) Ensure that all personnel who wear, use, maintain, or
327 store body cameras are trained in the governmental entity's body
328 camera policies and procedures.

329 (b) Retain audio and video data recorded by body cameras
330 in accordance with the requirements of s. 119.021, except as
331 otherwise provided by law.

332 (c) Perform a periodic review of actual body camera
333 practices to ensure conformity with the governmental entity's
334 body camera policies and procedures.

335 **Section 13. Section 784.083, Florida Statutes, is amended**
336 **to read:**

337 784.083 Assault or battery on code inspectors.—Whenever a
338 person is charged with committing an assault or aggravated
339 assault or a battery or aggravated battery upon a code
340 inspector, as defined in s. 162.04 ~~s. 162.04(2)~~, while the code
341 inspector is engaged in the lawful performance of his or her
342 duties and when the person committing the offense knows or has
343 reason to know the identity or employment of the victim, the
344 offense for which the person is charged shall be reclassified as
345 follows:

346 (1) In the case of aggravated battery, from a felony of
347 the second degree to a felony of the first degree.

348 (2) In the case of aggravated assault, from a felony of
349 the third degree to a felony of the first ~~second~~ degree.

350 (3) In the case of battery, from a misdemeanor of the

351 first degree to a felony of the first ~~third~~ degree.

352 (4) In the case of assault, from a misdemeanor of the
 353 second degree to a felony ~~misdemeanor~~ of the third ~~first~~ degree.

354 **Section 14. Paragraphs (d) and (f) of subsection (3) of**
 355 **section 921.0022, Florida Statutes, are amended to read:**

356 921.0022 Criminal Punishment Code; offense severity
 357 ranking chart.—

358 (3) OFFENSE SEVERITY RANKING CHART

359 (d) LEVEL 4

360

Florida Statute	Felony Degree	Description
316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051 (1)	3rd	Failure to maintain or deliver transaction

361

362

history, transaction
information, or transaction
statements.

363

499.0051 (5)

2nd

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

364

517.07 (1)

3rd

Failure to register
securities.

365

517.12 (1)

3rd

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

366

784.031

3rd

Battery by strangulation.

367

784.07 (2) (b)

3rd

Battery of law enforcement
officer, firefighter, etc.

368

784.074 (1) (c)

3rd

Battery of sexually
violent predators
facility staff.

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369	784.075	3rd	Battery on detention or commitment facility staff.
370	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
371	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
372	784.081 (3)	3rd	Battery on specified official or employee.
373	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
374	784.083 (3)	<u>1st</u> 3rd	Battery on code inspector.
375	784.085	3rd	Battery of child by throwing, tossing, projecting, or

expelling certain fluids or materials.

376

787.03(1)

3rd

Interference with custody; wrongly takes minor from appointed guardian.

377

787.04(2)

3rd

Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

378

787.04(3)

3rd

Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

379

787.07

3rd

Human smuggling.

380

790.115(1)

3rd

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

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382	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
383	790.115 (2) (c)	3rd	Possessing firearm on school property.
384	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
385	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
386	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.

387	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
388	810.06	3rd	Burglary; possession of tools.
389	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
390	810.145 (3) (b)	3rd	Digital voyeurism dissemination.
391	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
392	812.014 (2) (c) 4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
393			

394	812.014 (2) (d) 2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.
395	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.
396	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
397	817.505 (4) (a)	3rd	Patient brokering.
	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5)

drugs.

398

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

399

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

400

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

401

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

402

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

403	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
404	836.14 (3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
405	837.02 (1)	3rd	Perjury in official proceedings.
406	837.021 (1)	3rd	Make contradictory statements in official proceedings.
407	838.022	3rd	Official misconduct.
408	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
409			

410	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
411	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
412	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
413	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
414	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.
415	870.01 (3)	2nd	Aggravated rioting.
416	870.01 (5)	2nd	Aggravated inciting a riot.
417	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
418	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).
419	914.14 (2)	3rd	Witnesses accepting bribes.
420	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
421			

422	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
423	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
424	918.12	3rd	Tampering with jurors.
425	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
426	944.47(1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
	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.

427
428
429
430
431
432
433

(f) LEVEL 6

Florida
Statute

Felony
Degree

Description

316.027 (2) (b)

2nd

Leaving the scene of
a crash involving
serious bodily
injury.

316.193 (2) (b)

3rd

Felony DUI, 4th or
subsequent conviction.

400.9935 (4) (c)

2nd

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

499.0051 (2)

2nd

Knowing forgery of
transaction history,
transaction information, or

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transaction statement.

434

499.0051 (3)

2nd

Knowing purchase or receipt of prescription drug from unauthorized person.

435

499.0051 (4)

2nd

Knowing sale or transfer of prescription drug to unauthorized person.

436

775.0875 (1)

3rd

Taking firearm from law enforcement officer.

437

784.021 (1) (a)

3rd

Aggravated assault; deadly weapon without intent to kill.

438

784.021 (1) (b)

3rd

Aggravated assault; intent to commit felony.

439

784.041

3rd

Felony battery; domestic battery by strangulation.

440

784.048 (3)

3rd

Aggravated stalking;

credible threat.

441

784.048 (5) 3rd Aggravated stalking of person under 16.

442

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

443

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

444

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

445

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

446

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

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447	784.083 (2)	<u>1st</u> 2nd	Aggravated assault on code inspector.
448	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
449	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
450	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
451	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.
452	790.19	2nd	Shooting or throwing deadly

			missiles into dwellings, vessels, or vehicles.
453	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
454	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
455	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.
456	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
457	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.

458	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
459	810.145 (8) (b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
460	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
461	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.
462	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
463	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more;

464	812.015 (9) (b)	2nd	second or subsequent conviction.
465	812.015 (9) (d)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
466	812.015 (9) (e)	2nd	Retail theft; multiple thefts within specified period.
467	812.13 (2) (c)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
468			Robbery, no firearm or other weapon (strong-arm robbery).

469	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
470	817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
471	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
472	817.5695 (3) (b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
473	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
	825.102 (3) (c)	3rd	Neglect of an elderly person or

474			disabled adult.
475	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
476	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
477	827.03 (2) (c)	3rd	Abuse of a child.
478	827.03 (2) (d)	3rd	Neglect of a child.
479	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
480	828.126 (3)	3rd	Sexual activities involving animals.

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481	836.05	2nd	Threats; extortion.
482	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
483	843.12	3rd	Aids or assists person to escape.
484	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
485	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
486	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
487	893.131	2nd	Distribution of controlled

487			substances resulting in overdose or serious bodily injury.
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
488			
	918.13 (2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
489			
	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.
490			
	944.40	2nd	Escapes.
491			
	944.46	3rd	Harboring, concealing, aiding

escaped prisoners.

492

944.47 (1) (a) 5.

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

493

951.22 (1) (i)

3rd Firearm or weapon
introduced into county
detention facility.

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Section 15. This act shall take effect July 1, 2025.