

Amendment No. 1

15 2. Who is recognizable as an actual person by the person's
16 face, likeness, or other distinguishing characteristic, such as
17 a unique birthmark, or other recognizable feature.

18
19 The term may not be construed to require proof of the actual
20 identity of the identifiable minor.

21 (b) "Intentionally view" has the same meaning as in s.
22 827.071.

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

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

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

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

31 (2) It is unlawful for any person to possess with the
32 intent to promote any photograph, motion picture, exhibition,
33 show, representation, or other presentation which, in whole or
34 in part, includes a lewd or lascivious image. The possession of
35 three or more copies of such photograph, motion picture,
36 representation, or presentation is prima facie evidence of an
37 intent to promote. A person who violates this subsection commits
38 a felony of the second degree, punishable as provided in
39 s. 775.082, s. 775.083, or s. 775.084.

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

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

61 (4) Prosecution of a person for an offense under this
62 section does not preclude prosecution of that person in this
63 state for a violation of any other law of this state, including
64 a law providing for greater penalties than prescribed in this

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65 section or any other crime punishing the sexual performance or
66 the sexual exploitation of children.

67 **Section 2. Paragraph (1) of subsection (1) and subsection**
68 **(5) of section 827.071, Florida Statutes, are amended, and**
69 **subsections (2) through (4) of that section are republished, to**
70 **read:**

71 827.071 Sexual performance by a child; child pornography;
72 penalties.—

73 (1) As used in this section, the following definitions
74 shall apply:

75 (1)1. "Sexual conduct" means actual or simulated sexual
76 intercourse, deviate sexual intercourse, sexual bestiality,
77 masturbation, or sadomasochistic abuse; actual or simulated lewd
78 exhibition of the genitals; actual physical contact with a
79 person's clothed or unclothed genitals, pubic area, buttocks,
80 or, if such person is a female, breast, with the intent to
81 arouse or gratify the sexual desire of either party; or any act
82 or conduct which constitutes sexual battery or simulates that
83 sexual battery is being or will be committed. A mother's
84 breastfeeding of her baby does not under any circumstance
85 constitute "sexual conduct."

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

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90 a. The focal point of the image is on the minor's
91 genitals;

92 b. The setting of the image is sexually suggestive or in a
93 place or pose generally associated with sexual conduct;

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

96 d. The image suggests sexual coyness or a willingness to
97 engage in sexual conduct; or

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

100 (2) A person is guilty of the use of a child in a sexual
101 performance if, knowing the character and content thereof, he or
102 she employs, authorizes, or induces a child to engage in a
103 sexual performance or, being a parent, legal guardian, or
104 custodian of such child, consents to the participation by such
105 child in a sexual performance. A person who violates this
106 subsection commits a felony of the second degree, punishable as
107 provided in s. 775.082, s. 775.083, or s. 775.084.

108 (3) A person is guilty of promoting a sexual performance
109 by a child when, knowing the character and content thereof, he
110 or she produces, directs, or promotes any performance which
111 includes sexual conduct by a child. A person who violates this
112 subsection commits a felony of the second degree, punishable as
113 provided in s. 775.082, s. 775.083, or s. 775.084.

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114 (4) It is unlawful for any person to possess with the
115 intent to promote any photograph, motion picture, exhibition,
116 show, representation, or other presentation which, in whole or
117 in part, includes child pornography. The possession of three or
118 more copies of such photograph, motion picture, representation,
119 or presentation is prima facie evidence of an intent to promote.
120 A person who violates this subsection commits a felony of the
121 second degree, punishable as provided in s. 775.082, s. 775.083,
122 or s. 775.084.

123 (5)(a) It is unlawful for any person to knowingly solicit,
124 possess, control, or intentionally view a photograph, motion
125 picture, exhibition, show, representation, image, data, computer
126 depiction, or other presentation which, in whole or in part, he
127 or she knows to include child pornography. The solicitation,
128 possession, control, or intentional viewing of each such
129 photograph, motion picture, exhibition, show, image, data,
130 computer depiction, representation, or presentation is a
131 separate offense. If such photograph, motion picture,
132 exhibition, show, representation, image, data, computer
133 depiction, or other presentation includes child pornography
134 depicting more than one child, then each such child in each such
135 photograph, motion picture, exhibition, show, representation,
136 image, data, computer depiction, or other presentation that is
137 knowingly solicited, possessed, controlled, or intentionally
138 viewed is a separate offense. A person who violates this

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139 paragraph commits a felony of the third degree, punishable as
140 provided in s. 775.082, s. 775.083, or s. 775.084.

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

144 **Section 3. Paragraphs (b) through (e) of subsection (1) of**
145 **section 836.13, Florida Statutes, are redesignated as paragraphs**
146 **(c) through (f), respectively, a new paragraph (b) is added to**
147 **that subsection, subsections (3) through (8) of that section are**
148 **renumbered as subsections (5) through (10), respectively,**
149 **present subsections (2), (4), (5), and (6), are amended, and new**
150 **subsections (2) and (3) are added to that section, to read:**

151 836.13 ~~Promotion of an~~ Altered sexual depictions
152 depiction; prohibited acts; penalties; applicability.-

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

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

158 (2) A person who willfully generates any altered sexual
159 depiction of an identifiable person, without the consent of the
160 identifiable person, commits a felony of the third degree,
161 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

162 (3) A person who solicits any altered sexual depiction of
163 an identifiable person, without the consent of the identifiable

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164 person, and who knows or reasonably should have known that such
165 visual depiction was an altered sexual depiction, commits a
166 felony of the third degree, punishable as provided in s.
167 775.082, s. 775.083, or s. 775.084.

168 (4)(2) A person who willfully and maliciously promotes, or
169 possesses with the intent to maliciously promote, any altered
170 sexual depiction of an identifiable person, without the consent
171 of the identifiable person, and who knows or reasonably should
172 have known that such visual depiction was an altered sexual
173 depiction, commits a felony of the third degree, punishable as
174 provided in s. 775.082, s. 775.083, or s. 775.084.

175 (6)(4) The presence of a disclaimer within an altered
176 sexual depiction which notifies a viewer that the person or
177 persons depicted did not consent to or participate in the
178 generation creation or promotion of the material, or that the
179 person or persons depicted did not actually perform the actions
180 portrayed, is not a defense and does not relieve a person of
181 criminal liability under this section.

182 (7)(5) An aggrieved person may initiate a civil action
183 against a person who violates subsection (2) or subsection (4)
184 to obtain appropriate relief in order to prevent or remedy a
185 violation of subsection (2) or subsection (4), including all of
186 the following:

187 (a) Injunctive relief.

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188 (b) Monetary damages to include \$10,000 or actual damages
189 incurred as a result of a violation of subsection (2) or
190 subsection (4), whichever is greater.

191 (c) Reasonable attorney fees and costs.

192 ~~(8)(6)~~ The criminal and civil penalties of this section do
193 not apply to:

194 (a) A provider of an interactive computer service as
195 defined in 47 U.S.C. s. 230(f), of an information service as
196 defined in 47 U.S.C. s. 153, or of a communications service as
197 defined in s. 202.11 which provides the transmission, storage,
198 or caching of electronic communications or messages of others;
199 another related telecommunications or commercial mobile radio
200 service; or content provided by another person;

201 (b) A law enforcement officer, as defined in s. 943.10, or
202 any local, state, federal, or military law enforcement agency
203 engaged in ~~that promotes an altered sexual depiction in~~
204 ~~connection with~~ the performance of his or her duties as a law
205 enforcement officer or the duties of the law enforcement agency;

206 (c) A person reporting unlawful activity; or

207 (d) A person participating in a hearing, trial, or other
208 legal proceeding.

209 **Section 4. Paragraph (b) and (c) of subsection (3) of**
210 **section 921.0022, Florida Statutes, are amended to read:**

211 921.0022 Criminal Punishment Code; offense severity
212 ranking chart.—

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213	(3) OFFENSE SEVERITY RANKING CHART		
214	(b) LEVEL 2		
215	Florida	Felony	
216	Statute	Degree	Description
216	379.2431	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
	(1) (e) 3.		
217	379.2431	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
	(1) (e) 4.		
218	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.
219	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.

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221	590.28(1)	3rd	Intentional burning of lands.
222	784.03(3)	3rd	Battery during a riot or an aggravated riot.
223	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
224	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
225	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
226	806.13(3)	3rd	Criminal mischief; damage of \$200 or more to a memorial or historic property.
	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling;

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facilitating or furthering
burglary.

227

810.09(2)(d) 3rd

Trespassing on posted
commercial horticulture
property.

228

812.014(2)(c)1. 3rd

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

229

812.014(2)(d)1. 3rd

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

230

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.

231

812.015(7) 3rd

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

232

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233	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
234	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
235	817.52 (3)	3rd	Failure to redeliver hired vehicle.
236	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
237	817.60 (5)	3rd	Dealing in credit cards of another.
238	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
239	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.

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240	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
241	831.01	3rd	Forgery.
242	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
243	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
244	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
245	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
246	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.

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	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
	<u>836.13 (3)</u>	<u>3rd</u>	<u>Soliciting an altered sexual depiction of an identifiable person without consent.</u>
247			
	843.01 (2)	3rd	Resist police canine or police horse with violence; under certain circumstances.
248			
	843.08	3rd	False personation.
249			
	843.19 (3)	3rd	Touch or strike police, fire, SAR canine or police horse.
250			
	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.
251			
	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.

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252			
253	(c)	LEVEL 3	
254			
	Florida	Felony	
	Statute	Degree	Description
255			
	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
256			
	316.066	3rd	Unlawfully obtaining or using confidential crash reports.
	(3) (b) - (d)		
257			
	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
258			
	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
259			
	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
260			

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261	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
262	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
263	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
264	327.35(2)(b)	3rd	Felony BUI.
265	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
266	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

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267	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
268	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
269	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.
	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

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270	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
271	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
272	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
273	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
274	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
275	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority;

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premium collected less than
\$20,000.

276

626.902 (1) (a) & 3rd
(b)

Representing an unauthorized
insurer.

277

697.08 3rd

Equity skimming.

278

790.15 (3) 3rd

Person directs another to
discharge firearm from a
vehicle.

279

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.

800.045 (3) 3rd

Possess, control, or
intentionally view any
photographic material, motion
picture, etc., which includes a
lewd or lascivious image.

280

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281	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
282	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
283	810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
284	810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
285	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
286	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.

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287	812.081 (2)	3rd	Theft of a trade secret.
288	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
289	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
290	817.233	3rd	Burning to defraud insurer.
291	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
292	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
293	817.236	3rd	Filing a false motor vehicle insurance application.
294	817.2361	3rd	Creating, marketing, or presenting a false or

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fraudulent motor vehicle
insurance card.

295

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

296

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

297

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

298

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

299

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

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<u>836.13(4)</u>	3rd	<u>Promoting, or possessing with</u>
836.13(2)		<u>intent to promote, Person who</u>
		promotes an altered sexual
		depiction of an identifiable
		person without consent.
838.021(3)(b)	3rd	Threatens unlawful harm to
		public servant.
847.01385	3rd	Harmful communication to a
		minor.
860.15(3)	3rd	Overcharging for repairs and
		parts.
870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
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.,

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(2) (c) 7., (2) (c) 8., (2) (c) 9.,
(2) (c) 10., (3), or (4) drugs).

307

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.

308

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

309

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

310

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311	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
312	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
313	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
314	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
315	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an

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animal in obtaining a
controlled substance through
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.

316

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.

317

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

318

893.13(8)(a)4. 3rd Write a prescription for a
controlled substance for a
patient, other person, or an
animal if the sole purpose of
writing the prescription is a
monetary benefit for the
practitioner.

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

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

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

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

Section 5. This act shall take effect October 1, 2025.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to sexual images; creating s. 800.045, F.S.; providing definitions; prohibiting a person from possessing with the intent to promote specified depictions including a lewd or lascivious image;

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333 prohibiting a person from soliciting, possessing,
334 controlling, or intentionally viewing a depiction
335 including a lewd or lascivious image; providing
336 criminal penalties; providing applicability; amending
337 s. 827.071, F.S.; providing criteria that may be used
338 to evidence actual or simulated lewd exhibition of the
339 genitals; prohibiting a person from soliciting a
340 depiction including child pornography; providing a
341 criminal penalty; amending s. 836.13, F.S.; defining
342 the term "generate"; prohibiting a person from
343 willfully generating an altered sexual depiction of an
344 identifiable person, without the consent of the
345 identifiable person; prohibiting a person from
346 soliciting an altered sexual depiction of an
347 identifiable person, without the consent of the
348 identifiable person; prohibiting a person from
349 possessing with the intent to maliciously promote an
350 altered sexual depiction of an identifiable person,
351 without the consent of the identifiable person;
352 providing criminal penalties; revising applicability;
353 amending s. 921.0022, F.S.; ranking offenses created
354 by the act for purposes of the offense severity
355 ranking chart of the Criminal Punishment Code; making
356 a conforming change; providing an effective date.

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