

1 A bill to be entitled
2 An act relating to sexual images; creating s. 800.045,
3 F.S.; providing definitions; prohibiting a person from
4 possessing with the intent to promote specified
5 depictions including a lewd or lascivious image;
6 prohibiting a person from soliciting, possessing,
7 controlling, or intentionally viewing a depiction
8 including a lewd or lascivious image; providing
9 criminal penalties; providing applicability; amending
10 s. 827.071, F.S.; providing criteria that may be used
11 to evidence actual or simulated lewd exhibition of the
12 genitals; prohibiting a person from soliciting a
13 depiction including child pornography; providing a
14 criminal penalty; amending s. 836.13, F.S.; defining
15 the term "generate"; prohibiting a person from
16 willfully generating an altered sexual depiction of an
17 identifiable person without the consent of the
18 identifiable person; prohibiting a person from
19 soliciting an altered sexual depiction of an
20 identifiable person without the consent of the
21 identifiable person; prohibiting a person from
22 possessing with the intent to maliciously promote an
23 altered sexual depiction of an identifiable person
24 without the consent of the identifiable person;
25 providing criminal penalties; revising applicability;

amending s. 921.0022, F.S.; ranking offenses created by the act for purposes of the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

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

800.045 Lewd or lascivious images; penalties.—

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

(a) "Identifiable minor" means a person:

1. Who was less than 16 years of age at the time the image was created, altered, adapted, or modified, or whose image as a person less than 16 years of age was used in the creating, altering, adapting, or modifying of the image; and

2. 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.

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

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

(c) "Lewd or lascivious image" means:

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

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

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

58 (2) It is unlawful for any person to possess with the
59 intent to promote any photograph, motion picture, exhibition,
60 show, representation, or other presentation which, in whole or
61 in part, includes a lewd or lascivious image. The possession of
62 three or more copies of such photograph, motion picture,
63 representation, or presentation is prima facie evidence of an
64 intent to promote. A person who violates this subsection commits
65 a felony of the second degree, punishable as provided in s.
66 775.082, s. 775.083, or s. 775.084.

67 (3)(a) It is unlawful for any person to knowingly solicit,
68 possess, control, or intentionally view a photograph, motion
69 picture, exhibition, show, representation, image, data, computer
70 depiction, or other presentation which, in whole or in part, he
71 or she knows to include a lewd or lascivious image. The
72 solicitation, possession, control, or intentional viewing of
73 each such photograph, motion picture, exhibition, show, image,
74 data, computer depiction, representation, or presentation is a
75 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, then each such minor in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that 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 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 2. Paragraph (1) of subsection (1) and subsection (5) of section 827.071, Florida Statutes, are amended, and subsections (2) through (4) of that section are republished, to read:

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

(1) As used in this section, the following definitions

shall apply:

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

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

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

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

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

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

e. The image is intended or designed to elicit a sexual

126 response in the viewer.

127 (2) A person is guilty of the use of a child in a sexual
128 performance if, knowing the character and content thereof, he or
129 she employs, authorizes, or induces a child to engage in a
130 sexual performance or, being a parent, legal guardian, or
131 custodian of such child, consents to the participation by such
132 child in a sexual performance. A person who violates this
133 subsection commits a felony of the second degree, punishable as
134 provided in s. 775.082, s. 775.083, or s. 775.084.

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

141 (4) It is unlawful for any person to possess with the
142 intent to promote any photograph, motion picture, exhibition,
143 show, representation, or other presentation which, in whole or
144 in part, includes child pornography. The possession of three or
145 more copies of such photograph, motion picture, representation,
146 or presentation is prima facie evidence of an intent to promote.
147 A person who violates this subsection commits a felony of the
148 second degree, punishable as provided in s. 775.082, s. 775.083,
149 or s. 775.084.

150 (5)(a) It is unlawful for any person to knowingly solicit,

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

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

171 **Section 3. Paragraphs (b) through (e) of subsection (1) of**
172 **section 836.13, Florida Statutes, are redesignated as paragraphs**
173 **(c) through (f), respectively, a new paragraph (b) is added to**
174 **that subsection, subsections (3) through (8) of that section are**
175 **renumbered as subsections (5) through (10), respectively,**

176 **present subsections (2), (4), (5), and (6), are amended, and new**
177 **subsections (2) and (3) are added to that section, to read:**

178 836.13 ~~Promotion of an~~ Altered sexual depictions
179 ~~depiction~~; prohibited acts; penalties; applicability.—

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

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

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

189 (3) A person who solicits any altered sexual depiction of
190 an identifiable person, without the consent of the identifiable
191 person, and who knows or reasonably should have known that such
192 visual depiction was an altered sexual depiction, commits a
193 felony of the third degree, punishable as provided in s.
194 775.082, s. 775.083, or s. 775.084.

195 (4)(2) A person who willfully and maliciously promotes, or
196 possesses with the intent to maliciously promote, any altered
197 sexual depiction of an identifiable person, without the consent
198 of the identifiable person, and who knows or reasonably should
199 have known that such visual depiction was an altered sexual
200 depiction, commits a felony of the third degree, punishable as

provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

(a) Injunctive relief.

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

(c) Reasonable attorney fees and costs.

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

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

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 ~~that promotes an altered sexual depiction in connection with~~ 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; or

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

Section 4. Paragraphs (b) and (c) 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 Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.

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245	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
246	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.
247	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
248	590.28 (1)	3rd	Intentional burning of lands.
249	784.03 (3)	3rd	Battery during a riot or an aggravated riot.
250	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
	787.04 (1)	3rd	In violation of court order,

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take, entice, etc., minor
beyond state limits.

251

806.13(1)(b)3. 3rd Criminal mischief; damage
\$1,000 or more to public
communication or any other
public service.

252

806.13(3) 3rd Criminal mischief; damage of
\$200 or more to a memorial or
historic property.

253

810.061(2) 3rd Impairing or impeding telephone
or power to a dwelling;
facilitating or furthering
burglary.

254

810.09(2)(d) 3rd Trespassing on posted
commercial horticulture
property.

255

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$750
or more but less than \$5,000.

256

812.014(2)(d)1. 3rd Grand theft, 3rd degree; \$40 or

more but less than \$750, taken
from dwelling or its unenclosed
curtilage.

257

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.

258

812.015 (7) 3rd

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

259

817.234 (1) (a) 2. 3rd

False statement in support of
insurance claim.

260

817.481 (3) (a) 3rd

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

261

817.52 (3) 3rd

Failure to redeliver hired
vehicle.

262

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263	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
264	817.60 (5)	3rd	Dealing in credit cards of another.
265	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
266	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
267	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
268	831.01	3rd	Forgery.
269	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
	831.07	3rd	Forging bank bills, checks,

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drafts, or promissory notes.

270

831.08 3rd Possessing 10 or more forged
notes, bills, checks, or
drafts.

271

831.09 3rd Uttering forged notes, bills,
checks, drafts, or promissory
notes.

272

831.11 3rd Bringing into the state forged
bank bills, checks, drafts, or
notes.

273

832.05 (3) (a) 3rd Cashing or depositing item with
intent to defraud.

274

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

275

843.01 (2) 3rd Resist police canine or police
horse with violence; under
certain circumstances.

276

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277	843.08	3rd	False personation.
278	843.19(3)	3rd	Touch or strike police, fire, SAR canine or police horse.
279	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.
280	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
281	(c) LEVEL 3		
282	Florida	Felony	
283	Statute	Degree	Description
284	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
	316.066	3rd	Unlawfully obtaining or using

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285	(3) (b) - (d)		confidential crash reports.
286	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
287	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
288	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
289	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
290	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
291	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

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292	327.35 (2) (b)	3rd	Felony BUI.
293	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
294	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
295	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
296	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.

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297	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.
298	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
299	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
300	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.

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301	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
302	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
303	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
304	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
305	697.08	3rd	Equity skimming.
306	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
307	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or

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17 years of age by a person 24
years of age or older.

308

800.045 (3)3rd

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

309

806.10 (1)

3rd

Maliciously injure, destroy, or
interfere with vehicles or
equipment used in firefighting.

310

806.10 (2)

3rd

Interferes with or assaults
firefighter in performance of
duty.

311

810.09 (2) (b)

3rd

Trespass on property other than
structure or conveyance armed
with firearm or dangerous
weapon.

312

810.145 (2) (c)

3rd

Digital voyeurism; 19 years of
age or older.

313

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314	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
315	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
316	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
317	812.081 (2)	3rd	Theft of a trade secret.
318	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
319	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
320	817.233	3rd	Burning to defraud insurer.
	817.234	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
	(8) (b) & (c)		

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321	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
322	817.236	3rd	Filing a false motor vehicle insurance application.
323	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
324	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
325	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
326	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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with intent to defraud.

327

831.29 2nd

Possession of instruments for
counterfeiting driver licenses
or identification cards.

328

836.13(2) 3rd

Generating an altered sexual
depiction of an identifiable
person without consent.

329

836.13(4) 3rd
~~836.13(2)~~

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

330

838.021(3)(b) 3rd

Threatens unlawful harm to
public servant.

331

847.01385 3rd

Harmful communication to a
minor.

332

860.15(3) 3rd

Overcharging for repairs and
parts.

333

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334	870.01 (2)	3rd	Riot.
335	870.01 (4)	3rd	Inciting a riot.
336	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).
337	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.
	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

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housing facility.

338

893.13(4)(c)

3rd

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

339

893.13(6)(a)

3rd

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

340

893.13(7)(a)8.

3rd

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

341

893.13(7)(a)9.

3rd

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

342

893.13(7)(a)10.

3rd

Affix false or forged label to
package of controlled
substance.

343

893.13(7)(a)11.

3rd

Furnish false or fraudulent

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

344

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.

345

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.

346

893.13(8)(a)3. 3rd

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

347

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.

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.