

By Senator Leek

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1 A bill to be entitled
2 An act relating to child pornography terminology;
3 amending ss. 39.0138, 92.56, 92.561, 435.07, 456.074,
4 775.0847, 827.071, 827.072, 836.13, 836.14, 847.001,
5 847.002, 847.01357, 847.0139, 903.011, 921.0022,
6 948.06, 960.03, and 960.197, F.S.; replacing the term
7 "child pornography" with the term "child sexual abuse
8 material"; amending s. 847.0137, F.S.; replacing the
9 terms "pornography" and "child pornography" with the
10 term "child sexual abuse material"; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (3) of section 39.0138, Florida
16 Statutes, is amended to read:

17 39.0138 Criminal history and other records checks; limit on
18 placement of a child.—

19 (3) The department may not place a child with a person
20 other than a parent if the criminal history records check
21 reveals that the person has been convicted of any felony that
22 falls within any of the following categories:

23 (a) Child abuse, abandonment, or neglect;

24 (b) Domestic violence;

25 (c) Child sexual abuse material ~~pornography~~ or other felony
26 in which a child was a victim of the offense; or

27 (d) Homicide, sexual battery, or other felony involving
28 violence, other than felony assault or felony battery when an
29 adult was the victim of the assault or battery, or resisting

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30 arrest with violence.

31 Section 2. Subsection (3) of section 92.56, Florida
32 Statutes, is amended to read:

33 92.56 Judicial proceedings and court records involving
34 sexual offenses and human trafficking.—

35 (3) The state may use a pseudonym instead of the victim's
36 name to designate the victim of a crime described in s.
37 787.06(3)(a)1., (c)1., or (e)1., in s. 787.06(3)(b), (d), (f),
38 or (g), or in chapter 794 or chapter 800, or of child abuse,
39 aggravated child abuse, or sexual performance by a child as
40 described in chapter 827, or any crime involving the production,
41 possession, or promotion of child sexual abuse material
42 ~~pornography~~ as described in chapter 847, in all court records
43 and records of court proceedings, both civil and criminal.

44 Section 3. Section 92.561, Florida Statutes, is amended to
45 read:

46 92.561 Prohibition on reproduction of child sexual abuse
47 material ~~pornography~~.—

48 (1) In a criminal proceeding, any property or material that
49 portrays sexual performance by a child as defined in s. 827.071,
50 constitutes generated child sexual abuse material ~~pornography~~ as
51 defined in s. 827.072, or constitutes child sexual abuse
52 material ~~pornography~~ as defined in s. 847.001, must remain
53 secured or locked in the care, custody, and control of a law
54 enforcement agency, the state attorney, or the court.

55 (2) Notwithstanding any law or rule of court, a court shall
56 deny, in a criminal proceeding, any request by the defendant to
57 copy, photograph, duplicate, or otherwise reproduce any property
58 or material that portrays sexual performance by a child,

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59 constitutes generated child sexual abuse material ~~pornography~~,
60 or constitutes child sexual abuse material ~~pornography~~ so long
61 as the state attorney makes the property or material reasonably
62 available to the defendant.

63 (3) For purposes of this section, property or material is
64 deemed to be reasonably available to the defendant if the state
65 attorney provides ample opportunity at a designated facility for
66 the inspection, viewing, and examination of the property or
67 material that portrays sexual performance by a child,
68 constitutes generated child sexual abuse material ~~pornography~~,
69 or constitutes child sexual abuse material ~~pornography~~ by the
70 defendant, his or her attorney, or any individual whom the
71 defendant uses as an expert during the discovery process or at a
72 court proceeding.

73 Section 4. Paragraph (c) of subsection (4) of section
74 435.07, Florida Statutes, is amended to read:

75 435.07 Exemptions from disqualification.—Unless otherwise
76 provided by law, the provisions of this section apply to
77 exemptions from disqualification for disqualifying offenses
78 revealed pursuant to background screenings required under this
79 chapter, regardless of whether those disqualifying offenses are
80 listed in this chapter or other laws.

81 (4)

82 (c) Disqualification from employment under this chapter may
83 not be removed from, and an exemption may not be granted to, any
84 current or prospective child care personnel, as defined in s.
85 402.302(3), and such a person is disqualified from employment as
86 child care personnel, regardless of any previous exemptions from
87 disqualification, if the person has been registered as a sex

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88 offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been
89 arrested for and is awaiting final disposition of, has been
90 convicted or found guilty of, or entered a plea of guilty or
91 nolo contendere to, regardless of adjudication, or has been
92 adjudicated delinquent and the record has not been sealed or
93 expunged for, any offense prohibited under any of the following
94 provisions of state law or a similar law of another
95 jurisdiction:

96 1. A felony offense prohibited under any of the following
97 statutes:

98 a. Chapter 741, relating to domestic violence.

99 b. Section 782.04, relating to murder.

100 c. Section 782.07, relating to manslaughter; aggravated
101 manslaughter of an elderly person or disabled adult; aggravated
102 manslaughter of a child; or aggravated manslaughter of an
103 officer, a firefighter, an emergency medical technician, or a
104 paramedic.

105 d. Section 784.021, relating to aggravated assault.

106 e. Section 784.045, relating to aggravated battery.

107 f. Section 787.01, relating to kidnapping.

108 g. Section 787.025, relating to luring or enticing a child.

109 h. Section 787.04(2), relating to leading, taking,
110 enticing, or removing a minor beyond the state limits, or
111 concealing the location of a minor, with criminal intent pending
112 custody proceedings.

113 i. Section 787.04(3), relating to leading, taking,
114 enticing, or removing a minor beyond the state limits, or
115 concealing the location of a minor, with criminal intent pending
116 dependency proceedings or proceedings concerning alleged abuse

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117 or neglect of a minor.

118 j. Section 794.011, relating to sexual battery.

119 k. Former s. 794.041, relating to sexual activity with or
120 solicitation of a child by a person in familial or custodial
121 authority.

122 l. Section 794.05, relating to unlawful sexual activity
123 with certain minors.

124 m. Section 794.08, relating to female genital mutilation.

125 n. Section 806.01, relating to arson.

126 o. Section 826.04, relating to incest.

127 p. Section 827.03, relating to child abuse, aggravated
128 child abuse, or neglect of a child.

129 q. Section 827.04, relating to contributing to the
130 delinquency or dependency of a child.

131 r. Section 827.071, relating to sexual performance by a
132 child.

133 s. Chapter 847, relating to child sexual abuse material
134 ~~pornography~~.

135 t. Chapter 893, relating to a drug abuse prevention and
136 control offense, if that offense was committed in the preceding
137 5 years.

138 u. Section 985.701, relating to sexual misconduct in
139 juvenile justice programs.

140 2. A misdemeanor offense prohibited under any of the
141 following statutes:

142 a. Section 784.03, relating to battery, if the victim of
143 the offense was a minor.

144 b. Section 787.025, relating to luring or enticing a child.

145 c. Chapter 847, relating to child sexual abuse material

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146 ~~pornography.~~

147 3. A criminal act committed in another state or under
148 federal law which, if committed in this state, constitutes an
149 offense prohibited under any statute listed in subparagraph 1.
150 or subparagraph 2.

151 Section 5. Paragraph (aa) of subsection (5) of section
152 456.074, Florida Statutes, is amended to read:

153 456.074 Certain health care practitioners; immediate
154 suspension of license.-

155 (5) The department shall issue an emergency order
156 suspending the license of any health care practitioner who is
157 arrested for committing or attempting, soliciting, or conspiring
158 to commit any act that would constitute a violation of any of
159 the following criminal offenses in this state or similar
160 offenses in another jurisdiction:

161 (aa) Section 847.0137, relating to the transmission of
162 child sexual abuse material ~~pornography~~ by electronic device or
163 equipment.

164 Section 6. Paragraph (b) of subsection (1) and subsection
165 (2) of section 775.0847, Florida Statutes, are amended to read:

166 775.0847 Possession or promotion of certain images of child
167 sexual abuse material ~~pornography~~; reclassification.-

168 (1) For purposes of this section:

169 (b) "Child sexual abuse material ~~pornography~~" means:

170 1. Any image depicting a minor engaged in sexual conduct;
171 or

172 2. Any image that has been created, altered, adapted, or
173 modified by electronic, mechanical, or other means, to portray
174 an identifiable minor engaged in sexual conduct.

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175 (2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or
176 s. 847.0138 shall be reclassified to the next higher degree as
177 provided in subsection (3) if:

178 (a) The offender possesses 10 or more images of any form of
179 child sexual abuse material ~~pornography~~ regardless of content;
180 and

181 (b) The content of at least one image contains one or more
182 of the following:

- 183 1. A child who is younger than the age of 5.
- 184 2. Sodomasochistic abuse involving a child.
- 185 3. Sexual battery involving a child.
- 186 4. Sexual bestiality involving a child.

187 5. Any motion picture, film, video, or computer-generated
188 motion picture, film, or video involving a child, regardless of
189 length and regardless of whether the motion picture, film,
190 video, or computer-generated motion picture, film, or video
191 contains sound.

192
193 For purposes of sentencing under chapter 921 and determining
194 incentive gain-time eligibility under chapter 944, a felony
195 offense that is reclassified under this section is ranked one
196 level above the ranking under s. 921.0022 or s. 921.0023 of the
197 offense committed.

198 Section 7. Paragraph (b) of subsection (1), subsection (4),
199 and paragraph (a) of subsection (5) of section 827.071, Florida
200 Statutes, are amended to read:

201 827.071 Sexual performance by a child; child sexual abuse
202 material ~~pornography~~; penalties.—

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

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204 shall apply:

205 (b) "Child sexual abuse material ~~pornography~~" means:

206 1. Any image depicting a minor engaged in sexual conduct;

207 or

208 2. Any image that has been created, altered, adapted, or
209 modified by electronic, mechanical, or other means, to portray
210 an identifiable minor engaged in sexual conduct.

211 (4) It is unlawful for any person to possess with the
212 intent to promote any photograph, motion picture, exhibition,
213 show, representation, or other presentation which, in whole or
214 in part, includes child sexual abuse material ~~pornography~~. The
215 possession of three or more copies of such photograph, motion
216 picture, representation, or presentation is prima facie evidence
217 of an intent to promote. A person who violates this subsection
218 commits a felony of the second degree, punishable as provided in
219 s. 775.082, s. 775.083, or s. 775.084.

220 (5)(a) It is unlawful for any person to knowingly solicit,
221 possess, control, or intentionally view a photograph, motion
222 picture, exhibition, show, representation, image, data, computer
223 depiction, or other presentation which, in whole or in part, he
224 or she knows to include child sexual abuse material ~~pornography~~.
225 The solicitation, possession, control, or intentional viewing of
226 each such photograph, motion picture, exhibition, show, image,
227 data, computer depiction, representation, or presentation is a
228 separate offense. If such photograph, motion picture,
229 exhibition, show, representation, image, data, computer
230 depiction, or other presentation includes child sexual abuse
231 material ~~pornography~~ depicting more than one child, then each
232 such child in each such photograph, motion picture, exhibition,

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233 show, representation, image, data, computer depiction, or other
234 presentation that is knowingly solicited, possessed, controlled,
235 or intentionally viewed is a separate offense. A person who
236 violates this paragraph commits a felony of the third degree,
237 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

238 Section 8. Paragraph (a) of subsection (1) and paragraphs
239 (a) and (b) of subsection (2) of section 827.072, Florida
240 Statutes, are amended to read:

241 827.072 Generated child sexual abuse material ~~pornography~~.

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

243 (a) "Generated child sexual abuse material ~~pornography~~"
244 means any image that has been created, altered, adapted, or
245 modified by electronic, mechanical, or other computer-generated
246 means to portray a fictitious person, who a reasonable person
247 would regard as being a real person younger than 18 years of
248 age, engaged in sexual conduct.

249 (2) (a) It is unlawful for a person to knowingly possess or
250 control or intentionally view a photograph, a motion picture, a
251 representation, an image, a data file, a computer depiction, or
252 any other presentation which, in whole or in part, he or she
253 knows includes generated child sexual abuse material
254 ~~pornography~~. The possession, control, or intentional viewing of
255 each such photograph, motion picture, representation, image,
256 data file, computer depiction, or other presentation is a
257 separate offense. A person who violates this paragraph commits a
258 felony of the third degree, punishable as provided in s.
259 775.082, s. 775.083, or s. 775.084.

260 (b) A person who intentionally creates generated child
261 sexual abuse material ~~pornography~~ commits a felony of the third

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262 degree, punishable as provided in s. 775.082, s. 775.083, or s.
263 775.084.

264 Section 9. Subsection (11) of section 836.13, Florida
265 Statutes, is amended to read:

266 836.13 Altered sexual depictions; prohibited acts;
267 penalties; applicability.—

268 (11) Prosecution of a person for an offense under this
269 section does not preclude prosecution of that person in this
270 state for a violation of any other law of this state, including
271 a law providing for greater penalties than prescribed in this
272 section or any other crime related to child sexual abuse
273 material pornography or the sexual performance or the sexual
274 exploitation of children.

275 Section 10. Subsection (9) of section 836.14, Florida
276 Statutes, is amended to read:

277 836.14 Theft or unauthorized promotion of a sexually
278 explicit image.—

279 (9) Prosecution of a person for an offense under this
280 section does not preclude prosecution of that person in this
281 state for a violation of any other law of this state, including
282 a law providing for greater penalties than prescribed in this
283 section or any other crime related to child sexual abuse
284 material pornography or the sexual performance or the sexual
285 exploitation of children.

286 Section 11. Subsection (3) of section 847.001, Florida
287 Statutes, is amended to read:

288 847.001 Definitions.—As used in this chapter, the term:

289 (3) "Child sexual abuse material pornography" means:

290 (a) Any image depicting a minor engaged in sexual conduct;

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291 or

292 (b) Any image that has been created, altered, adapted, or
293 modified by electronic, mechanical, or other means, to portray
294 an identifiable minor engaged in sexual conduct.

295 Section 12. Section 847.002, Florida Statutes, is amended
296 to read:

297 847.002 Child sexual abuse material ~~pornography~~
298 prosecutions.—

299 (1) Any law enforcement officer who, pursuant to a criminal
300 investigation, recovers images or movies of child sexual abuse
301 material ~~pornography~~ shall:

302 (a) Provide such images or movies to the law enforcement
303 agency representative assigned to the Child Victim
304 Identification Program at the National Center for Missing and
305 Exploited Children, as required by the center's guidelines.

306 (b) Request the law enforcement agency contact information
307 from the Child Victim Identification Program for any images or
308 movies recovered which contain an identified victim of child
309 sexual abuse material ~~pornography~~ as defined in s. 960.03.

310 (c) Provide case information to the Child Victim
311 Identification Program, as required by the National Center for
312 Missing and Exploited Children guidelines, in any case where the
313 law enforcement officer identifies a previously unidentified
314 victim of child sexual abuse material ~~pornography~~.

315 (2) Any law enforcement officer submitting a case for
316 prosecution which involves the production, promotion, or
317 possession of child sexual abuse material ~~pornography~~ shall
318 submit to the designated prosecutor the law enforcement agency
319 contact information provided by the Child Victim Identification

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320 Program at the National Center for Missing and Exploited
321 Children, for any images or movies involved in the case which
322 contain the depiction of an identified victim of child sexual
323 abuse material ~~pornography~~ as defined in s. 960.03.

324 (3) In every filed case involving an identified victim of
325 child sexual abuse material ~~pornography~~, as defined in s.
326 960.03, the prosecuting agency shall enter the following
327 information into the Victims in Child Pornography Tracking
328 Repeat Exploitation database maintained by the Office of the
329 Attorney General:

330 (a) The case number and agency file number.

331 (b) The named defendant.

332 (c) The circuit court division and county.

333 (d) Current court dates and the status of the case.

334 (e) Contact information for the prosecutor assigned.

335 (f) Verification that the prosecutor is or is not in
336 possession of a victim impact statement and will use the
337 statement in sentencing.

338 Section 13. Subsections (1) and (4) of section 847.01357,
339 Florida Statutes, are amended to read:

340 847.01357 Exploited children's civil remedy.—

341 (1) Any person who, while under the age of 18, was a victim
342 of a sexual abuse crime listed in chapter 794, chapter 800,
343 chapter 827, or chapter 847, where any portion of such abuse was
344 used in the production of child sexual abuse material
345 ~~pornography~~, and who suffers personal or psychological injury as
346 a result of the production, promotion, or possession of such
347 images or movies, may bring an action in an appropriate state
348 court against the producer, promoter, or possessor of such

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349 images or movies, regardless of whether the victim is now an
350 adult. In any action brought under this section, a prevailing
351 plaintiff shall recover the actual damages such person sustained
352 and the cost of the suit, including reasonable attorney's fees.
353 Any victim who is awarded damages under this section shall be
354 deemed to have sustained damages of at least \$150,000.

355 (4) It is not a defense to a civil cause of action under
356 this section that the respondent did not know the victim or
357 commit the abuse depicted in any image of child sexual abuse
358 material ~~pornography~~.

359 Section 14. Subsections (2), (3), and (4) of section
360 847.0137, Florida Statutes, are amended to read:

361 847.0137 Transmission of child sexual abuse material
362 ~~pornography~~ by electronic device or equipment prohibited;
363 penalties.—

364 (2) Notwithstanding ss. 847.012 and 847.0133, any person in
365 this state who knew or reasonably should have known that he or
366 she was transmitting child sexual abuse material ~~pornography~~, as
367 defined in s. 847.001, to another person in this state or in
368 another jurisdiction commits a felony of the third degree,
369 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

370 (3) Notwithstanding ss. 847.012 and 847.0133, any person in
371 any jurisdiction other than this state who knew or reasonably
372 should have known that he or she was transmitting child sexual
373 abuse material ~~pornography~~, as defined in s. 847.001, to any
374 person in this state commits a felony of the third degree,
375 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

376 (4) This section shall not be construed to preclude
377 prosecution of a person in this state or another jurisdiction

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378 for a violation of any law of this state, including a law
379 providing for greater penalties than prescribed in this section,
380 for the transmission of child sexual abuse material ~~pornography~~,
381 as defined in s. 847.001, to any person in this state.

382

383 The provisions of this section do not apply to subscription-
384 based transmissions such as list servers.

385 Section 15. Section 847.0139, Florida Statutes, is amended
386 to read:

387 847.0139 Immunity from civil liability for reporting child
388 sexual abuse material ~~pornography~~, transmission of child sexual
389 abuse material ~~pornography~~, or any image, information, or data
390 harmful to minors to a minor in this state.—Any person who
391 reports to a law enforcement officer what the person reasonably
392 believes to be child sexual abuse material ~~pornography~~,
393 transmission of child sexual abuse material ~~pornography~~, or any
394 image, information, or data that is harmful to minors to a minor
395 in this state may not be held civilly liable for such reporting.
396 For purposes of this section, such reporting may include
397 furnishing the law enforcement officer with any image,
398 information, or data that the person reasonably believes to be
399 evidence of child sexual abuse material ~~pornography~~,
400 transmission of child sexual abuse material ~~pornography~~, or an
401 image, information, or data that is harmful to minors to a minor
402 in this state.

403 Section 16. Subsection (6) of section 903.011, Florida
404 Statutes, is amended to read:

405 903.011 Pretrial release; general terms; statewide uniform
406 bond schedule.—

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407 (6) A person may not be released before his or her first
408 appearance hearing or bail determination and a judge must
409 determine the appropriate bail, if any, based on an
410 individualized consideration of the criteria in s. 903.046(2),
411 if the person meets any of the following criteria:

412 (a) The person was, at the time of arrest for any felony,
413 on pretrial release, probation, or community control in this
414 state or any other state;

415 (b) The person was, at the time of arrest, designated as a
416 sexual offender or sexual predator in this state or any other
417 state;

418 (c) The person was arrested for violating a protective
419 injunction;

420 (d) The person was, at the time of arrest, on release from
421 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.
422 944.4731;

423 (e) The person has, at any time before the current arrest,
424 been sentenced pursuant to s. 775.082(9) or s. 775.084 as a
425 prison releasee reoffender, habitual violent felony offender,
426 three-time violent felony offender, or violent career criminal;

427 (f) The person has been arrested three or more times in the
428 6 months immediately preceding his or her arrest for the current
429 offense; or

430 (g) The person's current offense of arrest is for one or
431 more of the following crimes:

432 1. A capital felony, life felony, felony of the first
433 degree, or felony of the second degree;

434 2. A homicide under chapter 782; or any attempt,
435 solicitation, or conspiracy to commit a homicide;

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436 3. Assault in furtherance of a riot or an aggravated riot;
437 felony battery; domestic battery by strangulation; domestic
438 violence, as defined in s. 741.28; stalking; mob intimidation;
439 assault or battery on a law enforcement officer; assault or
440 battery on juvenile probation officer, or other staff of a
441 detention center or commitment facility, or a staff member of a
442 commitment facility, or health services personnel; assault or
443 battery on a person 65 years of age or older; robbery; burglary;
444 carjacking; or resisting an officer with violence;

445 4. Kidnapping, false imprisonment, human trafficking, or
446 human smuggling;

447 5. Possession of a firearm or ammunition by a felon,
448 violent career criminal, or person subject to an injunction
449 against committing acts of domestic violence, stalking, or
450 cyberstalking;

451 6. Sexual battery; indecent, lewd, or lascivious touching;
452 exposure of sexual organs; incest; luring or enticing a child;
453 or child sexual abuse material ~~pornography~~;

454 7. Abuse, neglect, or exploitation of an elderly person or
455 disabled adult;

456 8. Child abuse or aggravated child abuse;

457 9. Arson; riot, aggravated riot, inciting a riot, or
458 aggravated inciting a riot; or a burglary or theft during a
459 riot;

460 10. Escape; tampering or retaliating against a witness,
461 victim, or informant; destruction of evidence; or tampering with
462 a jury;

463 11. Any offense committed for the purpose of benefiting,
464 promoting, or furthering the interests of a criminal gang;

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465 12. Trafficking in a controlled substance, including
 466 conspiracy to engage in trafficking in a controlled substance;

467 13. Racketeering; or

468 14. Failure to appear at required court proceedings while
 469 on bail.

470 Section 17. Paragraphs (f) and (g) of subsection (3) of
 471 section 921.0022, Florida Statutes, are amended to read:

472 921.0022 Criminal Punishment Code; offense severity ranking
 473 chart.—

474 (3) OFFENSE SEVERITY RANKING CHART

475 (f) LEVEL 6

476

Florida Statute	Felony Degree	Description
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477

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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478

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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479

316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
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480

327.30(5)(a)3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
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400.9935(4)(c)	2nd	Operating a clinic, or offering
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threat.

490

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

491

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

492

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

493

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

494

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

495

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

496

784.083 (2) 2nd Aggravated assault on code
inspector.

497

787.02 (2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

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499	787.025 (2) (a)	3rd	Luring or enticing a child.
500	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
501	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
502	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.
503	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
504	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
505	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
	800.04 (5) (d)	3rd	Lewd or lascivious molestation;

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812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
812.015 (9) (e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.

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817.505 (4) (b) 2nd Patient brokering; 10 or more patients.

522

817.5695 (3) (b) 2nd Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.

523

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

524

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

525

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

526

825.103 (3) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

527

827.03 (2) (c) 3rd Abuse of a child.

528

827.03 (2) (d) 3rd Neglect of a child.

827.071 (5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes

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child sexual abuse material
~~pornography~~.

529

828.126(3) 3rd Sexual activities involving
animals.

530

836.05 2nd Threats; extortion.

531

836.10 2nd Written or electronic threats
to kill, do bodily injury, or
conduct a mass shooting or an
act of terrorism.

532

843.12 3rd Aids or assists person to
escape.

533

847.011 3rd Distributing, offering to
distribute, or possessing with
intent to distribute obscene
materials depicting minors.

534

847.012 3rd Knowingly using a minor in the
production of materials harmful
to minors.

535

847.0135(2) 3rd Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

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537	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
538	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
539	918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
540	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.
541	944.40	2nd	Escapes.
542	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
543	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

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951.22(1)(i) 3rd Firearm or weapon introduced
into county detention facility.

544

545 (g) LEVEL 7

546

Florida	Felony	Description
Statute	Degree	

547

316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
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548

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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549

316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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550

327.35(3)(a)3.b.	3rd	Vessel BUI resulting in serious bodily injury.
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551

402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm,
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permanent disfiguration,
 permanent disability, or death.

552

409.920 3rd Medicaid provider fraud;
 (2) (b) 1.a. \$10,000 or less.

553

409.920 2nd Medicaid provider fraud; more
 (2) (b) 1.b. than \$10,000, but less than
 \$50,000.

554

456.065 (2) 3rd Practicing a health care
 profession without a license.

555

456.065 (2) 2nd Practicing a health care
 profession without a license
 which results in serious bodily
 injury.

556

458.327 (1) 3rd Practicing medicine without a
 license.

557

459.013 (1) 3rd Practicing osteopathic medicine
 without a license.

558

460.411 (1) 3rd Practicing chiropractic
 medicine without a license.

559

461.012 (1) 3rd Practicing podiatric medicine
 without a license.

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

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570 484.013(1)(c) 3rd Preparing or dispensing optical devices without a prescription.

571 484.053 3rd Dispensing hearing aids without a license.

572 494.0018(2) 1st Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

573 560.123(8)(b)1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

574 560.125(5)(a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

575 655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

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576	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
577	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
578	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
579	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
580	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
580	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular

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homicide).

581

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

582

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

583

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

584

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

585

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

586

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

587

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

588

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

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589

784.08 (2) (a) 1st Aggravated battery on a person
65 years of age or older.

590

784.081 (1) 1st Aggravated battery on specified
official or employee.

591

784.082 (1) 1st Aggravated battery by detained
person on visitor or other
detainee.

592

784.083 (1) 1st Aggravated battery on code
inspector.

593

787.025 (2) (b) 2nd Luring or enticing a child;
second or subsequent offense.

594

787.025 (2) (c) 2nd Luring or enticing a child with
a specified prior conviction.

595

787.06 (3) (a) 2. 1st Human trafficking using
coercion for labor and services
of an adult.

596

787.06 (3) (e) 2. 1st Human trafficking using
coercion for labor and services
by the transfer or transport of
an adult from outside Florida
to within the state.

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597

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

598

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

599

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

600

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

601

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

602

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

603

790.23 1st,PBL Possession of a firearm by a person who qualifies for the

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penalty enhancements provided
for in s. 874.04.

604

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

605

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

606

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

607

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

608

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

609

800.04(5)(e) 1st Lewd or lascivious molestation;
victim 12 years of age or older

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but younger than 16 years;
offender 18 years or older;
prior conviction for specified
sex offense.

610

806.01 (2) 2nd Maliciously damage structure by
fire or explosive.

611

810.02 (3) (a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.

612

810.02 (3) (b) 2nd Burglary of unoccupied
dwelling; unarmed; no assault
or battery.

613

810.02 (3) (d) 2nd Burglary of occupied
conveyance; unarmed; no assault
or battery.

614

810.02 (3) (e) 2nd Burglary of authorized
emergency vehicle.

615

812.014 (2) (a) 1. 1st Property stolen, valued at
\$100,000 or more or a
semitrailer deployed by a law
enforcement officer; property
stolen while causing other
property damage; 1st degree
grand theft.

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616

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

617

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

618

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

619

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

620

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

621

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

622

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

623

812.133 (2) (b) 1st Carjacking; no firearm, deadly

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weapon, or other weapon.

624

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

625

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

626

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

627

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

628

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

629

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

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- 817.504 (1) (a) 3rd Offering or advertising a vaccine with intent to defraud.
- 817.535 (2) (a) 3rd Filing false lien or other unauthorized document.
- 817.611 (2) (b) 2nd Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
- 825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
- 825.103 (3) (b) 2nd Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
- 827.03 (2) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.
- 827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.
- 827.071 (2) & (3) 2nd Use or induce a child in a

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sexual performance, or promote
or direct such performance.

638

827.071(4)

2nd

Possess with intent to promote
any photographic material,
motion picture, etc., which
includes child sexual abuse
material ~~pornography~~.

639

837.05(2)

3rd

Giving false information about
alleged capital felony to a law
enforcement officer.

640

838.015

2nd

Bribery.

641

838.016

2nd

Unlawful compensation or reward
for official behavior.

642

838.021(3)(a)

2nd

Unlawful harm to a public
servant.

643

838.22

2nd

Bid tampering.

644

843.0855(2)

3rd

Impersonation of a public
officer or employee.

645

843.0855(3)

3rd

Unlawful simulation of legal
process.

646

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647	843.0855(4)	3rd	Intimidation of a public officer or employee.
648	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
649	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
650	872.06	2nd	Abuse of a dead human body.
651	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
652	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or

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893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.

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- 893.135(1)(f)1. 1st Trafficking in amphetamine, 14 grams or more, less than 28 grams.
- 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
- 893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
- 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
- 893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
- 893.135(1)(m)2.a. 1st Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
- 893.135(1)(m)2.b. 1st Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.

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673	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
674	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
675	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
676	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
677	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
678	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
678	943.0435 (9) (a)	3rd	Sexual offender; failure to

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comply with reporting requirements.

679

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

680

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

681

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

682

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

683

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

684

944.607 (13) 3rd Sexual offender; failure to report and reregister; failure

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to respond to address
verification; providing false
registration information.

685

985.4815(10) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

686

985.4815(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

687

985.4815(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

688

689 Section 18. Paragraph (c) of subsection (8) of section
690 948.06, Florida Statutes, is amended to read:

691 948.06 Violation of probation or community control;
692 revocation; modification; continuance; failure to pay
693 restitution or cost of supervision.—

694 (8)

695 (c) For purposes of this section, the term "qualifying
696 offense" means any of the following:

697 1. Kidnapping or attempted kidnapping under s. 787.01,
698 false imprisonment of a child under the age of 13 under s.

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- 699 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
700 or (c).
- 701 2. Murder or attempted murder under s. 782.04, attempted
702 felony murder under s. 782.051, or manslaughter under s. 782.07.
- 703 3. Aggravated battery or attempted aggravated battery under
704 s. 784.045.
- 705 4. Sexual battery or attempted sexual battery under s.
706 794.011(2), (3), (4), or (8)(b) or (c).
- 707 5. Lewd or lascivious battery or attempted lewd or
708 lascivious battery under s. 800.04(4), lewd or lascivious
709 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
710 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
711 under s. 800.04(7)(b), or lewd or lascivious exhibition on
712 computer under s. 847.0135(5)(b).
- 713 6. Robbery or attempted robbery under s. 812.13, carjacking
714 or attempted carjacking under s. 812.133, or home invasion
715 robbery or attempted home invasion robbery under s. 812.135.
- 716 7. Lewd or lascivious offense upon or in the presence of an
717 elderly or disabled person or attempted lewd or lascivious
718 offense upon or in the presence of an elderly or disabled person
719 under s. 825.1025.
- 720 8. Sexual performance by a child or attempted sexual
721 performance by a child under s. 827.071.
- 722 9. Computer pornography under s. 847.0135(2) or (3),
723 transmission of child sexual abuse material ~~pornography~~ under s.
724 847.0137, or selling or buying of minors under s. 847.0145.
- 725 10. Poisoning food or water under s. 859.01.
- 726 11. Abuse of a dead human body under s. 872.06.
- 727 12. Any burglary offense or attempted burglary offense that

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728 is either a first degree felony or second degree felony under s.
729 810.02(2) or (3).

730 13. Arson or attempted arson under s. 806.01(1).

731 14. Aggravated assault under s. 784.021.

732 15. Aggravated stalking under s. 784.048(3), (4), (5), or
733 (7).

734 16. Aircraft piracy under s. 860.16.

735 17. Unlawful throwing, placing, or discharging of a
736 destructive device or bomb under s. 790.161(2), (3), or (4).

737 18. Treason under s. 876.32.

738 19. Any offense committed in another jurisdiction which
739 would be an offense listed in this paragraph if that offense had
740 been committed in this state.

741 Section 19. Paragraph (e) of subsection (3) and subsection
742 (10) of section 960.03, Florida Statutes, are amended to read:

743 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
744 960.01-960.28, unless the context otherwise requires, the term:

745 (3) "Crime" means:

746 (e) A violation of s. 827.071, s. 847.0135, s. 847.0137, or
747 s. 847.0138, related to online sexual exploitation and child
748 sexual abuse material ~~pornography~~.

749 (10) "Identified victim of child sexual abuse material
750 ~~pornography~~" means any person who, while under the age of 18, is
751 depicted in any image or movie of child sexual abuse material
752 ~~pornography~~ and who is identified through a report generated by
753 a law enforcement agency and provided to the National Center for
754 Missing and Exploited Children's Child Victim Identification
755 Program.

756 Section 20. Subsection (1) of section 960.197, Florida

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757 Statutes, is amended to read:

758 960.197 Assistance to victims of online sexual exploitation
759 and child sexual abuse material ~~pornography~~.—

760 (1) Notwithstanding the criteria set forth in s. 960.13 for
761 crime victim compensation awards, the department may award
762 compensation for counseling and other mental health services to
763 treat psychological injury or trauma to:

764 (a) A child younger than 18 years of age who suffers
765 psychiatric or psychological injury as a direct result of online
766 sexual exploitation under any provision of s. 827.071, s.
767 847.0135, s. 847.0137, or s. 847.0138, and who does not
768 otherwise sustain a personal injury or death; or

769 (b) Any person who, while younger than age 18, was depicted
770 in any image or movie, regardless of length, of child sexual
771 abuse material ~~pornography~~ as defined in s. 847.001, who has
772 been identified by a law enforcement agency or the National
773 Center for Missing and Exploited Children as an identified
774 victim of child sexual abuse material ~~pornography~~, who suffers
775 psychiatric or psychological injury as a direct result of the
776 crime, and who does not otherwise sustain a personal injury or
777 death.

778 Section 21. This act shall take effect July 1, 2026.