

By the Committee on Criminal Justice; and Senator Leek

591-01744-26

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A bill to be entitled

An act relating to child pornography terminology; amending ss. 39.0138, 92.56, 92.561, 435.07, 456.074, 775.0847, 827.071, 827.072, 836.13, 836.14, 847.001, 847.002, 847.01357, 847.0139, 903.011, 948.06, 960.03, and 960.197, F.S.; replacing the term "child pornography" with the term "child sexual abuse material"; amending ss. 847.0137 and 921.0022, F.S.; replacing the terms "pornography" and "child pornography" with the term "child sexual abuse material"; providing an effective date.

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

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

39.0138 Criminal history and other records checks; limit on placement of a child.-

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

(a) Child abuse, abandonment, or neglect;

(b) Domestic violence;

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

(d) Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an 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. Sadomasochistic 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 (e), (f), and (g) of subsection (3)
471 of 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 (e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights

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479			activated.
	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
480	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
481	327.30 (5) (a) 2.	3rd	Vessel accidents involving personal injuries other than serious bodily injury; leaving scene.
482	365.172 (14) (b) 2.	2nd	Misuse of emergency communications system resulting in death.
483	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or

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aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

484

379.367(4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

485

379.407(5) (b) 3.

3rd

Possession of 100 or more undersized spiny lobsters.

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486	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
487	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
488	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
489	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
490	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
491			

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492	626.902(1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
493	790.01(3)	3rd	Unlawful carrying of a concealed firearm.
494	790.162	2nd	Threat to throw or discharge destructive device.
495	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
496	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
497	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.

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498	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
499	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
500	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
501	810.145 (4)	3rd	Commercial digital voyeurism dissemination.
502	810.145 (7) (a)	2nd	Digital voyeurism; 2nd or subsequent offense.
503	810.145 (8) (a)	2nd	Digital voyeurism; certain minor victims.
504	812.014 (2) (d) 3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed

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505	812.0145 (2) (b)	2nd	curtilage, or any combination.
506	812.015 (8) (a) & (c) - (e)	3rd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
507	812.015 (8) (f)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
508	812.015 (8) (g)	3rd	Retail theft; multiple thefts within specified period.
509	812.019 (1)	2nd	Retail theft; committed with specified number of other persons.
510	812.081 (3)	2nd	Stolen property; dealing in or trafficking in.
511	812.131 (2) (b)	3rd	Trafficking in trade secrets.
			Robbery by sudden

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512			snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.	
513			
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.	
514			
817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.	
515			
817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.	
516			
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment	

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avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

517

817.611(2)(a) 2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

518

817.625(2)(b) 2nd Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

519

825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

520

828.12(2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

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521

836.14 (4) 2nd Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.

522

839.13 (2) (b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

523

843.01 (1) 3rd Resist officer with violence to person; resist arrest with violence.

524

847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

525

847.0137 (2) & (3) 3rd Transmission of child sexual abuse material pornography by electronic device or

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526			equipment.
	847.0138	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
	(2) & (3)		
527	874.05(1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
528	874.05(2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
529	893.13(1) (a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c)5. drugs).
530	893.13(1) (c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c),

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(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 a
child care facility,
school, or state,
county, or municipal
park or publicly owned
recreational facility
or community center.

531

893.13(1) (d)1. 1st Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1) (a),
(1) (b), (1) (d), (2) (a),
(2) (b), or (2) (c)5.
drugs) within 1,000
feet of university.

532

893.13(1) (e)2. 2nd Sell, manufacture, or
deliver cannabis or
other drug prohibited
under 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.,

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(3), or (4) within 1,000 feet of property used for religious services or a specified business site.

533

893.13(1) (f) 1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), or (2) (a), (2) (b), or (2) (c) 5. drugs) within 1,000 feet of public housing facility.

534

893.13(4) (b)

2nd

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

535

893.1351(1)

3rd

Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

536

(f) LEVEL 6

537

Florida
Statute

Felony
Degree

Description

538

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540	316.027(2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
541	316.193(2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
542	316.1935(4) (a)	2nd	Aggravated fleeing or eluding.
543	327.30(5) (a)3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
544	400.9935(4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
545	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
546	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.

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547	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
548	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
549	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
550	784.041	3rd	Felony battery; domestic battery by strangulation.
551	784.048 (3)	3rd	Aggravated stalking; credible threat.
552	784.048 (5)	3rd	Aggravated stalking of person under 16.
553	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
554	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
555	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
556			

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557	784.081(2)	2nd	Aggravated assault on specified official or employee.
558	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
559	784.083(2)	2nd	Aggravated assault on code inspector.
560	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
561	787.025(2) (a)	3rd	Luring or enticing a child.
562	790.115(2) (d)	2nd	Discharging firearm or weapon on school property.
563	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
	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

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manner.

564	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
565	794.011(8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
566	794.05(1)	2nd	Unlawful sexual activity with specified minor.
567	800.04(5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
568	800.04(6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
569	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
570	810.02(3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
571			

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572	810.145 (8) (b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
573	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
574	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.
575	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
576	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
577	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
578	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

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persons and use of social media platform.

579

812.13(2)(c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

580

817.4821(5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

581

817.49(2)(b)2. 2nd Willful making of a false report of a crime resulting in death.

582

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

583

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

584

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

585

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

586

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

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disabled adult.

587

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

588

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

589

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

590

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

591

828.126(3) 3rd Sexual activities involving animals.

592

836.05 2nd Threats; extortion.

593

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

594

843.12 3rd Aids or assists person to escape.

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595

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

596

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

597

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

598

893.131 2nd Distribution of controlled substances resulting in overdose or serious bodily injury.

599

914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

600

918.13 (2) (b) 2nd Tampering with or fabricating physical evidence relating to a capital felony.

601

944.35 (3) (a) 2. 3rd Committing malicious battery upon or inflicting cruel or

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inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

602

944.40 2nd Escapes.

603

944.46 3rd Harboring, concealing, aiding escaped prisoners.

604

944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

605

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

606

607 (g) LEVEL 7

608

Florida Statute	Felony Degree	Description
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609

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

610

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

611

316.1935(3)(b) 1st Causing serious bodily injury

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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.

612

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

613

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

614

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

615

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

616

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

617

456.065(2) 2nd Practicing a health care profession without a license

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which results in serious bodily injury.

618 458.327(1) 3rd Practicing medicine without a license.

619 459.013(1) 3rd Practicing osteopathic medicine without a license.

620 460.411(1) 3rd Practicing chiropractic medicine without a license.

621 461.012(1) 3rd Practicing podiatric medicine without a license.

622 462.17 3rd Practicing naturopathy without a license.

623 463.015(1) 3rd Practicing optometry without a license.

624 464.016(1) 3rd Practicing nursing without a license.

625 465.015(2) 3rd Practicing pharmacy without a license.

626 466.026(1) 3rd Practicing dentistry or dental hygiene without a license.

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627	467.201	3rd	Practicing midwifery without a license.
628	468.366	3rd	Delivering respiratory care services without a license.
629	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
630	483.901(7)	3rd	Practicing medical physics without a license.
631	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
632	484.053	3rd	Dispensing hearing aids without a license.
633	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.
634	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding

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635			\$300 but less than \$20,000 by a money services business.
636	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
637	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
638	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
639	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
640	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
	782.051(3)	2nd	Attempted felony murder of a

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person by a person other than the perpetrator or the perpetrator of an attempted felony.

641

782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

642

782.071 2nd Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).

643

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

644

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

645

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

646

784.045(1)(b) 2nd Aggravated battery; perpetrator

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aware victim pregnant.

647 784.048 (4)

3rd Aggravated stalking; violation
of injunction or court order.

648 784.048 (7)

3rd Aggravated stalking; violation
of court order.

649 784.07 (2) (d)

1st Aggravated battery on law
enforcement officer.

650 784.074 (1) (a)

1st Aggravated battery on sexually
violent predators facility
staff.

651 784.08 (2) (a)

1st Aggravated battery on a person
65 years of age or older.

652 784.081 (1)

1st Aggravated battery on specified
official or employee.

653 784.082 (1)

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

654 784.083 (1)

1st Aggravated battery on code
inspector.

655 787.025 (2) (b)

2nd Luring or enticing a child;

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second or subsequent offense.

656	787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.
657	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
658	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.
659	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
660	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
661	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
662	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or

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attempting to commit a felony.

663

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

664

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

665

790.23 1st, PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

666

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.

667

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

668

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

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669

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

670

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.

671

800.04(5)(e) 1st Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.

672

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

673

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

674

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

675

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676	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
677	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
678	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.
679	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
680	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
681	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
	812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous

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conviction of s.

812.014 (2) (c) 5.

682

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

683

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

684

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

685

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

686

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

687

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

688

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

689

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

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690

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.

691

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

692

817.504 (1) (a) 3rd Offering or advertising a
vaccine with intent to defraud.

693

817.535 (2) (a) 3rd Filing false lien or other
unauthorized document.

694

817.611 (2) (b) 2nd Traffic in or possess 15 to 49
counterfeit credit cards or
related documents.

695

825.102 (3) (b) 2nd Neglecting an elderly person or
disabled adult causing great
bodily harm, disability, or
disfigurement.

696

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697 825.103(3) (b) 2nd Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.

698 827.03(2) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

699 827.04(3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

700 827.071(2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

701 827.071(4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes child sexual abuse material pornography.

702 837.05(2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

703 838.015 2nd Bribery.

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704	838.016	2nd	Unlawful compensation or reward for official behavior.
705	838.021(3) (a)	2nd	Unlawful harm to a public servant.
706	838.22	2nd	Bid tampering.
707	843.0855 (2)	3rd	Impersonation of a public officer or employee.
708	843.0855 (3)	3rd	Unlawful simulation of legal process.
709	843.0855 (4)	3rd	Intimidation of a public officer or employee.
710	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
711	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
712	872.06	2nd	Abuse of a dead human body.
	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or

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subsequent offense.

713

874.10 1st, PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

714

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 state, county, or municipal park or publicly owned recreational facility or community center.

715

893.13(1)(e)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 property used for religious services or a specified business site.

716

893.13(4)(a) 1st Use or hire of minor; deliver

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717 to minor other controlled substance.

718 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

719 893.135 (1)(b)1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

720 893.135 (1)(c)1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

721 893.135 (1)(c)2.a. 1st Trafficking in hydrocodone, 28 grams or more, less than 50 grams.

722 893.135 (1)(c)2.b. 1st Trafficking in hydrocodone, 50 grams or more, less than 100 grams.

723 893.135 (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

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grams.

724

893.135 1st Trafficking in fentanyl, 4 grams or more, less than 14 grams.

725

893.135 1st Trafficking in phencyclidine, 28 grams or more, less than 200 grams.

726

893.135 (1) (e) 1. 1st Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.

727

893.135 (1) (f) 1. 1st Trafficking in amphetamine, 14 grams or more, less than 28 grams.

728

893.135 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

729

893.135 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

730

893.135 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5

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kilograms.

731	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
732	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
733	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
734	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
735	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
736	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
737	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial

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738			transactions exceeding \$300 but less than \$20,000.
	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
739	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
740	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
741	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
742	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
743	944.607(9)	3rd	Sexual offender; failure to

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comply with reporting requirements.

744

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

745

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

746

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

747

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

748

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

749

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure

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to respond to address verification; providing false registration information.

750

751 Section 18. Paragraph (c) of subsection (8) of section
752 948.06, Florida Statutes, is amended to read:

753 948.06 Violation of probation or community control;
754 revocation; modification; continuance; failure to pay
755 restitution or cost of supervision.—

756 (8)

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

759 1. Kidnapping or attempted kidnapping under s. 787.01,
760 false imprisonment of a child under the age of 13 under s.
761 787.02(3), or luring or enticing a child under s. 787.025(2) (b)
762 or (c).

763 2. Murder or attempted murder under s. 782.04, attempted
764 felony murder under s. 782.051, or manslaughter under s. 782.07.

765 3. Aggravated battery or attempted aggravated battery under
766 s. 784.045.

767 4. Sexual battery or attempted sexual battery under s.
768 794.011(2), (3), (4), or (8) (b) or (c).

769 5. Lewd or lascivious battery or attempted lewd or
770 lascivious battery under s. 800.04(4), lewd or lascivious
771 molestation under s. 800.04(5) (b) or (c)2., lewd or lascivious
772 conduct under s. 800.04(6) (b), lewd or lascivious exhibition
773 under s. 800.04(7) (b), or lewd or lascivious exhibition on
774 computer under s. 847.0135(5) (b).

775 6. Robbery or attempted robbery under s. 812.13, carjacking

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776 or attempted carjacking under s. 812.133, or home invasion
777 robbery or attempted home invasion robbery under s. 812.135.

778 7. Lewd or lascivious offense upon or in the presence of an
779 elderly or disabled person or attempted lewd or lascivious
780 offense upon or in the presence of an elderly or disabled person
781 under s. 825.1025.

782 8. Sexual performance by a child or attempted sexual
783 performance by a child under s. 827.071.

784 9. Computer pornography under s. 847.0135(2) or (3),
785 transmission of child sexual abuse material pornography under s.
786 847.0137, or selling or buying of minors under s. 847.0145.

787 10. Poisoning food or water under s. 859.01.

788 11. Abuse of a dead human body under s. 872.06.

789 12. Any burglary offense or attempted burglary offense that
790 is either a first degree felony or second degree felony under s.
791 810.02(2) or (3).

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

793 14. Aggravated assault under s. 784.021.

794 15. Aggravated stalking under s. 784.048(3), (4), (5), or
795 (7).

796 16. Aircraft piracy under s. 860.16.

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

799 18. Treason under s. 876.32.

800 19. Any offense committed in another jurisdiction which
801 would be an offense listed in this paragraph if that offense had
802 been committed in this state.

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

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805 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
806 960.01-960.28, unless the context otherwise requires, the term:
807 (3) "Crime" means:
808 (e) A violation of s. 827.071, s. 847.0135, s. 847.0137, or
809 s. 847.0138, related to online sexual exploitation and child
810 sexual abuse material pornography.

811 (10) "Identified victim of child sexual abuse material
812 pornography" means any person who, while under the age of 18, is
813 depicted in any image or movie of child sexual abuse material
814 pornography and who is identified through a report generated by
815 a law enforcement agency and provided to the National Center for
816 Missing and Exploited Children's Child Victim Identification
817 Program.

818 Section 20. Subsection (1) of section 960.197, Florida
819 Statutes, is amended to read:

820 960.197 Assistance to victims of online sexual exploitation
821 and child sexual abuse material pornography.—

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

826 (a) A child younger than 18 years of age who suffers
827 psychiatric or psychological injury as a direct result of online
828 sexual exploitation under any provision of s. 827.071, s.
829 847.0135, s. 847.0137, or s. 847.0138, and who does not
830 otherwise sustain a personal injury or death; or

831 (b) Any person who, while younger than age 18, was depicted
832 in any image or movie, regardless of length, of child sexual
833 abuse material pornography as defined in s. 847.001, who has

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834 been identified by a law enforcement agency or the National
835 Center for Missing and Exploited Children as an identified
836 victim of child sexual abuse material pornography, who suffers
837 psychiatric or psychological injury as a direct result of the
838 crime, and who does not otherwise sustain a personal injury or
839 death.

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