

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

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

a. Chapter 741, relating to domestic violence.

b. Section 782.04, relating to murder.

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

d. Section 784.021, relating to aggravated assault.

e. Section 784.045, relating to aggravated battery.

f. Section 787.01, relating to kidnapping.

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

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

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

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or neglect of a minor.

j. Section 794.011, relating to sexual battery.

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

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

m. Section 794.08, relating to female genital mutilation.

n. Section 806.01, relating to arson.

o. Section 826.04, relating to incest.

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

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

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

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

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

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

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

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

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

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

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

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

1. A child who is younger than the age of 5.
2. Sadomasochistic abuse involving a child.
3. Sexual battery involving a child.
4. Sexual bestiality involving a child.
5. Any motion picture, film, video, or computer-generated motion picture, film, or video involving a child, regardless of length and regardless of whether the motion picture, film, video, or computer-generated motion picture, film, or video contains sound.

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

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

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

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

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shall apply:

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

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

or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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or

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

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

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

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

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

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

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

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

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

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

(a) The case number and agency file number.

(b) The named defendant.

(c) The circuit court division and county.

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

(e) Contact information for the prosecutor assigned.

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

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

847.01357 Exploited children's civil remedy.—

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

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

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

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

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

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

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

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

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

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

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

847.0139 Immunity from civil liability for reporting child sexual abuse material ~~pornography~~, transmission of child sexual abuse material ~~pornography~~, or any image, information, or data harmful to minors to a minor in this state.—Any person who reports to a law enforcement officer what the person reasonably believes to be child sexual abuse material ~~pornography~~, transmission of child sexual abuse material ~~pornography~~, or any image, information, or data that is harmful to minors to a minor in this state may not be held civilly liable for such reporting. For purposes of this section, such reporting may include furnishing the law enforcement officer with any image, information, or data that the person reasonably believes to be evidence of child sexual abuse material ~~pornography~~, transmission of child sexual abuse material ~~pornography~~, or an image, information, or data that is harmful to minors to a minor in this state.

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

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

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

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

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

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

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

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

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

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

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

2. A homicide under chapter 782; or any attempt, 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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12. Trafficking in a controlled substance, including
conspiracy to engage in trafficking in a controlled substance;

13. Racketeering; or

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

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

921.0022 Criminal Punishment Code; offense severity ranking
chart.—

(3) OFFENSE SEVERITY RANKING CHART

(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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activated.

479

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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626.902 (1) (c)

2nd

Representing an
unauthorized insurer;
repeat offender.

492

790.01 (3)

3rd

Unlawful carrying of a
concealed firearm.

493

790.162

2nd

Threat to throw or
discharge destructive
device.

494

790.163 (1)

2nd

False report of bomb,
explosive, weapon of
mass destruction, or
use of firearms in
violent manner.

495

790.221 (1)

2nd

Possession of short-
barreled shotgun or
machine gun.

496

790.23

2nd

Felons in possession of
firearms, ammunition,
or electronic weapons
or devices.

497

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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curtilage, or any
combination.

505

812.0145 (2) (b)

2nd

Theft from person 65
years of age or older;
\$10,000 or more but
less than \$50,000.

506

812.015

3rd

(8) (a) & (c) - (e)

Retail theft; property
stolen is valued at
\$750 or more and one or
more specified acts.

507

812.015 (8) (f)

3rd

Retail theft; multiple
thefts within specified
period.

508

812.015 (8) (g)

3rd

Retail theft; committed
with specified number
of other persons.

509

812.019 (1)

2nd

Stolen property;
dealing in or
trafficking in.

510

812.081 (3)

2nd

Trafficking in trade
secrets.

511

812.131 (2) (b)

3rd

Robbery by sudden

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snatching.

512

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 <u>child sexual abuse material</u> pornography by electronic device or

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equipment.

526

847.0138
(2) & (3)

3rd

Transmission of
material harmful to
minors to a minor by
electronic device or
equipment.

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

537 (f) LEVEL 6

538

Florida
Statute

Felony
Degree

Description

539

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316.027(2)(b)

2nd

Leaving the scene of a crash
involving serious bodily
injury.

316.193(2)(b)

3rd

Felony DUI, 4th or subsequent
conviction.

316.1935(4)(a)

2nd

Aggravated fleeing or eluding.

327.30(5)(a)3.

2nd

Vessel accidents involving
serious bodily injury; leaving
scene.

400.9935(4)(c)

2nd

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

499.0051(2)

2nd

Knowing forgery of transaction
history, transaction
information, or transaction
statement.

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

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

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

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

787.025 (2) (a) 3rd Luring or enticing a child.

790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

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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810.145(8)(b)

2nd

Digital voyeurism; certain
minor victims; 2nd or
subsequent offense.

812.014(2)(b)1.

2nd

Property stolen \$20,000 or
more, but less than \$100,000,
grand theft in 2nd degree.

812.014(2)(c)5.

3rd

Grand theft; third degree;
firearm.

812.014(6)

2nd

Theft; property stolen \$3,000
or more; coordination of
others.

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

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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.

944.40 2nd Escapes.

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

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

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

(g) LEVEL 7

Florida Statute	Felony Degree	Description
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316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
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316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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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 disfiguration,
 permanent disability, or death.

614

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

615

409.920 2nd Medicaid provider fraud; more
 (2)(b)1.b. 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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\$300 but less than \$20,000 by a
money services business.

635

560.125(5)(a)

3rd

Money services business by
unauthorized person, currency
or payment instruments
exceeding \$300 but less than
\$20,000.

636

655.50(10)(b)1.

3rd

Failure to report financial
transactions exceeding \$300 but
less than \$20,000 by financial
institution.

637

775.21(10)(a)

3rd

Sexual predator; failure to
register; failure to renew
driver license or
identification card; other
registration violations.

638

775.21(10)(b)

3rd

Sexual predator working where
children regularly congregate.

639

775.21(10)(g)

3rd

Failure to report or providing
false information about a
sexual predator; harbor or
conceal a sexual predator.

640

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

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

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.

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

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

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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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 sexual performance, or promote or direct such performance.

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

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

838.015 2nd Bribery.

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838.016 2nd Unlawful compensation or reward
for official behavior.

838.021(3)(a) 2nd Unlawful harm to a public
servant.

838.22 2nd Bid tampering.

843.0855(2) 3rd Impersonation of a public
officer or employee.

843.0855(3) 3rd Unlawful simulation of legal
process.

843.0855(4) 3rd Intimidation of a public
officer or employee.

847.0135(3) 3rd Solicitation of a child, via a
computer service, to commit an
unlawful sex act.

847.0135(4) 2nd Traveling to meet a minor to
commit an unlawful sex act.

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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to minor other controlled
substance.

717

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

718

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

719

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

720

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

721

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

722

893.135 1st Trafficking in oxycodone, 7
(1) (c) 3.a. grams or more, less than 14
grams.

723

893.135 1st Trafficking in oxycodone, 14
(1) (c) 3.b. grams or more, less than 25

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grams.

724

893.135
(1) (c) 4.b. (I)

1st

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

725

893.135
(1) (d) 1.a.

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
(1) (g) 1.a.

1st

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

729

893.135
(1) (h) 1.a.

1st

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

730

893.135
(1) (j) 1.a.

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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transactions exceeding \$300 but
less than \$20,000.

738

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.

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

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

(8)

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

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

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

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

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

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

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

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

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

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

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

10. Poisoning food or water under s. 859.01.

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

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

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

14. Aggravated assault under s. 784.021.

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

16. Aircraft piracy under s. 860.16.

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

18. Treason under s. 876.32.

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

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

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

(3) "Crime" means:

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

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

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

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

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

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

(b) Any person who, while younger than age 18, was depicted in any image or movie, regardless of length, of child sexual 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.