

By the Committees on Appropriations; and Criminal Justice; and  
Senator Book

576-03569-22

20221798c2

1                   A bill to be entitled  
2           An act relating to sexually related offenses; amending  
3           s. 775.0847, F.S.; redefining terms; replacing the  
4           term "child pornography" with the term "child sexual  
5           abuse material"; defining the term "identifiable  
6           minor"; revising the list of circumstances under which  
7           specified offenses may be reclassified; amending s.  
8           784.049, F.S.; increasing the monetary damages that an  
9           aggrieved person may receive as a result of violations  
10          relating to sexual cyberharassment; amending s.  
11          827.071, F.S.; defining and redefining terms;  
12          conforming provisions to changes made by the act;  
13          amending s. 828.126, F.S.; revising definitions;  
14          revising the prohibition on sexual activities with  
15          animals; increasing the criminal penalties for such  
16          sexual activities; requiring courts to issue orders  
17          prohibiting persons convicted of such sexual  
18          activities from engaging in specified activities, from  
19          residing in certain households, or from engaging in  
20          occupations or positions in which animals are present;  
21          revising applicability; creating s. 836.13, F.S.;  
22          defining terms; prohibiting the willful and malicious  
23          promotion of certain sexual depictions without  
24          consent; providing criminal penalties; providing a  
25          civil cause of action; providing applicability;  
26          providing construction; creating s. 836.14, F.S.;  
27          defining terms; prohibiting a person from committing  
28          theft of sexually explicit images with the intent to  
29          promote such images; prohibiting the possession of

576-03569-22

20221798c2

30 sexually explicit images with certain knowledge and  
31 with intent to promote without consent; prohibiting  
32 the promotion of sexually explicit images for  
33 financial gain, without consent; providing criminal  
34 penalties; providing a civil cause of action;  
35 providing applicability; providing construction;  
36 amending s. 847.001, F.S.; redefining terms; replacing  
37 the term "child pornography" with the term "child  
38 sexual abuse material"; defining the terms  
39 "identifiable minor" and "promote"; amending s.  
40 847.011, F.S.; authorizing law enforcement officers to  
41 arrest certain persons without a warrant; authorizing  
42 a search warrant to be issued for further  
43 investigation upon proper affidavits being made;  
44 amending s. 847.0137, F.S.; deleting the definition of  
45 the term "minor"; redefining the term "transmit";  
46 conforming provisions to changes made by the act;  
47 amending s. 921.0022, F.S.; ranking offenses created  
48 by this act for purposes of the severity ranking chart  
49 of the Criminal Punishment Code; conforming provisions  
50 to changes made by the act; amending s. 960.03, F.S.;  
51 replacing the term "child pornography" with the term  
52 "child sexual abuse material"; conforming provisions  
53 to changes made by the act; amending ss. 288.1254 and  
54 847.0141, F.S.; conforming cross-references; amending  
55 ss. 39.0138, 92.56, 92.561, 435.07, 456.074, 847.002,  
56 847.01357, 847.0139, 948.06, and 960.197, F.S.;  
57 conforming provisions to changes made by the act;  
58 providing an effective date.

576-03569-22

20221798c2

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

Section 1. Section 775.0847, Florida Statutes, is amended to read:

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

(1) For purposes of this section:

(a) "Child" or "minor" means any person, whose identity is known or unknown, younger ~~less~~ than 18 years of age.

(b) "Child sexual abuse material" "~~Child 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.

(c) "Identifiable minor" means a person:

1. Who was a minor at the time the image was created, altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image; and

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

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

(d) ~~(e)~~ "Sadomasochistic abuse" means flagellation or

576-03569-22

20221798c2

88 torture by or upon a person or the condition of being fettered,  
89 bound, or otherwise physically restrained, for the purpose of  
90 deriving sexual satisfaction, or satisfaction brought about as a  
91 result of sadistic violence, from inflicting harm on another or  
92 receiving such harm oneself.

93 (e)~~(d)~~ "Sexual battery" means oral, anal, or vaginal  
94 penetration by, or union with, the sexual organ of another or  
95 the anal or vaginal penetration of another by any other object;  
96 however, sexual battery does not include an act done for a bona  
97 fide medical purpose.

98 (f)~~(e)~~ "Sexual bestiality" means any sexual act, actual or  
99 simulated, between a person and an animal involving the sex  
100 organ of the one and the mouth, anus, or vagina of the other.

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

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

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

576-03569-22

20221798c2

117 content; and

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

- 120 1. A child who is younger than the age of 5.
- 121 2. Sadomasochistic abuse involving a child.
- 122 3. Sexual battery involving a child.
- 123 4. Sexual bestiality involving a child.
- 124 5. Any motion picture, film, video, or computer-generated  
125 motion picture, film, or video ~~movie~~ involving a child,  
126 regardless of length and regardless of whether the motion  
127 picture, film, video, or computer-generated motion picture,  
128 film, or video ~~movie~~ contains sound.

129 (3) (a) In the case of a felony of the third degree, the  
130 offense is reclassified to a felony of the second degree.

131 (b) In the case of a felony of the second degree, the  
132 offense is reclassified to a felony of the first degree.

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

139 Section 2. Paragraph (b) of subsection (5) of section  
140 784.049, Florida Statutes, is amended to read:

141 784.049 Sexual cyberharassment.—

142 (5) An aggrieved person may initiate a civil action against  
143 a person who violates this section to obtain all appropriate  
144 relief in order to prevent or remedy a violation of this  
145 section, including the following:

576-03569-22

20221798c2

146 (b) Monetary damages to include \$10,000 ~~\$5,000~~ or actual  
147 damages incurred as a result of a violation of this section,  
148 whichever is greater.

149 Section 3. Section 827.071, Florida Statutes, is amended to  
150 read:

151 827.071 Sexual performance by a child; child sexual abuse  
152 material; penalties.—

153 (1) As used in this section, the following definitions  
154 shall apply:

155 (a) “Child” or “minor” means any person, whose identity is  
156 known or unknown, younger than 18 years of age.

157 (b) “Child sexual abuse material” means:

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

159 or

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

163 (c) ~~(a)~~ “Deviate sexual intercourse” means sexual conduct  
164 between persons not married to each other consisting of contact  
165 between the penis and the anus, the mouth and the penis, or the  
166 mouth and the vulva.

167 (d) “Identifiable minor” means a person:

168 1. Who was a minor at the time the image was created,  
169 altered, adapted, or modified, or whose image as a minor was  
170 used in the creating, altering, adapting, or modifying of the  
171 image; and

172 2. Who is recognizable as an actual person by the person’s  
173 face, likeness, or other distinguishing characteristic, such as  
174 a unique birthmark, or other recognizable feature.

576-03569-22

20221798c2

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

178 (e)~~(b)~~ "Intentionally view" means to deliberately,  
179 purposefully, and voluntarily view. Proof of intentional viewing  
180 requires establishing more than a single image, motion picture,  
181 exhibition, show, image, data, computer depiction,  
182 representation, or other presentation over any period of time.

183 (f)~~(e)~~ "Performance" means any play, motion picture,  
184 photograph, or dance or any other visual representation  
185 exhibited before an audience.

186 (g)~~(d)~~ "Promote" means to procure, manufacture, issue,  
187 sell, give, provide, lend, mail, deliver, transfer, transmit,  
188 transmute, publish, distribute, circulate, disseminate, present,  
189 exhibit, send, post, share, or advertise or to offer or agree to  
190 do the same.

191 (h)~~(e)~~ "Sadomasochistic abuse" means flagellation or  
192 torture by or upon a person, or the condition of being fettered,  
193 bound, or otherwise physically restrained, for the purpose of  
194 deriving sexual satisfaction from inflicting harm on another or  
195 receiving such harm oneself.

196 (i)~~(f)~~ "Sexual battery" means oral, anal, or vaginal  
197 penetration by, or union with, the sexual organ of another or  
198 the anal or vaginal penetration of another by any other object;  
199 however, "sexual battery" does not include an act done for a  
200 bona fide medical purpose.

201 (j)~~(g)~~ "Sexual bestiality" means any sexual act between a  
202 person and an animal involving the sex organ of the one and the  
203 mouth, anus, or vagina of the other.

576-03569-22

20221798c2

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

215        (l) ~~(i)~~ "Sexual performance" means any performance or part  
216 thereof which includes sexual conduct by a child ~~of less than 18~~  
217 ~~years of age.~~

218        (m) ~~(j)~~ "Simulated" means the explicit depiction of conduct  
219 set forth in paragraph (k) ~~(h)~~ which creates the appearance of  
220 such conduct and which exhibits any uncovered portion of the  
221 breasts, genitals, or buttocks.

222        (2) A person is guilty of the use of a child in a sexual  
223 performance if, knowing the character and content thereof, he or  
224 she employs, authorizes, or induces a child ~~less than 18 years~~  
225 ~~of age~~ to engage in a sexual performance or, being a parent,  
226 legal guardian, or custodian of such child, consents to the  
227 participation by such child in a sexual performance. A person  
228 who ~~whoever~~ violates this subsection commits ~~is guilty of~~ a  
229 felony of the second degree, punishable as provided in s.  
230 775.082, s. 775.083, or s. 775.084.

231        (3) A person is guilty of promoting a sexual performance by  
232 a child when, knowing the character and content thereof, he or



576-03569-22

20221798c2

233 she produces, directs, or promotes any performance which  
234 includes sexual conduct by a child ~~less than 18 years of age~~. A  
235 person who ~~Whoever~~ violates this subsection commits ~~is guilty of~~  
236 a felony of the second degree, punishable as provided in s.  
237 775.082, s. 775.083, or s. 775.084.

238 (4) It is unlawful for any person to possess with the  
239 intent to promote any photograph, motion picture, exhibition,  
240 show, representation, or other presentation which, in whole or  
241 in part, includes child sexual abuse material ~~any sexual conduct~~  
242 ~~by a child~~. The possession of three or more copies of such  
243 photograph, motion picture, representation, or presentation is  
244 prima facie evidence of an intent to promote. A person who  
245 ~~Whoever~~ violates this subsection commits ~~is guilty of~~ a felony  
246 of the second degree, punishable as provided in s. 775.082, s.  
247 775.083, or s. 775.084.

248 (5) (a) It is unlawful for any person to knowingly possess,  
249 control, or intentionally view a photograph, motion picture,  
250 exhibition, show, representation, image, data, computer  
251 depiction, or other presentation which, in whole or in part, he  
252 or she knows to include child sexual abuse material ~~any sexual~~  
253 ~~conduct by a child~~. The possession, control, or intentional  
254 viewing of each such photograph, motion picture, exhibition,  
255 show, image, data, computer depiction, representation, or  
256 presentation is a separate offense. If such photograph, motion  
257 picture, exhibition, show, representation, image, data, computer  
258 depiction, or other presentation includes child sexual abuse  
259 material depicting ~~sexual conduct by~~ more than one child, then  
260 each such child in each such photograph, motion picture,  
261 exhibition, show, representation, image, data, computer

576-03569-22

20221798c2

262 depiction, or other presentation that is knowingly possessed,  
263 controlled, or intentionally viewed is a separate offense. A  
264 person who violates this paragraph ~~subsection~~ commits a felony  
265 of the third degree, punishable as provided in s. 775.082, s.  
266 775.083, or s. 775.084.

267 (b) Paragraph (a) ~~This subsection~~ does not apply to any  
268 material possessed, controlled, or intentionally viewed as part  
269 of a law enforcement investigation.

270 (6) Prosecution of a any person for an offense under this  
271 section ~~does shall~~ not preclude ~~prohibit~~ prosecution of that  
272 person in this state for a violation of any other law of this  
273 state, including a law providing for greater penalties than  
274 prescribed in this section or any other crime punishing the  
275 sexual performance or the sexual exploitation of children.

276 Section 4. Section 828.126, Florida Statutes, is amended to  
277 read:

278 828.126 Sexual activities involving animals.—

279 (1) As used in this section, the term—

280 ~~(a) "Sexual conduct" means any touching or fondling by a~~  
281 ~~person, either directly or through clothing, of the sex organs~~  
282 ~~or anus of an animal or any transfer or transmission of semen by~~  
283 ~~the person upon any part of the animal for the purpose of sexual~~  
284 ~~gratification or arousal of the person.~~

285 ~~(b)~~ "Sexual contact with an animal" means any act committed  
286 between a person and an animal for the purpose of sexual  
287 gratification, abuse, or financial gain which involves:

288 (a) Contact between the sex organ or anus of one and the  
289 mouth, sex organ, or anus of the other;

290 (b) The fondling of the sex organ or anus of an animal; or

576-03569-22

20221798c2

291 (c) The insertion, however slight, of any part of the body  
292 of a person or any object into the vaginal or anal opening of an  
293 animal, or the insertion of any part of the body of an animal  
294 into the vaginal or anal opening of a person ~~contact, however~~  
295 ~~slight, between the mouth, sex organ, or anus of a person and~~  
296 ~~the sex organ or anus of an animal, or any penetration, however~~  
297 ~~slight, of any part of the body of the person into the sex organ~~  
298 ~~or anus of an animal, or any penetration of the sex organ or~~  
299 ~~anus of the person into the mouth of the animal, for the purpose~~  
300 ~~of sexual gratification or sexual arousal of the person.~~

301 (2) A person may not:

302 (a) Knowingly engage in any ~~sexual conduct or~~ sexual  
303 contact with an animal;

304 (b) Knowingly cause, aid, or abet another person to engage  
305 in any ~~sexual conduct or~~ sexual contact with an animal;

306 (c) Knowingly permit any ~~sexual conduct or~~ sexual contact  
307 with an animal to be conducted on any premises under his or her  
308 charge or control; ~~or~~

309 (d) Knowingly organize, promote, conduct, ~~advertise,~~ aid,  
310 abet, participate in as an observer, or advertise, offer,  
311 solicit, or accept an offer of an animal for the purpose of  
312 sexual contact with such animal, or perform any service in the  
313 furtherance of an act involving any ~~sexual conduct or~~ sexual  
314 contact with an animal; or

315 (e) Knowingly film, distribute, or possess any pornographic  
316 image or video of a person and an animal engaged in any of the  
317 activities prohibited by this section ~~for a commercial or~~  
318 ~~recreational purpose.~~

319 (3) A person who violates this section commits a felony of

576-03569-22

20221798c2

320 ~~the third misdemeanor of the first degree, punishable as~~  
321 ~~provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.~~

322 (4) In addition to other penalties prescribed by law, the  
323 court shall issue an order prohibiting a person convicted under  
324 this section from harboring, owning, possessing, or exercising  
325 control over any animal; from residing in any household in which  
326 animals are present; and from engaging in an occupation, whether  
327 paid or unpaid, or participating in a volunteer position at any  
328 establishment at which animals are present. The order may be  
329 effective for up to 5 years after the date of the conviction,  
330 regardless of whether adjudication is withheld.

331 (5) ~~(4)~~ This section does not apply to accepted animal  
332 husbandry practices, including, but not limited to, bona fide  
333 agricultural purposes, assistance with the birthing process or  
334 artificial insemination of an animal for reproductive purposes,  
335 accepted conformation judging practices, or accepted veterinary  
336 medical practices.

337 Section 5. Section 836.13, Florida Statutes, is created to  
338 read:

339 836.13 Promotion of an altered sexual depiction; prohibited  
340 acts; penalties; applicability.-

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

342 (a) "Altered sexual depiction" means any visual depiction  
343 that, as a result of any type of digital, electronic,  
344 mechanical, or other modification, alteration, or adaptation,  
345 depicts a realistic version of an identifiable person:

346 1. With the nude body parts of another person as the nude  
347 body parts of the identifiable person;

348 2. With computer-generated nude body parts as the nude body

576-03569-22

20221798c2

349 parts of the identifiable person; or

350 3. Engaging in sexual conduct as defined in s. 847.001 in  
351 which the identifiable person did not engage.

352 (b) "Identifiable person" means a person who is  
353 recognizable as an actual person by the person's face, likeness,  
354 or other distinguishing characteristic, such as a unique  
355 birthmark, or other recognizable feature.

356 (c) "Nude body parts" means the human male or female  
357 genitals, pubic area, or buttocks with less than fully opaque  
358 covering; or the female breast with less than a fully opaque  
359 covering of any portion thereof below the top of the nipple; or  
360 the depiction of covered male genitals in a discernibly turgid  
361 state. The term does not under any circumstances include a  
362 mother breastfeeding her baby.

363 (d) "Promote" means to procure, manufacture, issue, sell,  
364 give, provide, lend, mail, deliver, transfer, transmit,  
365 transmute, publish, distribute, circulate, disseminate, present,  
366 exhibit, send, post, share, or advertise or to offer or agree to  
367 do the same.

368 (e) "Visual depiction" includes, but is not limited to, a  
369 photograph, picture, image, motion picture, film, video, or  
370 representation, regardless of whether such photograph, picture,  
371 image, motion picture, film, video, or representation was made,  
372 modified, altered, adapted, or produced by digital, electronic,  
373 mechanical, or other means.

374 (2) A person who willfully and maliciously promotes any  
375 altered sexual depiction of an identifiable person, without the  
376 consent of the identifiable person, and who knows or reasonably  
377 should have known that such visual depiction was an altered

576-03569-22

20221798c2

378 sexual depiction, commits a felony of the third degree,  
379 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

380 (3) Every act, thing, or transaction prohibited by this  
381 section constitutes a separate offense and is punishable as  
382 such.

383 (4) The presence of a disclaimer within an altered sexual  
384 depiction which notifies a viewer that the person or persons  
385 depicted did not consent to or participate in the creation or  
386 promotion of the material, or that the person or persons  
387 depicted did not actually perform the actions portrayed, is not  
388 a defense and does not relieve a person of criminal liability  
389 under this section.

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

394 (a) Injunctive relief.

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

398 (c) Reasonable attorney fees and costs.

399 (6) The criminal and civil penalties of this section do not  
400 apply to:

401 (a) A provider of an interactive computer service as  
402 defined in 47 U.S.C. s. 230(f), of an information service as  
403 defined in 47 U.S.C. s. 153, or of a communications service as  
404 defined in s. 202.11 which provides the transmission, storage,  
405 or caching of electronic communications or messages of others;  
406 another related telecommunications or commercial mobile radio

576-03569-22

20221798c2

407 service; or content provided by another person;

408 (b) A law enforcement officer, as defined in s. 943.10, or  
409 any local, state, federal, or military law enforcement agency  
410 that promotes an altered sexual depiction in connection with the  
411 performance of his or her duties as a law enforcement officer or  
412 the duties of the law enforcement agency;

413 (c) A person reporting unlawful activity; or

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

416 (7) A violation of this section is committed within this  
417 state if any conduct that is an element of the offense, or any  
418 harm to the depicted person resulting from the offense, occurs  
419 within this state.

420 (8) Prosecution of a person for an offense under this  
421 section does not preclude prosecution of that person in this  
422 state for a violation of any other law of this state, including  
423 a law providing for greater penalties than prescribed in this  
424 section or any other crime related to child sexual abuse  
425 material or the sexual performance or the sexual exploitation of  
426 children.

427 Section 6. Section 836.14, Florida Statutes, is created to  
428 read:

429 836.14 Theft or unauthorized promotion of a sexually  
430 explicit image.—

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

432 (a) "Identifiable person" has the same meaning as in s.  
433 836.13.

434 (b) "Promote" has the same meaning as in s. 836.13.

435 (c) "Sexually explicit image" means any image depicting

576-03569-22

20221798c2

436 nudity as defined in s. 847.001 or a person engaging in sexual  
437 conduct as defined in s. 847.001.

438 (2) A person who commits a theft in violation of s. 812.014  
439 of a sexually explicit image with the intent to promote such  
440 image commits a felony of the third degree, punishable as  
441 provided in s. 775.082, s. 775.083, or s. 775.084.

442 (3) A person who willfully possesses with the intent to  
443 promote a sexually explicit image that he or she knows or should  
444 have known was obtained in violation of subsection (2) commits a  
445 felony of the third degree, punishable as provided in s.  
446 775.082, s. 775.083, or s. 775.084.

447 (4) A person who willfully promotes for the purpose of  
448 pecuniary or any other financial gain a sexually explicit image  
449 of an identifiable person without that person's consent commits  
450 a felony of the second degree, punishable as provided in s.  
451 775.082, s. 775.083, or s. 775.084.

452 (5) Every act, thing, or transaction prohibited by this  
453 section constitutes a separate offense and is punishable as  
454 such.

455 (6) An aggrieved person may initiate a civil action against  
456 a person who violates this section to obtain all appropriate  
457 relief in order to prevent or remedy a violation of this  
458 section, including the following:

459 (a) Injunctive relief.

460 (b) Monetary damages to include \$10,000 or actual damages  
461 incurred as a result of a violation of this section, whichever  
462 is greater.

463 (c) Reasonable attorney fees and costs.

464 (7) The criminal and civil penalties of this section do not



576-03569-22

20221798c2

465 apply to:

466 (a) A provider of an interactive computer service as  
467 defined in 47 U.S.C. s. 230(f), of an information service as  
468 defined in 47 U.S.C. s. 153, or of a communications service as  
469 defined in s. 202.11 which provides the transmission, storage,  
470 or caching of electronic communications or messages of others;  
471 another related telecommunications or commercial mobile radio  
472 service; or content provided by another person;

473 (b) A law enforcement officer, as defined in s. 943.10, or  
474 any local, state, federal, or military law enforcement agency  
475 that disseminates a sexually explicit image in connection with  
476 the performance of his or her duties as a law enforcement  
477 officer or the duties of the law enforcement agency;

478 (c) A person reporting unlawful activity;

479 (d) A person participating in a hearing, trial, or other  
480 legal proceeding;

481 (e) Sexually explicit images involving voluntary exposure  
482 in a public or commercial setting; or

483 (f) Sexually explicit images possessed or promoted by a  
484 bona fide news media organization for a legitimate and  
485 newsworthy purpose.

486 (8) A violation of this section is committed within this  
487 state if any conduct that is an element of the offense, or any  
488 harm to the depicted individual resulting from the offense,  
489 occurs within this state.

490 (9) Prosecution of a person for an offense under this  
491 section does not preclude prosecution of that person in this  
492 state for a violation of any other law of this state, including  
493 a law providing for greater penalties than prescribed in this

576-03569-22

20221798c2

494 section or any other crime related to child sexual abuse  
495 material or the sexual performance or the sexual exploitation of  
496 children.

497 Section 7. Present subsections (7) through (11) and (12)  
498 through (20) of section 847.001, Florida Statutes, are  
499 redesignated as subsections (8) through (12) and (14) through  
500 (22), respectively, new subsections (7) and (13) are added to  
501 that section, and subsection (3) and present subsections (8),  
502 (16), and (19) of that section are amended, to read:

503 847.001 Definitions.—As used in this chapter, the term:

504 (3) "Child sexual abuse material" ~~"Child pornography"~~

505 means:

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

507 or

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

511 (7) "Identifiable minor" means a person:

512 (a) Who was a minor at the time the image was created,  
513 altered, adapted, or modified, or whose image as a minor was  
514 used in the creating, altering, adapting, or modifying of the  
515 image; and

516 (b) Who is recognizable as an actual person by the person's  
517 face, likeness, or other distinguishing characteristic, such as  
518 a unique birthmark, or other recognizable feature.

519  
520 The term may not be construed to require proof of the actual  
521 identity of the identifiable minor.

522 (9) ~~(8)~~ "Minor" or "child" means any person, whose identity

576-03569-22

20221798c2

523 is known or unknown, younger than ~~under the age of~~ 18 years of  
524 age.

525 (13) "Promote" means to procure, manufacture, issue, sell,  
526 give, provide, lend, mail, deliver, transfer, transmit,  
527 transmute, publish, distribute, circulate, disseminate, present,  
528 exhibit, send, post, share, or advertise or to offer or agree to  
529 do the same.

530 (18)~~(16)~~ "Sexual conduct" means actual or simulated sexual  
531 intercourse, deviate sexual intercourse, sexual bestiality,  
532 masturbation, or sadomasochistic abuse; actual or simulated lewd  
533 exhibition of the genitals; actual physical contact with a  
534 person's clothed or unclothed genitals, pubic area, buttocks,  
535 or, if such person is a female, breast with the intent to arouse  
536 or gratify the sexual desire of either party; or any act or  
537 conduct which constitutes sexual battery or simulates that  
538 sexual battery is being or will be committed. A mother's  
539 breastfeeding of her baby does not under any circumstance  
540 constitute "sexual conduct."

541 (21)~~(19)~~ "Simulated" means the explicit depiction of  
542 conduct described in subsection (18) ~~(16)~~ which creates the  
543 appearance of such conduct and which exhibits any uncovered  
544 portion of the breasts, genitals, or buttocks.

545 Section 8. Subsection (5) of section 847.011, Florida  
546 Statutes, is amended to read:

547 847.011 Prohibition of certain acts in connection with  
548 obscene, lewd, etc., materials; penalty.—

549 (5) (a) 1. A person may not knowingly sell, lend, give away,  
550 distribute, transmit, show, or transmute; offer to sell, lend,  
551 give away, distribute, transmit, show, or transmute; have in his

576-03569-22

20221798c2

552 or her possession, custody, or control with the intent to sell,  
553 lend, give away, distribute, transmit, show, or transmute; or  
554 advertise in any manner an obscene, child-like sex doll.

555 2.a. Except as provided in sub-subparagraph b., a person  
556 who violates this paragraph commits a felony of the third  
557 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
558 775.084.

559 b. A person who is convicted of violating this paragraph a  
560 second or subsequent time commits a felony of the second degree,  
561 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

562 (b)1. Except as provided in subparagraph 2., a person who  
563 knowingly has in his or her possession, custody, or control an  
564 obscene, child-like sex doll commits a misdemeanor of the first  
565 degree, punishable as provided in s. 775.082 or s. 775.083.

566 2. A person who is convicted of violating this paragraph a  
567 second or subsequent time commits a felony of the third degree,  
568 punishable as provided in s. 775.082 or s. 775.083.

569 (c)1. A law enforcement officer may arrest without a  
570 warrant any person who he or she has probable cause to believe  
571 has violated paragraph (b).

572 2. Upon proper affidavits being made, a search warrant may  
573 be issued to further investigate a violation of paragraph (b),  
574 including to search a private dwelling.

575 Section 9. Subsections (1) through (4) of section 847.0137,  
576 Florida Statutes, are amended to read:

577 847.0137 Transmission of pornography by electronic device  
578 or equipment prohibited; penalties.—

579 (1) As used in this section, the term ~~For purposes of this~~  
580 ~~section:~~

576-03569-22

20221798c2

581       ~~(a) "Minor" means any person less than 18 years of age.~~  
582       ~~(b) "transmit" means the act of sending and causing to be~~  
583 delivered, including the act of providing access for receiving  
584 and causing to be delivered, any image, information, or data  
585 ~~from one or more persons or places to one or more other persons~~  
586 ~~or places~~ over or through any medium, including the Internet or  
587 an interconnected network, by use of any electronic equipment or  
588 other device.

589       (2) Notwithstanding ss. 847.012 and 847.0133, any person in  
590 this state who knew or reasonably should have known that he or  
591 she was transmitting child sexual abuse material ~~child~~  
592 ~~pornography~~, as defined in s. 847.001, to another person in this  
593 state or in another jurisdiction commits a felony of the third  
594 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
595 775.084.

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

602       (4) This section shall not be construed to preclude  
603 ~~prohibit~~ prosecution of a person in this state or another  
604 jurisdiction for a violation of any law of this state, including  
605 a law providing for greater penalties than prescribed in this  
606 section, for the transmission of child sexual abuse material  
607 ~~child pornography~~, as defined in s. 847.001, to any person in  
608 this state.  
609

576-03569-22

20221798c2

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

612 Section 10. Paragraphs (c) through (f) of subsection (3) of  
 613 section 921.0022, Florida Statutes, are amended to read:

614 921.0022 Criminal Punishment Code; offense severity ranking  
 615 chart.—

616 (3) OFFENSE SEVERITY RANKING CHART

617 (c) LEVEL 3

618

| Florida<br>Statute       | Felony<br>Degree | Description   |
|--------------------------|------------------|---|
| 119.10 (2) (b)           | 3rd              | Unlawful use of<br>confidential information<br>from police reports.   |
| 316.066<br>(3) (b) - (d) | 3rd              | Unlawfully obtaining or<br>using confidential crash<br>reports.   |
| 316.193 (2) (b)          | 3rd              | Felony DUI, 3rd conviction.   |
| 316.1935 (2)             | 3rd              | Fleeing or attempting to<br>elude law enforcement<br>officer in patrol vehicle<br>with siren and lights<br>activated. |
| 319.30 (4)               | 3rd              | Possession by junkyard of   |

619

620

621

622

623

576-03569-22

20221798c2

motor vehicle with  
 identification number plate  
 removed.

624

319.33 (1) (a)

3rd

Alter or forge any  
 certificate of title to a  
 motor vehicle or mobile  
 home.

625

319.33 (1) (c)

3rd

Procure or pass title on  
 stolen vehicle.

626

319.33 (4)

3rd

With intent to defraud,  
 possess, sell, etc., a  
 blank, forged, or  
 unlawfully obtained title  
 or registration.

627

327.35 (2) (b)

3rd

Felony BUI.

628

328.05 (2)

3rd

Possess, sell, or  
 counterfeit fictitious,  
 stolen, or fraudulent  
 titles or bills of sale of  
 vessels.

629

328.07 (4)

3rd

Manufacture, exchange, or  
 possess vessel with  
 counterfeit or wrong ID

576-03569-22

20221798c2

number.

630

376.302 (5)

3rd

Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

631

379.2431  
(1) (e) 5.

3rd

Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

632

379.2431  
(1) (e) 6.

3rd

Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

633

379.2431  
(1) (e) 7.

3rd

Soliciting to commit or conspiring to commit a



576-03569-22

20221798c2

violation of the Marine  
Turtle Protection Act.

634

400.9935 (4) (a)  
or (b)

3rd

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

635

400.9935 (4) (e)

3rd

Filing a false license  
application or other  
required information or  
failing to report  
information.

636

440.1051 (3)

3rd

False report of workers'  
compensation fraud or  
retaliation for making such  
a report.

637

501.001 (2) (b)

2nd

Tampers with a consumer  
product or the container  
using materially  
false/misleading  
information.

638

624.401 (4) (a)

3rd

Transacting insurance  
without a certificate of  
authority.

639

576-03569-22

20221798c2

640

624.401(4)(b)1.

3rd

Transacting insurance without a certificate of authority; premium collected less than \$20,000.

641

626.902(1)(a) &  
(b)

3rd

Representing an unauthorized insurer.

642

697.08

3rd

Equity skimming.

643

790.15(3)

3rd

Person directs another to discharge firearm from a vehicle.

644

806.10(1)

3rd

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

645

806.10(2)

3rd

Interferes with or assaults firefighter in performance of duty.

810.09(2)(c)

3rd

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

576-03569-22

20221798c2

646  
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654

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

576-03569-22 20221798c2

|     |                   |     |   |
|-----|-------------------|-----|---|
| 655 | 817.234 (11) (a)  | 3rd | Insurance fraud; property value less than \$20,000.   |
| 656 | 817.236           | 3rd | Filing a false motor vehicle insurance application.   |
| 657 | 817.2361          | 3rd | Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.  |
| 658 | 817.413 (2)       | 3rd | Sale of used goods of \$1,000 or more as new.   |
| 659 | 817.49 (2) (b) 1. | 3rd | Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.          |
| 660 | 831.28 (2) (a)    | 3rd | Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud. |
|     | 831.29            | 2nd | Possession of instruments   |

576-03569-22

20221798c2

for counterfeiting driver licenses or identification cards.

661

836.13 (2)

3rd

Person who promotes an altered sexual depiction of an identifiable person without consent.

662

838.021 (3) (b)

3rd

Threatens unlawful harm to public servant.

663

843.19

2nd

Injure, disable, or kill police, fire, or SAR canine or police horse.

664

860.15 (3)

3rd

Overcharging for repairs and parts.

665

870.01 (2)

3rd

Riot.

666

870.01 (4)

3rd

Inciting a riot.

667

893.13 (1) (a) 2.

3rd

Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.,

576-03569-22

20221798c2

(2) (c) 10., (3), or (4) drugs).

668

893.13 (1) (d) 2.

2nd

Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs within 1,000 feet of university.

669

893.13 (1) (f) 2.

2nd

Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs within 1,000 feet of public housing facility.

670

893.13 (4) (c)

3rd

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

671

893.13 (6) (a)

3rd

Possession of any controlled substance other than felony possession of

576-03569-22

20221798c2

cannabis.

672

893.13(7)(a)8.

3rd

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

673

893.13(7)(a)9.

3rd

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

674

893.13(7)(a)10.

3rd

Affix false or forged label to package of controlled substance.

675

893.13(7)(a)11.

3rd

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

676

893.13(8)(a)1.

3rd

Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or

576-03569-22

20221798c2

related to the  
practitioner's practice.

677

893.13(8)(a)2.

3rd

Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

678

893.13(8)(a)3.

3rd

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

679

893.13(8)(a)4.

3rd

Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

680

918.13(1)(a)

3rd

Alter, destroy, or conceal investigation evidence.

681

944.47  
(1)(a)1. & 2.

3rd

Introduce contraband to correctional facility.



576-03569-22

20221798c2

682

944.47 (1) (c)

2nd

Possess contraband while upon the grounds of a correctional institution.

683

985.721

3rd

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

684

(d) LEVEL 4

685

686

Florida  
Statute

Felony  
Degree

Description

687

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 activated.

688

499.0051 (1)

3rd

Failure to maintain or deliver transaction history, transaction information, or transaction statements.

576-03569-22

20221798c2

689

499.0051 (5)

2nd

Knowing sale or  
delivery, or possession  
with intent to sell,  
contraband prescription  
drugs.

690

517.07 (1)

3rd

Failure to register  
securities.

691

517.12 (1)

3rd

Failure of dealer,  
associated person, or  
issuer of securities to  
register.

692

784.07 (2) (b)

3rd

Battery of law  
enforcement officer,  
firefighter, etc.

693

784.074 (1) (c)

3rd

Battery of sexually  
violent predators  
facility staff.

694

784.075

3rd

Battery on detention or  
commitment facility  
staff.

695

784.078

3rd

Battery of facility  
employee by throwing,

576-03569-22

20221798c2

tossing, or expelling  
certain fluids or  
materials.

696

784.08 (2) (c)

3rd

Battery on a person 65  
years of age or older.

697

784.081 (3)

3rd

Battery on specified  
official or employee.

698

784.082 (3)

3rd

Battery by detained  
person on visitor or  
other detainee.

699

784.083 (3)

3rd

Battery on code  
inspector.

700

784.085

3rd

Battery of child by  
throwing, tossing,  
projecting, or expelling  
certain fluids or  
materials.

701

787.03 (1)

3rd

Interference with  
custody; wrongly takes  
minor from appointed  
guardian.

702

787.04 (2)

3rd

Take, entice, or remove

576-03569-22

20221798c2

child beyond state  
limits with criminal  
intent pending custody  
proceedings.

703

787.04 (3)

3rd

Carrying child beyond  
state lines with  
criminal intent to avoid  
producing child at  
custody hearing or  
delivering to designated  
person.

704

787.07

3rd

Human smuggling.

705

790.115 (1)

3rd

Exhibiting firearm or  
weapon within 1,000 feet  
of a school.

706

790.115 (2) (b)

3rd

Possessing electric  
weapon or device,  
destructive device, or  
other weapon on school  
property.

707

790.115 (2) (c)

3rd

Possessing firearm on  
school property.

708

800.04 (7) (c)

3rd

Lewd or lascivious

576-03569-22

20221798c2

exhibition; offender  
less than 18 years.

709

806.135

2nd

Destroying or  
demolishing a memorial  
or historic property.

710

810.02 (4) (a)

3rd

Burglary, or attempted  
burglary, of an  
unoccupied structure;  
unarmed; no assault or  
battery.

711

810.02 (4) (b)

3rd

Burglary, or attempted  
burglary, of an  
unoccupied conveyance;  
unarmed; no assault or  
battery.

712

810.06

3rd

Burglary; possession of  
tools.

713

810.08 (2) (c)

3rd

Trespass on property,  
armed with firearm or  
dangerous weapon.

714

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree  
\$10,000 or more but less  
than \$20,000.

576-03569-22

20221798c2

715  
716  
717  
718  
719  
720  
721  
722

|                           |     |  |
|---------------------------|-----|--|
| 812.014<br>(2) (c) 4.-10. | 3rd | Grand theft, 3rd degree;<br>specified items.   |
| 812.0195 (2)              | 3rd | Dealing in stolen<br>property by use of the<br>Internet; property<br>stolen \$300 or more.                       |
| 817.505 (4) (a)           | 3rd | Patient brokering.   |
| 817.563 (1)               | 3rd | Sell or deliver<br>substance other than<br>controlled substance<br>agreed upon, excluding<br>s. 893.03(5) drugs. |
| 817.568 (2) (a)           | 3rd | Fraudulent use of<br>personal identification<br>information.   |
| 817.625 (2) (a)           | 3rd | Fraudulent use of<br>scanning device,<br>skimming device, or<br>reencoder.                                       |
| 817.625 (2) (c)           | 3rd | Possess, sell, or<br>deliver skimming device.  |

576-03569-22

20221798c2

828.125 (1)

2nd

Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

723

836.14 (2)

3rd

Person who commits theft of a sexually explicit image with intent to promote it.

724

836.14 (3)

3rd

Person who possesses a sexually explicit image with certain knowledge and intent to promote it.

725

837.02 (1)

3rd

Perjury in official proceedings.

726

837.021 (1)

3rd

Make contradictory statements in official proceedings.

727

838.022

3rd

Official misconduct.

728

839.13 (2) (a)

3rd

Falsifying records of an individual in the care

576-03569-22

20221798c2

and custody of a state  
agency.

729

839.13 (2) (c)

3rd

Falsifying records of  
the Department of  
Children and Families.

730

843.021

3rd

Possession of a  
concealed handcuff key  
by a person in custody.

731

843.025

3rd

Deprive law enforcement,  
correctional, or  
correctional probation  
officer of means of  
protection or  
communication.

732

843.15 (1) (a)

3rd

Failure to appear while  
on bail for felony (bond  
estreature or bond  
jumping).

733

847.0135 (5) (c)

3rd

Lewd or lascivious  
exhibition using  
computer; offender less  
than 18 years.

734

870.01 (3)

2nd

Aggravated rioting.



576-03569-22

20221798c2

735

870.01 (5) 2nd Aggravated inciting a riot.

736

874.05 (1) (a) 3rd Encouraging or recruiting another to join a criminal gang.

737

893.13 (2) (a) 1. 2nd Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).

738

914.14 (2) 3rd Witnesses accepting bribes.

739

914.22 (1) 3rd Force, threaten, etc., witness, victim, or informant.

740

914.23 (2) 3rd Retaliation against a witness, victim, or informant, no bodily injury.

741

916.1085 3rd Introduction of  
(2) (c) 1. specified contraband into certain DCF

576-03569-22

20221798c2

facilities.

742

918.12

3rd

Tampering with jurors.

743

934.215

3rd

Use of two-way communications device to facilitate commission of a crime.

744

944.47 (1) (a) 6.

3rd

Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

745

951.22 (1) (h),  
(j) & (k)

3rd

Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

746

747

(e) LEVEL 5

748

576-03569-22

20221798c2

|     | Florida<br>Statute | Felony<br>Degree | Description  |
|-----|--------------------|------------------|--|
| 749 | 316.027 (2) (a)    | 3rd              | Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.  |
| 750 | 316.1935 (4) (a)   | 2nd              | Aggravated fleeing or eluding.   |
| 751 | 316.80 (2)         | 2nd              | Unlawful conveyance of fuel; obtaining fuel fraudulently.  |
| 752 | 322.34 (6)         | 3rd              | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 753 | 327.30 (5)         | 3rd              | Vessel accidents involving personal injury; leaving scene.   |
| 754 | 379.365 (2) (c) 1. | 3rd              | Violation of rules relating to: willful molestation of stone   |

576-03569-22

20221798c2

crab traps, lines, or  
 buoys; illegal  
 bartering, trading, or  
 sale, conspiring or  
 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.

755

379.367(4)

3rd

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

756

576-03569-22

20221798c2

757

379.407(5)(b)3.

3rd

Possession of 100 or more undersized spiny lobsters.

758

381.0041(11)(b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

759

440.10(1)(g)

2nd

Failure to obtain workers' compensation coverage.

760

440.105(5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

761

440.381(2)

3rd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

624.401(4)(b)2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or

576-03569-22

20221798c2

more but less than  
\$100,000.

762

626.902 (1) (c)

2nd

Representing an  
unauthorized insurer;  
repeat offender.

763

790.01 (2)

3rd

Carrying a concealed  
firearm.

764

790.162

2nd

Threat to throw or  
discharge destructive  
device.

765

790.163 (1)

2nd

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

766

790.221 (1)

2nd

Possession of short-  
barreled shotgun or  
machine gun.

767

790.23

2nd

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

768

|     |                                |     |  |
|-----|--------------------------------|-----|--|
|     | 576-03569-22                   |     | 20221798c2   |
| 769 | 796.05 (1)                     | 2nd | Live on earnings of a prostitute; 1st offense.   |
| 770 | 800.04 (6) (c)                 | 3rd | Lewd or lascivious conduct; offender less than 18 years of age.                              |
| 771 | 800.04 (7) (b)                 | 2nd | Lewd or lascivious exhibition; offender 18 years of age or older.                            |
| 772 | 806.111 (1)                    | 3rd | Possess, manufacture, or dispense fire bomb with intent to damage any structure or property. |
| 773 | 812.0145 (2) (b)               | 2nd | Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.         |
| 774 | 812.015<br>(8) (a) & (c) - (e) | 3rd | Retail theft; property stolen is valued at \$750 or more and one or more specified acts.     |
| 775 | 812.019 (1)                    | 2nd | Stolen property; dealing in or trafficking in.   |

576-03569-22 20221798c2

|     |                                    |     |  |
|-----|------------------------------------|-----|--|
| 776 | 812.081 (3)                        | 2nd | Trafficking in trade secrets.  |
| 777 | 812.131 (2) (b)                    | 3rd | Robbery by sudden snatching.   |
| 778 | 812.16 (2)                         | 3rd | Owning, operating, or conducting a chop shop.  |
| 779 | 817.034 (4) (a) 2.                 | 2nd | Communications fraud, value \$20,000 to \$50,000.  |
| 780 | 817.234 (11) (b)                   | 2nd | Insurance fraud; property value \$20,000 or more but less than \$100,000.  |
| 781 | 817.2341 (1),<br>(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. |
|     | 817.568 (2) (b)                    | 2nd | Fraudulent use of personal identification  |



576-03569-22

20221798c2

information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

782

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

783

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

784

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

785

827.071 (4)

2nd

Possess with intent to promote any photographic

576-03569-22

20221798c2

material, motion  
 picture, etc., which  
 includes child sexual  
 abuse material ~~sexual  
 conduct by a child.~~

786

827.071 (5)

3rd

Possess, control, or  
 intentionally view any  
 photographic material,  
 motion picture, etc.,  
 which includes child  
 sexual abuse material  
~~sexual conduct by a  
 child.~~

787

828.12 (2)

3rd

Tortures any animal with  
 intent to inflict  
 intense pain, serious  
 physical injury, or  
 death.

788

836.14 (4)

2nd

Person who promotes for  
 financial gain a  
 sexually explicit image  
 of an identifiable  
 person without consent.

789

839.13 (2) (b)

2nd

Falsifying records of an  
 individual in the care

576-03569-22

20221798c2

and custody of a state agency involving great bodily harm or death.

790

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

791

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

792

847.0137  
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

793

847.0138  
(2) & (3)

3rd

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

794

874.05 (1) (b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

576-03569-22

20221798c2

795

874.05 (2) (a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

796

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).

797

893.13 (1) (c) 2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

798

576-03569-22

20221798c2

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.

799

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

800

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

576-03569-22

20221798c2

housing facility.

801

893.13(4)(b)

2nd

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

802

893.1351(1)

3rd

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

803

804 (f) LEVEL 6

805

Florida  
Statute

Felony  
Degree

Description

806

316.027(2)(b)

2nd

Leaving the scene of a crash  
involving serious bodily  
injury.

807

316.193(2)(b)

3rd

Felony DUI, 4th or subsequent  
conviction.

808

400.9935(4)(c)

2nd

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

809

499.0051(2)

2nd

Knowing forgery of transaction  
history, transaction

576-03569-22

20221798c2

information, or transaction  
statement.

810

499.0051 (3)                      2nd      Knowing purchase or receipt of  
prescription drug from  
unauthorized person.

811

499.0051 (4)                      2nd      Knowing sale or transfer of  
prescription drug to  
unauthorized person.

812

775.0875 (1)                      3rd      Taking firearm from law  
enforcement officer.

813

784.021 (1) (a)                      3rd      Aggravated assault; deadly  
weapon without intent to kill.

814

784.021 (1) (b)                      3rd      Aggravated assault; intent to  
commit felony.

815

784.041                              3rd      Felony battery; domestic  
battery by strangulation.

816

784.048 (3)                      3rd      Aggravated stalking; credible  
threat.

817

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

818

576-03569-22

20221798c2

819  
820  
821  
822  
823  
824  
825  
826

- 784.07 (2) (c)                    2nd    Aggravated assault on law enforcement officer.
- 784.074 (1) (b)                2nd    Aggravated assault on sexually violent predators facility staff.
- 784.08 (2) (b)                2nd    Aggravated assault on a person 65 years of age or older.
- 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.
- 790.115 (2) (d)                2nd    Discharging firearm or weapon on school property.
- 790.161 (2)                    2nd    Make, possess, or throw destructive device with intent



576-03569-22

20221798c2

to do bodily harm or damage  
property.

827

790.164 (1)

2nd

False report concerning bomb,  
explosive, weapon of mass  
destruction, act of arson or  
violence to state property, or  
use of firearms in violent  
manner.

828

790.19

2nd

Shooting or throwing deadly  
missiles into dwellings,  
vessels, or vehicles.

829

794.011 (8) (a)

3rd

Solicitation of minor to  
participate in sexual activity  
by custodial adult.

830

794.05 (1)

2nd

Unlawful sexual activity with  
specified minor.

831

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.

832

800.04 (6) (b)

2nd

Lewd or lascivious conduct;  
offender 18 years of age or  
older.

576-03569-22

20221798c2

833

806.031(2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

834

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

835

810.145(8)(b) 2nd Video voyeurism; certain minor victims; 2nd or subsequent offense.

836

812.014(2)(b)1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

837

812.014(6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

838

812.015(9)(a) 2nd Retail theft; property stolen \$750 or more; second or subsequent conviction.

839

812.015(9)(b) 2nd Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.

840

576-03569-22

20221798c2

|     |                |     |  |
|-----|----------------|-----|--|
| 841 | 812.13(2)(c)   | 2nd | Robbery, no firearm or other<br>weapon (strong-arm robbery).                                       |
| 842 | 817.4821(5)    | 2nd | Possess cloning paraphernalia<br>with intent to create cloned<br>cellular telephones.              |
| 843 | 817.49(2)(b)2. | 2nd | Willful making of a false<br>report of a crime resulting in<br>death.                              |
| 844 | 817.505(4)(b)  | 2nd | Patient brokering; 10 or more<br>patients.   |
| 845 | 825.102(1)     | 3rd | Abuse of an elderly person or<br>disabled adult.   |
| 846 | 825.102(3)(c)  | 3rd | Neglect of an elderly person or<br>disabled adult.   |
| 847 | 825.1025(3)    | 3rd | Lewd or lascivious molestation<br>of an elderly person or<br>disabled adult.                       |
| 848 | 825.103(3)(c)  | 3rd | Exploiting an elderly person or<br>disabled adult and property is<br>valued at less than \$10,000. |
|     | 827.03(2)(c)   | 3rd | Abuse of a child.  |

576-03569-22

20221798c2

849

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

850

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

851

828.126 (3) 3rd Sexual activities involving animals.

852

836.05 2nd Threats; extortion.

853

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

854

843.12 3rd Aids or assists person to escape.

855

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

856

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

857

576-03569-22

20221798c2

847.0135(2)

3rd

Facilitates sexual conduct of  
or with a minor or the visual  
depiction of such conduct.

858

914.23

2nd

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

859

944.35(3)(a)2.

3rd

Committing malicious battery  
upon or inflicting cruel or  
inhuman treatment on an inmate  
or offender on community  
supervision, resulting in great  
bodily harm.

860

944.40

2nd

Escapes.

861

944.46

3rd

Harboring, concealing, aiding  
escaped prisoners.

862

944.47(1)(a)5.

2nd

Introduction of contraband  
(firearm, weapon, or explosive)  
into correctional facility.

863

951.22(1)(i)

3rd

Firearm or weapon introduced  
into county detention facility.

864

865 Section 11. Paragraph (e) of subsection (3) and subsection  
866 (10) of section 960.03, Florida Statutes, are amended to read:

576-03569-22

20221798c2

867 960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
868 960.01-960.28, unless the context otherwise requires, the term:  
869 (3) "Crime" means:  
870 (e) A violation of s. 827.071, s. 847.0135, s. 847.0137, or  
871 s. 847.0138, related to online sexual exploitation and child  
872 sexual abuse material ~~child pornography~~.  
873 (10) "Identified victim of child sexual abuse material  
874 ~~child pornography~~" means any person who, while under the age of  
875 18, is depicted in any image or movie of child sexual abuse  
876 material ~~child pornography~~ and who is identified through a  
877 report generated by a law enforcement agency and provided to the  
878 National Center for Missing and Exploited Children's Child  
879 Victim Identification Program.

880 Section 12. Paragraph (j) of subsection (1) of section  
881 288.1254, Florida Statutes, is amended to read:  
882 288.1254 Entertainment industry financial incentive  
883 program.—  
884 (1) DEFINITIONS.—As used in this section, the term:  
885 (j) "Qualified production" means a production in this state  
886 meeting the requirements of this section. The term does not  
887 include a production:  
888 1. In which, for the first 2 years of the incentive  
889 program, less than 50 percent, and thereafter, less than 60  
890 percent, of the positions that make up its production cast and  
891 below-the-line production crew, or, in the case of digital media  
892 projects, less than 75 percent of such positions, are filled by  
893 legal residents of this state, whose residency is demonstrated  
894 by a valid Florida driver license or other state-issued  
895 identification confirming residency, or students enrolled full-

576-03569-22

20221798c2

896 time in a film-and-entertainment-related course of study at an  
897 institution of higher education in this state; or

898 2. That contains obscene content as defined in s. 847.001  
899 ~~s. 847.001(10)~~.

900 Section 13. Subsection (1) of section 847.0141, Florida  
901 Statutes, is amended to read:

902 847.0141 Sexting; prohibited acts; penalties.—

903 (1) A minor commits the offense of sexting if he or she  
904 knowingly:

905 (a) Uses a computer, or any other device capable of  
906 electronic data transmission or distribution, to transmit or  
907 distribute to another minor any photograph or video of any  
908 person which depicts nudity, as defined in s. 847.001 ~~s.~~  
909 ~~847.001(9)~~, and is harmful to minors, as defined in s. 847.001  
910 ~~s. 847.001(6)~~.

911 (b) Possesses a photograph or video of any person that was  
912 transmitted or distributed by another minor which depicts  
913 nudity, as defined in s. 847.001 ~~s. 847.001(9)~~, and is harmful  
914 to minors, as defined in s. 847.001 ~~s. 847.001(6)~~. A minor does  
915 not violate this paragraph if all of the following apply:

916 1. The minor did not solicit the photograph or video.

917 2. The minor took reasonable steps to report the photograph  
918 or video to the minor's legal guardian or to a school or law  
919 enforcement official.

920 3. The minor did not transmit or distribute the photograph  
921 or video to a third party.

922 Section 14. Subsection (3) of section 39.0138, Florida  
923 Statutes, is amended to read:

924 39.0138 Criminal history and other records checks; limit on

576-03569-22

20221798c2

925 placement of a child.—

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

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

931 (b) Domestic violence;

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

934 (d) Homicide, sexual battery, or other felony involving  
935 violence, other than felony assault or felony battery when an  
936 adult was the victim of the assault or battery, or resisting  
937 arrest with violence.

938 Section 15. Subsection (3) of section 92.56, Florida  
939 Statutes, is amended to read:

940 92.56 Judicial proceedings and court records involving  
941 sexual offenses and human trafficking.—

942 (3) The state may use a pseudonym instead of the victim's  
943 name to designate the victim of a crime described in s.  
944 787.06(3)(a)1., (c)1., or (e)1., in s. 787.06(3)(b), (d), (f),  
945 or (g), or in chapter 794 or chapter 800, or of child abuse,  
946 aggravated child abuse, or sexual performance by a child as  
947 described in chapter 827, or any crime involving the production,  
948 possession, or promotion of child sexual abuse material ~~child~~  
949 ~~pornography~~ as described in chapter 847, in all court records  
950 and records of court proceedings, both civil and criminal.

951 Section 16. Section 92.561, Florida Statutes, is amended to  
952 read:

953 92.561 Prohibition on reproduction of child sexual abuse



576-03569-22

20221798c2

954 material ~~child pornography~~.—

955 (1) In a criminal proceeding, any property or material that  
956 portrays sexual performance by a child as defined in s. 827.071,  
957 or constitutes child sexual abuse material ~~child pornography~~ as  
958 defined in s. 847.001, must remain secured or locked in the  
959 care, custody, and control of a law enforcement agency, the  
960 state attorney, or the court.

961 (2) Notwithstanding any law or rule of court, a court shall  
962 deny, in a criminal proceeding, any request by the defendant to  
963 copy, photograph, duplicate, or otherwise reproduce any property  
964 or material that portrays sexual performance by a child or  
965 constitutes child sexual abuse material ~~child pornography~~ so  
966 long as the state attorney makes the property or material  
967 reasonably available to the defendant.

968 (3) For purposes of this section, property or material is  
969 deemed to be reasonably available to the defendant if the state  
970 attorney provides ample opportunity at a designated facility for  
971 the inspection, viewing, and examination of the property or  
972 material that portrays sexual performance by a child or  
973 constitutes child sexual abuse material ~~child pornography~~ by the  
974 defendant, his or her attorney, or any individual whom the  
975 defendant uses as an expert during the discovery process or at a  
976 court proceeding.

977 Section 17. Paragraph (c) of subsection (4) of section  
978 435.07, Florida Statutes, is amended to read:

979 435.07 Exemptions from disqualification.—Unless otherwise  
980 provided by law, the provisions of this section apply to  
981 exemptions from disqualification for disqualifying offenses  
982 revealed pursuant to background screenings required under this

576-03569-22

20221798c2

983 chapter, regardless of whether those disqualifying offenses are  
984 listed in this chapter or other laws.

985 (4)

986 (c) Disqualification from employment under this chapter may  
987 not be removed from, and an exemption may not be granted to, any  
988 current or prospective child care personnel, as defined in s.  
989 402.302(3), and such a person is disqualified from employment as  
990 child care personnel, regardless of any previous exemptions from  
991 disqualification, if the person has been registered as a sex  
992 offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been  
993 arrested for and is awaiting final disposition of, has been  
994 convicted or found guilty of, or entered a plea of guilty or  
995 nolo contendere to, regardless of adjudication, or has been  
996 adjudicated delinquent and the record has not been sealed or  
997 expunged for, any offense prohibited under any of the following  
998 provisions of state law or a similar law of another  
999 jurisdiction:

1000 1. A felony offense prohibited under any of the following  
1001 statutes:

1002 a. Chapter 741, relating to domestic violence.

1003 b. Section 782.04, relating to murder.

1004 c. Section 782.07, relating to manslaughter, aggravated  
1005 manslaughter of an elderly person or disabled adult, aggravated  
1006 manslaughter of a child, or aggravated manslaughter of an  
1007 officer, a firefighter, an emergency medical technician, or a  
1008 paramedic.

1009 d. Section 784.021, relating to aggravated assault.

1010 e. Section 784.045, relating to aggravated battery.

1011 f. Section 787.01, relating to kidnapping.

576-03569-22

20221798c2

1012 g. Section 787.025, relating to luring or enticing a child.

1013 h. Section 787.04(2), relating to leading, taking,  
1014 enticing, or removing a minor beyond the state limits, or  
1015 concealing the location of a minor, with criminal intent pending  
1016 custody proceedings.

1017 i. Section 787.04(3), relating to leading, taking,  
1018 enticing, or removing a minor beyond the state limits, or  
1019 concealing the location of a minor, with criminal intent pending  
1020 dependency proceedings or proceedings concerning alleged abuse  
1021 or neglect of a minor.

1022 j. Section 794.011, relating to sexual battery.

1023 k. Former s. 794.041, relating to sexual activity with or  
1024 solicitation of a child by a person in familial or custodial  
1025 authority.

1026 l. Section 794.05, relating to unlawful sexual activity  
1027 with certain minors.

1028 m. Section 794.08, relating to female genital mutilation.

1029 n. Section 806.01, relating to arson.

1030 o. Section 826.04, relating to incest.

1031 p. Section 827.03, relating to child abuse, aggravated  
1032 child abuse, or neglect of a child.

1033 q. Section 827.04, relating to contributing to the  
1034 delinquency or dependency of a child.

1035 r. Section 827.071, relating to sexual performance by a  
1036 child.

1037 s. Chapter 847, relating to child sexual abuse material  
1038 ~~child pornography~~.

1039 t. Chapter 893, relating to a drug abuse prevention and  
1040 control offense, if that offense was committed in the preceding

576-03569-22

20221798c2

1041 5 years.

1042 u. Section 985.701, relating to sexual misconduct in  
1043 juvenile justice programs.

1044 2. A misdemeanor offense prohibited under any of the  
1045 following statutes:

1046 a. Section 784.03, relating to battery, if the victim of  
1047 the offense was a minor.

1048 b. Section 787.025, relating to luring or enticing a child.

1049 c. Chapter 847, relating to child sexual abuse material  
1050 ~~child pornography~~.

1051 3. A criminal act committed in another state or under  
1052 federal law which, if committed in this state, constitutes an  
1053 offense prohibited under any statute listed in subparagraph 1.  
1054 or subparagraph 2.

1055 Section 18. Paragraph (z) of subsection (5) of section  
1056 456.074, Florida Statutes, is amended to read:

1057 456.074 Certain health care practitioners; immediate  
1058 suspension of license.—

1059 (5) The department shall issue an emergency order  
1060 suspending the license of any health care practitioner who is  
1061 arrested for committing or attempting, soliciting, or conspiring  
1062 to commit any act that would constitute a violation of any of  
1063 the following criminal offenses in this state or similar  
1064 offenses in another jurisdiction:

1065 (z) Section 847.0137, relating to the transmission of child  
1066 sexual abuse material ~~child pornography~~ by electronic device or  
1067 equipment.

1068 Section 19. Section 847.002, Florida Statutes, is amended  
1069 to read:

576-03569-22

20221798c2

1070           847.002 Child sexual abuse material ~~Child pornography~~  
1071 prosecutions.-

1072           (1) Any law enforcement officer who, pursuant to a criminal  
1073 investigation, recovers images or movies of child sexual abuse  
1074 material ~~child pornography~~ shall:

1075           (a) Provide such images or movies to the law enforcement  
1076 agency representative assigned to the Child Victim  
1077 Identification Program at the National Center for Missing and  
1078 Exploited Children, as required by the center's guidelines.

1079           (b) Request the law enforcement agency contact information  
1080 from the Child Victim Identification Program for any images or  
1081 movies recovered which contain an identified victim of child  
1082 sexual abuse material ~~child pornography~~ as defined in s. 960.03.

1083           (c) Provide case information to the Child Victim  
1084 Identification Program, as required by the National Center for  
1085 Missing and Exploited Children guidelines, in any case where the  
1086 law enforcement officer identifies a previously unidentified  
1087 victim of child sexual abuse material ~~child pornography~~.

1088           (2) Any law enforcement officer submitting a case for  
1089 prosecution which involves the production, promotion, or  
1090 possession of child sexual abuse material ~~child pornography~~  
1091 shall submit to the designated prosecutor the law enforcement  
1092 agency contact information provided by the Child Victim  
1093 Identification Program at the National Center for Missing and  
1094 Exploited Children, for any images or movies involved in the  
1095 case which contain the depiction of an identified victim of  
1096 child sexual abuse material ~~child pornography~~ as defined in s.  
1097 960.03.

1098           (3) In every filed case involving an identified victim of

576-03569-22

20221798c2

1099 child sexual abuse material ~~child pornography~~, as defined in s.  
1100 960.03, the prosecuting agency shall enter the following  
1101 information into the Victims in Child Sexual Abuse Material  
1102 ~~Child Pornography~~ Tracking Repeat Exploitation database  
1103 maintained by the Office of the Attorney General:

- 1104 (a) The case number and agency file number.  
1105 (b) The named defendant.  
1106 (c) The circuit court division and county.  
1107 (d) Current court dates and the status of the case.  
1108 (e) Contact information for the prosecutor assigned.  
1109 (f) Verification that the prosecutor is or is not in  
1110 possession of a victim impact statement and will use the  
1111 statement in sentencing.

1112 Section 20. Subsections (1) and (4) of section 847.01357,  
1113 Florida Statutes, are amended to read:

1114 847.01357 Exploited children's civil remedy.—

1115 (1) Any person who, while under the age of 18, was a victim  
1116 of a sexual abuse crime listed in chapter 794, chapter 800,  
1117 chapter 827, or chapter 847, where any portion of such abuse was  
1118 used in the production of child sexual abuse material ~~child~~  
1119 ~~pornography~~, and who suffers personal or psychological injury as  
1120 a result of the production, promotion, or possession of such  
1121 images or movies, may bring an action in an appropriate state  
1122 court against the producer, promoter, or possessor of such  
1123 images or movies, regardless of whether the victim is now an  
1124 adult. In any action brought under this section, a prevailing  
1125 plaintiff shall recover the actual damages such person sustained  
1126 and the cost of the suit, including reasonable attorney's fees.  
1127 Any victim who is awarded damages under this section shall be

576-03569-22

20221798c2

1128 deemed to have sustained damages of at least \$150,000.

1129 (4) It is not a defense to a civil cause of action under  
1130 this section that the respondent did not know the victim or  
1131 commit the abuse depicted in any image of child sexual abuse  
1132 material ~~child pornography~~.

1133 Section 21. Section 847.0139, Florida Statutes, is amended  
1134 to read:

1135 847.0139 Immunity from civil liability for reporting child  
1136 sexual abuse material ~~child pornography~~, transmission of child  
1137 sexual abuse material ~~child pornography~~, or any image,  
1138 information, or data harmful to minors to a minor in this  
1139 state.—Any person who reports to a law enforcement officer what  
1140 the person reasonably believes to be child sexual abuse material  
1141 ~~child pornography~~, transmission of child sexual abuse material  
1142 ~~child pornography~~, or any image, information, or data that is  
1143 harmful to minors to a minor in this state may not be held  
1144 civilly liable for such reporting. For purposes of this section,  
1145 such reporting may include furnishing the law enforcement  
1146 officer with any image, information, or data that the person  
1147 reasonably believes to be evidence of child sexual abuse  
1148 material ~~child pornography~~, transmission of child sexual abuse  
1149 material ~~child pornography~~, or an image, information, or data  
1150 that is harmful to minors to a minor in this state.

1151 Section 22. Paragraph (c) of subsection (8) of section  
1152 948.06, Florida Statutes, is amended to read:

1153 948.06 Violation of probation or community control;  
1154 revocation; modification; continuance; failure to pay  
1155 restitution or cost of supervision.—

1156 (8)

576-03569-22

20221798c2

1157 (c) For purposes of this section, the term "qualifying  
1158 offense" means any of the following:

1159 1. Kidnapping or attempted kidnapping under s. 787.01,  
1160 false imprisonment of a child under the age of 13 under s.  
1161 787.02(3), or luring or enticing a child under s. 787.025(2)(b)  
1162 or (c).

1163 2. Murder or attempted murder under s. 782.04, attempted  
1164 felony murder under s. 782.051, or manslaughter under s. 782.07.

1165 3. Aggravated battery or attempted aggravated battery under  
1166 s. 784.045.

1167 4. Sexual battery or attempted sexual battery under s.  
1168 794.011(2), (3), (4), or (8)(b) or (c).

1169 5. Lewd or lascivious battery or attempted lewd or  
1170 lascivious battery under s. 800.04(4), lewd or lascivious  
1171 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious  
1172 conduct under s. 800.04(6)(b), lewd or lascivious exhibition  
1173 under s. 800.04(7)(b), or lewd or lascivious exhibition on  
1174 computer under s. 847.0135(5)(b).

1175 6. Robbery or attempted robbery under s. 812.13, carjacking  
1176 or attempted carjacking under s. 812.133, or home invasion  
1177 robbery or attempted home invasion robbery under s. 812.135.

1178 7. Lewd or lascivious offense upon or in the presence of an  
1179 elderly or disabled person or attempted lewd or lascivious  
1180 offense upon or in the presence of an elderly or disabled person  
1181 under s. 825.1025.

1182 8. Sexual performance by a child or attempted sexual  
1183 performance by a child under s. 827.071.

1184 9. Computer pornography under s. 847.0135(2) or (3),  
1185 transmission of child sexual abuse material ~~child pornography~~



576-03569-22

20221798c2

1186 under s. 847.0137, or selling or buying of minors under s.  
1187 847.0145.

1188 10. Poisoning food or water under s. 859.01.

1189 11. Abuse of a dead human body under s. 872.06.

1190 12. Any burglary offense or attempted burglary offense that  
1191 is either a first degree felony or second degree felony under s.  
1192 810.02(2) or (3).

1193 13. Arson or attempted arson under s. 806.01(1).

1194 14. Aggravated assault under s. 784.021.

1195 15. Aggravated stalking under s. 784.048(3), (4), (5), or  
1196 (7).

1197 16. Aircraft piracy under s. 860.16.

1198 17. Unlawful throwing, placing, or discharging of a  
1199 destructive device or bomb under s. 790.161(2), (3), or (4).

1200 18. Treason under s. 876.32.

1201 19. Any offense committed in another jurisdiction which  
1202 would be an offense listed in this paragraph if that offense had  
1203 been committed in this state.

1204 Section 23. Section 960.197, Florida Statutes, is amended  
1205 to read:

1206 960.197 Assistance to victims of online sexual exploitation  
1207 and child sexual abuse material ~~child pornography~~.—

1208 (1) Notwithstanding the criteria set forth in s. 960.13 for  
1209 crime victim compensation awards, the department may award  
1210 compensation for counseling and other mental health services to  
1211 treat psychological injury or trauma to:

1212 (a) A child younger than 18 years of age who suffers  
1213 psychiatric or psychological injury as a direct result of online  
1214 sexual exploitation under any provision of s. 827.071, s.

576-03569-22

20221798c2

1215 847.0135, s. 847.0137, or s. 847.0138, and who does not  
1216 otherwise sustain a personal injury or death; or

1217 (b) Any person who, while younger than age 18, was depicted  
1218 in any image or movie, regardless of length, of child sexual  
1219 abuse material ~~child pornography~~ as defined in s. 847.001, who  
1220 has been identified by a law enforcement agency or the National  
1221 Center for Missing and Exploited Children as an identified  
1222 victim of child sexual abuse material ~~child pornography~~, who  
1223 suffers psychiatric or psychological injury as a direct result  
1224 of the crime, and who does not otherwise sustain a personal  
1225 injury or death.

1226 (2) Compensation under this section is not contingent upon  
1227 pursuit of a criminal investigation or prosecution.

1228 Section 24. This act shall take effect October 1, 2022.