

By Senator Book

35-00440A-24

20241604__

1 A bill to be entitled
2 An act relating to digital voyeurism; amending s.
3 810.145, F.S.; providing definitions; redesignating
4 the offense of "video voyeurism" as "digital
5 voyeurism"; revising the elements of the offense;
6 providing criminal penalties; providing reduced
7 criminal penalties for certain violations by persons
8 who are under 19 years of age; redesignating the
9 offense of "video voyeurism dissemination" as "digital
10 voyeurism dissemination"; revising the elements of the
11 offense; providing criminal penalties; providing
12 reduced criminal penalties for certain violations by
13 persons who are under 19 years of age; specifying that
14 each instance of certain violations is a separate
15 offense; providing for reclassification of certain
16 violations by family or household members of a victim;
17 amending s. 921.0022, F.S.; ranking offenses on the
18 offense severity ranking chart of the Criminal
19 Punishment Code; amending ss. 397.417, 435.04,
20 456.074, 775.0862, 775.15, 775.21, 943.0435, 943.0584,
21 944.606, 944.607, and 1012.315, F.S.; conforming
22 provisions to changes made by the act; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 810.145, Florida Statutes, is amended to
28 read:

29 810.145 Digital ~~Video~~ voyeurism.—

35-00440A-24

20241604__

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

31 (a) "Broadcast" means electronically transmitting a visual
32 image or visual recording with the intent that it be viewed by
33 another person.

34 (b) "Family or household member" has the same meaning as in
35 s. 741.28.

36 (c) ~~(b)~~ "Imaging device" means any mechanical, digital, or
37 electronic viewing device; still camera; camcorder; motion
38 picture camera; or any other instrument, equipment, or format
39 capable of recording, storing, or transmitting visual images of
40 another person.

41 (d) "Position of authority or trust" means a position
42 occupied by a person 18 years of age or older who is:

43 1. Employed by, volunteering at, or under contract with a
44 school, as defined in s. 775.0862(1), when the victim is a
45 person younger than 18 years of age who is enrolled at the
46 school; or

47 2. A relative, caregiver, coach, employer, or other person
48 who, by reason of his or her relationship with the victim, is
49 able to exercise undue influence over him or her or exploit his
50 or her trust.

51 (f) ~~(e)~~ ~~"Place and time when a person has a Reasonable~~
52 ~~expectation of privacy" means circumstances under which a place~~
53 ~~and time when~~ a reasonable person would believe that he or she
54 could fully disrobe in privacy, without being concerned that the
55 person's undressing was being viewed, recorded, or broadcasted
56 by another, including, but not limited to, the interior of a
57 residential dwelling, bathroom, changing room, fitting room,
58 dressing room, or tanning booth.

35-00440A-24

20241604__

59 (e)~~(d)~~ "Privately exposing the body" means exposing a
60 sexual organ.

61 (2)(a) A person commits the offense of digital ~~vide~~
62 voyeurism if that person:

63 1.(a) For his or her own amusement, entertainment, sexual
64 arousal, gratification, or profit, or for the purpose of
65 degrading, exploiting, or abusing another person, intentionally
66 uses or installs an imaging device to secretly view, broadcast,
67 or record a person, without that person's knowledge and consent,
68 who is dressing, undressing, or privately exposing the body, at
69 a place and time when that person has a reasonable expectation
70 of privacy;

71 2.(b) For the amusement, entertainment, sexual arousal,
72 gratification, or profit of another, or on behalf of another,
73 intentionally permits the use or installation of an imaging
74 device to secretly view, broadcast, or record a person, without
75 that person's knowledge and consent, who is dressing,
76 undressing, or privately exposing the body, at a place and time
77 when that person has a reasonable expectation of privacy; or

78 3.(e) For the amusement, entertainment, sexual arousal,
79 gratification, or profit of oneself or another, or on behalf of
80 oneself or another, intentionally uses an imaging device to
81 secretly view, broadcast, or record under or through the
82 clothing being worn by another person, without that person's
83 knowledge and consent, for the purpose of viewing the body of,
84 or the undergarments worn by, that person.

85 (b)1. A person who is under 19 years of age and who
86 violates this subsection commits:

87 a. For a first offense, a misdemeanor of the first degree,

35-00440A-24

20241604__

88 punishable as provided in s. 775.082 or s. 775.083.

89 b. For a second or subsequent offense, a felony of the
90 third degree, punishable as provided in s. 775.082, s. 775.083,
91 or s. 775.084.

92 2. A person who is 19 years of age or older and who
93 violates this subsection commits a felony of the third degree,
94 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

95 (3)(a) A person commits the offense of digital video
96 voyeurism dissemination if that person, knowing or having reason
97 to believe that an image or recording was created in a manner
98 described in subsection (2) this section, intentionally
99 disseminates, distributes, or transfers the image or recording
100 to another person:

101 1. For the purpose of the amusement, entertainment, sexual
102 arousal, or gratification of any person, ~~or profit~~, or for the
103 purpose of degrading, exploiting, or abusing another person; or

104 2. For a commercial purpose or pecuniary gain.

105 (b)1. A person who is under 19 years of age and who
106 violates this subsection commits:

107 a. For a first offense, a misdemeanor of the first degree,
108 punishable as provided in s. 775.082 or s. 775.083.

109 b. For a second or subsequent offense, a felony of the
110 third degree, punishable as provided in s. 775.082, s. 775.083,
111 or s. 775.084.

112 2. A person who is 19 years of age or older and who
113 violates this subsection commits a felony of the second degree,
114 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

115 (4) Each instance of the viewing, broadcasting, recording,
116 disseminating, distributing, or transferring of an image or

35-00440A-24

20241604__

117 recording made in violation of this section is a separate
118 offense for which a separate penalty is authorized ~~A person~~
119 ~~commits the offense of commercial video voyeurism dissemination~~
120 ~~if that person:~~

121 ~~(a) Knowing or having reason to believe that an image was~~
122 ~~created in a manner described in this section, sells the image~~
123 ~~for consideration to another person; or~~

124 ~~(b) Having created the image in a manner described in this~~
125 ~~section, disseminates, distributes, or transfers the image to~~
126 ~~another person for that person to sell the image to others.~~

127 (5) This section does not apply to any:

128 (a) Law enforcement agency conducting surveillance for a
129 law enforcement purpose;

130 (b) Security system when a written notice is conspicuously
131 posted on the premises stating that a video surveillance system
132 has been installed for the purpose of security for the premises;

133 (c) Video surveillance device that is installed in such a
134 manner that the presence of the device is clearly and
135 immediately obvious; or

136 (d) Dissemination, distribution, or transfer of images
137 subject to this section by a provider of an electronic
138 communication service as defined in 18 U.S.C. s. 2510(15), or a
139 provider of a remote computing service as defined in 18 U.S.C.
140 s. 2711(2). For purposes of this section, the exceptions to the
141 definition of "electronic communication" set forth in 18 U.S.C.
142 s. 2510(12)(a), (b), (c), and (d) do not apply, but are included
143 within the definition of the term.

144 (6) If a person who is 19 years or age or older is
145 convicted of committing digital voyeurism or digital voyeurism

35-00440A-24

20241604__

146 dissemination and is a family or household member of the victim,
147 holds a position of authority or trust with the victim, or has
148 previously been convicted or adjudicated delinquent for a
149 violation of this section, the court shall reclassify the felony
150 to the next higher degree as follows:

151 (a) A felony of the third degree is reclassified as a
152 felony of the second degree.

153 (b) A felony of the second degree is reclassified as a
154 felony of the first degree.

155

156 For purposes of sentencing under chapter 921 and incentive gain-
157 time eligibility under chapter 944, a felony that is
158 reclassified under this subsection is ranked one level above the
159 ranking under s. 921.0022 of the felony offense committed.

160 ~~(6) Except as provided in subsections (7) and (8):~~

161 ~~(a) A person who is under 19 years of age and who violates~~
162 ~~this section commits a misdemeanor of the first degree,~~
163 ~~punishable as provided in s. 775.082 or s. 775.083.~~

164 ~~(b) A person who is 19 years of age or older and who~~
165 ~~violates this section commits a felony of the third degree,~~
166 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

167 ~~(7) A person who violates this section and who has~~
168 ~~previously been convicted of or adjudicated delinquent for any~~
169 ~~violation of this section commits a felony of the second degree,~~
170 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

171 ~~(8)(a) A person who is:~~

172 ~~1. Eighteen years of age or older who is responsible for~~
173 ~~the welfare of a child younger than 16 years of age, regardless~~
174 ~~of whether the person knows or has reason to know the age of the~~

35-00440A-24

20241604__

175 ~~child, and who commits an offense under this section against~~
176 ~~that child;~~

177 ~~2. Eighteen years of age or older who is employed at a~~
178 ~~private school as defined in s. 1002.01; a school as defined in~~
179 ~~s. 1003.01; or a voluntary prekindergarten education program as~~
180 ~~described in s. 1002.53(3) (a), (b), or (c) and who commits an~~
181 ~~offense under this section against a student of the private~~
182 ~~school, school, or voluntary prekindergarten education program;~~
183 ~~or~~

184 ~~3. Twenty-four years of age or older who commits an offense~~
185 ~~under this section against a child younger than 16 years of age,~~
186 ~~regardless of whether the person knows or has reason to know the~~
187 ~~age of the child~~

188
189 ~~commits a felony of the second degree, punishable as provided in~~
190 ~~s. 775.082, s. 775.083, or s. 775.084.~~

191 ~~(b) A person who violates this subsection and who has~~
192 ~~previously been convicted of or adjudicated delinquent for any~~
193 ~~violation of this section commits a felony of the second degree,~~
194 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

195 (7)(9) For purposes of this section, a person has
196 previously been convicted of or adjudicated delinquent for a
197 violation of this section if the violation resulted in a
198 conviction that was sentenced separately, or an adjudication of
199 delinquency entered separately, before ~~prior to~~ the current
200 offense.

201 Section 2. Paragraphs (d), (e), and (f) of subsection (3)
202 of section 921.0022, Florida Statutes, are amended to read:

203 921.0022 Criminal Punishment Code; offense severity ranking

35-00440A-24

20241604__

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chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
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.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.

35-00440A-24

20241604__

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784.031	3rd	Battery by strangulation.
784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
784.081 (3)	3rd	Battery on specified official or employee.
784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
784.083 (3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or

35-00440A-24

20241604__

expelling certain fluids or materials.

224

787.03(1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

225

787.04(2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

226

787.04(3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

227

787.07 3rd Human smuggling.

228

790.115(1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.

229

790.115(2)(b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.

230

790.115(2)(c) 3rd Possessing firearm on school

35-00440A-24

20241604__

property.

231

794.051 (1) 3rd Indecent, lewd, or lascivious touching of certain minors.

232

800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender less than 18 years.

233

806.135 2nd Destroying or demolishing a memorial or historic property.

234

810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

235

810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

236

810.06 3rd Burglary; possession of tools.

237

810.08 (2) (c) 3rd Trespass on property, armed with firearm or dangerous weapon.

238

810.145 (2) (b) 1.b. 3rd Digital voyeurism; under age 19, second or subsequent
or 2.

35-00440A-24

20241604__

offense; or 19 or older.

239

810.145(3)(b)1.b.

3rd

Digital voyeurism
dissemination; under 19 years
of age, second or subsequent
offense.

240

812.014(2)(c)3.

3rd

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

241

812.014
(2)(c)4. &
6.-10.

3rd

Grand theft, 3rd degree;
specified items.

242

812.0195(2)

3rd

Dealing in stolen property by
use of the Internet; property
stolen \$300 or more.

243

817.505(4)(a)

3rd

Patient brokering.

244

817.563(1)

3rd

Sell or deliver substance other
than controlled substance
agreed upon, excluding s.
893.03(5) drugs.

245

817.568(2)(a)

3rd

Fraudulent use of personal
identification information.

246

817.5695(3)(c)

3rd

Exploitation of person 65 years

35-00440A-24

20241604__

of age or older, value less than \$10,000.

247

817.625 (2) (a) 3rd Fraudulent use of scanning device, ~~skimming device,~~ or reencoder.

248

817.625 (2) (c) 3rd Possess, sell, or deliver skimming device.

249

828.125 (1) 2nd Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

250

836.14 (2) 3rd Person who commits theft of a sexually explicit image with intent to promote it.

251

836.14 (3) 3rd Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.

252

837.02 (1) 3rd Perjury in official proceedings.

253

837.021 (1) 3rd Make contradictory statements in official proceedings.

35-00440A-24

20241604__

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- 838.022 3rd Official misconduct.
- 839.13(2) (a) 3rd Falsifying records of an individual in the care and custody of a state agency.
- 839.13(2) (c) 3rd Falsifying records of the Department of Children and Families.
- 843.021 3rd Possession of a concealed handcuff key by a person in custody.
- 843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
- 843.15(1) (a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).
- 843.19(2) 2nd Injure, disable, or kill police, fire, or SAR canine or police horse.
- 847.0135(5) (c) 3rd Lewd or lascivious exhibition

35-00440A-24

20241604__

using computer; offender less than 18 years.

262

870.01(3) 2nd Aggravated rioting.

263

870.01(5) 2nd Aggravated inciting a riot.

264

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

265

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).

266

914.14(2) 3rd Witnesses accepting bribes.

267

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

268

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

269

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

270

35-00440A-24 20241604__

271	918.12	3rd	Tampering with jurors.
272	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
273	944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
274	951.22(1)(h),	3rd	Intoxicating drug,
275	(j) & (k)		instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

(e) LEVEL 5

278	Florida Statute	Felony Degree	Description
279	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.

35-00440A-24

20241604__

280

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

281

316.80(2) 2nd Unlawful conveyance of fuel;
obtaining fuel fraudulently.

282

322.34(6) 3rd Careless operation of motor
vehicle with suspended license,
resulting in death or serious
bodily injury.

283

327.30(5) 3rd Vessel accidents involving
personal injury; leaving scene.

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 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

35-00440A-24

20241604__

crabs while license is
suspended or revoked.

284

379.367(4) 3rd Willful molestation of a
commercial harvester's spiny
lobster trap, line, or buoy.

285

379.407(5)(b)3. 3rd Possession of 100 or more
undersized spiny lobsters.

286

381.0041(11)(b) 3rd Donate blood, plasma, or organs
knowing HIV positive.

287

440.10(1)(g) 2nd Failure to obtain workers'
compensation coverage.

288

440.105(5) 2nd Unlawful solicitation for the
purpose of making workers'
compensation claims.

289

440.381(2) 3rd Submission of false,
misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

290

624.401(4)(b)2. 2nd Transacting insurance without a
certificate or authority;
premium collected \$20,000 or

35-00440A-24

20241604__

more but less than \$100,000.

291

626.902(1)(c) 2nd Representing an unauthorized insurer; repeat offender.

292

790.01(3) 3rd Unlawful carrying of a concealed firearm.

293

790.162 2nd Threat to throw or discharge destructive device.

294

790.163(1) 2nd False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

295

790.221(1) 2nd Possession of short-barreled shotgun or machine gun.

296

790.23 2nd Felons in possession of firearms, ammunition, or electronic weapons or devices.

297

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

298

800.04(6)(c) 3rd Lewd or lascivious conduct; offender less than 18 years of age.

35-00440A-24

20241604__

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812.131(2)(b) 3rd Robbery by sudden snatching.

308

812.16(2) 3rd Owning, operating, or
conducting a chop shop.

309

817.034(4)(a)2. 2nd Communications fraud, value
\$20,000 to \$50,000.

310

817.234(11)(b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

311

817.2341(1), 3rd Filing false financial
(2)(a) & (3)(a) statements, making false
entries of material fact or
false statements regarding
property values relating to the
solvency of an insuring entity.

312

817.568(2)(b) 2nd Fraudulent use of personal
identification 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.

35-00440A-24

20241604__

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- 817.611(2)(a) 2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
- 817.625(2)(b) 2nd Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
- 825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
- 827.071(4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
- 827.071(5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
- 828.12(2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

35-00440A-24

20241604__

	836.14 (4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
320	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.
321	843.01 (1)	3rd	Resist officer with violence to person; resist arrest with violence.
322	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
323	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
324	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
325	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal

35-00440A-24

20241604__

gang; second or subsequent offense.

326

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

327

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).

328

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.

329

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),

35-00440A-24

20241604__

(2) (a), (2) (b), or (2) (c) 5.
 drugs) within 1,000 feet of
 university.

330

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.

331

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.

332

893.13(4)(b) 2nd Use or hire of minor; deliver
 to minor other controlled
 substance.

333

893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing
 of controlled substance.

35-00440A-24

20241604__

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(f) LEVEL 6

Florida Statute	Felony Degree	Description
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.
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

35-00440A-24

20241604__

unauthorized person.

344

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

345

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

346

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

347

784.041 3rd Felony battery; domestic battery by strangulation.

348

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

349

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

350

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

351

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

352

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

35-00440A-24

20241604__

353

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

354

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

355

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

356

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

357

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

358

790.161(2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

359

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.

35-00440A-24

20241604__

~~810.145(8)(b)~~

dissemination; commercial
purpose or pecuniary gain; 19
years of age or older; ~~certain~~
~~minor victims; 2nd or~~
~~subsequent offense.~~

368

812.014(2)(b)1.

2nd

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

369

812.014(2)(c)5.

3rd

Grand theft; third degree; firearm.

370

812.014(6)

2nd

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

371

812.015(9)(a)

2nd

Retail theft; property stolen \$750 or more; second or subsequent conviction.

372

812.015(9)(b)

2nd

Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.

373

812.015(9)(d)

2nd

Retail theft; multiple thefts within specified period.

374

35-00440A-24 20241604__

375	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
376	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
377	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
378	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
379	817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
380	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
381	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
382	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
	825.103(3)(c)	3rd	Exploiting an elderly person or

35-00440A-24

20241604__

disabled adult and property is
valued at less than \$10,000.

383

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

384

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

385

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

386

828.126(3) 3rd Sexual activities involving
animals.

387

836.05 2nd Threats; extortion.

388

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

389

843.12 3rd Aids or assists person to
escape.

390

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

391

35-00440A-24

20241604__

392

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

393

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

394

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

395

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

396

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

397

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.

944.40 2nd Escapes.

35-00440A-24

20241604__

420 3. Section 409.920, relating to Medicaid provider fraud, if
421 the offense was a felony of the first or second degree.

422 4. Section 415.111, relating to abuse, neglect, or
423 exploitation of vulnerable adults.

424 5. Any offense that constitutes domestic violence as
425 defined in s. 741.28.

426 6. Section 777.04, relating to attempts, solicitation, and
427 conspiracy to commit an offense listed in this paragraph.

428 7. Section 782.04, relating to murder.

429 8. Section 782.07, relating to manslaughter; aggravated
430 manslaughter of an elderly person or a disabled adult;
431 aggravated manslaughter of a child; or aggravated manslaughter
432 of an officer, a firefighter, an emergency medical technician,
433 or a paramedic.

434 9. Section 782.071, relating to vehicular homicide.

435 10. Section 782.09, relating to killing an unborn child by
436 injury to the mother.

437 11. Chapter 784, relating to assault, battery, and culpable
438 negligence, if the offense was a felony.

439 12. Section 787.01, relating to kidnapping.

440 13. Section 787.02, relating to false imprisonment.

441 14. Section 787.025, relating to luring or enticing a
442 child.

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

447 16. Section 787.04(3), relating to leading, taking,
448 enticing, or removing a minor beyond state limits, or concealing

35-00440A-24

20241604__

449 the location of a minor, with criminal intent pending dependency
450 proceedings or proceedings concerning alleged abuse or neglect
451 of a minor.

452 17. Section 790.115(1), relating to exhibiting firearms or
453 weapons within 1,000 feet of a school.

454 18. Section 790.115(2)(b), relating to possessing an
455 electric weapon or device, a destructive device, or any other
456 weapon on school property.

457 19. Section 794.011, relating to sexual battery.

458 20. Former s. 794.041, relating to prohibited acts of
459 persons in familial or custodial authority.

460 21. Section 794.05, relating to unlawful sexual activity
461 with certain minors.

462 22. Section 794.08, relating to female genital mutilation.

463 23. Section 796.07, relating to procuring another to commit
464 prostitution, except for those offenses expunged pursuant to s.
465 943.0583.

466 24. Section 798.02, relating to lewd and lascivious
467 behavior.

468 25. Chapter 800, relating to lewdness and indecent
469 exposure.

470 26. Section 806.01, relating to arson.

471 27. Section 810.02, relating to burglary, if the offense
472 was a felony of the first degree.

473 28. Section 810.14, relating to voyeurism, if the offense
474 was a felony.

475 29. Section 810.145, relating to digital ~~video~~ voyeurism,
476 if the offense was a felony.

477 30. Section 812.13, relating to robbery.

35-00440A-24

20241604__

- 478 31. Section 812.131, relating to robbery by sudden
479 snatching.
- 480 32. Section 812.133, relating to carjacking.
- 481 33. Section 812.135, relating to home-invasion robbery.
- 482 34. Section 817.034, relating to communications fraud, if
483 the offense was a felony of the first degree.
- 484 35. Section 817.234, relating to false and fraudulent
485 insurance claims, if the offense was a felony of the first or
486 second degree.
- 487 36. Section 817.50, relating to fraudulently obtaining
488 goods or services from a health care provider and false reports
489 of a communicable disease.
- 490 37. Section 817.505, relating to patient brokering.
- 491 38. Section 817.568, relating to fraudulent use of personal
492 identification, if the offense was a felony of the first or
493 second degree.
- 494 39. Section 825.102, relating to abuse, aggravated abuse,
495 or neglect of an elderly person or a disabled adult.
- 496 40. Section 825.1025, relating to lewd or lascivious
497 offenses committed upon or in the presence of an elderly person
498 or a disabled person.
- 499 41. Section 825.103, relating to exploitation of an elderly
500 person or a disabled adult, if the offense was a felony.
- 501 42. Section 826.04, relating to incest.
- 502 43. Section 827.03, relating to child abuse, aggravated
503 child abuse, or neglect of a child.
- 504 44. Section 827.04, relating to contributing to the
505 delinquency or dependency of a child.
- 506 45. Former s. 827.05, relating to negligent treatment of

35-00440A-24

20241604__

507 children.

508 46. Section 827.071, relating to sexual performance by a
509 child.

510 47. Section 831.30, relating to fraud in obtaining
511 medicinal drugs.

512 48. Section 831.31, relating to the sale; manufacture;
513 delivery; or possession with intent to sell, manufacture, or
514 deliver of any counterfeit controlled substance, if the offense
515 was a felony.

516 49. Section 843.01, relating to resisting arrest with
517 violence.

518 50. Section 843.025, relating to depriving a law
519 enforcement, correctional, or correctional probation officer of
520 the means of protection or communication.

521 51. Section 843.12, relating to aiding in an escape.

522 52. Section 843.13, relating to aiding in the escape of
523 juvenile inmates of correctional institutions.

524 53. Chapter 847, relating to obscenity.

525 54. Section 874.05, relating to encouraging or recruiting
526 another to join a criminal gang.

527 55. Chapter 893, relating to drug abuse prevention and
528 control, if the offense was a felony of the second degree or
529 greater severity.

530 56. Section 895.03, relating to racketeering and collection
531 of unlawful debts.

532 57. Section 896.101, relating to the Florida Money
533 Laundering Act.

534 58. Section 916.1075, relating to sexual misconduct with
535 certain forensic clients and reporting of such sexual

35-00440A-24

20241604__

536 misconduct.

537 59. Section 944.35(3), relating to inflicting cruel or
538 inhuman treatment on an inmate resulting in great bodily harm.

539 60. Section 944.40, relating to escape.

540 61. Section 944.46, relating to harboring, concealing, or
541 aiding an escaped prisoner.

542 62. Section 944.47, relating to introduction of contraband
543 into a correctional institution.

544 63. Section 985.701, relating to sexual misconduct in
545 juvenile justice programs.

546 64. Section 985.711, relating to introduction of contraband
547 into a detention facility.

548 Section 4. Paragraph (ff) of subsection (2) of section
549 435.04, Florida Statutes, as amended by s. 2, ch. 2023-220, Laws
550 of Florida, is amended to read:

551 435.04 Level 2 screening standards.—

552 (2) The security background investigations under this
553 section must ensure that no persons subject to the provisions of
554 this section have been arrested for and are awaiting final
555 disposition of, have been found guilty of, regardless of
556 adjudication, or entered a plea of nolo contendere or guilty to,
557 or have been adjudicated delinquent and the record has not been
558 sealed or expunged for, any offense prohibited under any of the
559 following provisions of state law or similar law of another
560 jurisdiction:

561 (ff) Section 810.145, relating to digital ~~video~~ voyeurism,
562 if the offense is a felony.

563 Section 5. Paragraph (s) of subsection (5) of section
564 456.074, Florida Statutes, is amended to read:

35-00440A-24

20241604__

565 456.074 Certain health care practitioners; immediate
566 suspension of license.—

567 (5) The department shall issue an emergency order
568 suspending the license of any health care practitioner who is
569 arrested for committing or attempting, soliciting, or conspiring
570 to commit any act that would constitute a violation of any of
571 the following criminal offenses in this state or similar
572 offenses in another jurisdiction:

573 (s) Former section 810.145(8), relating to video voyeurism
574 of a minor.

575 Section 6. Subsection (2) of section 775.0862, Florida
576 Statutes, is amended to read:

577 775.0862 Sexual offenses against students by authority
578 figures; reclassification.—

579 (2) The felony degree of a violation of an offense listed
580 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
581 s. 794.011(4)(e)7. or former s. 810.145(8)(a)2., shall be
582 reclassified as provided in this section if the offense is
583 committed by an authority figure of a school against a student
584 of the school.

585 Section 7. Subsection (17) of section 775.15, Florida
586 Statutes, is amended to read:

587 775.15 Time limitations; general time limitations;
588 exceptions.—

589 (17) In addition to the time periods prescribed in this
590 section, a prosecution for digital ~~video~~ voyeurism in violation
591 of s. 810.145 may be commenced within 1 year after the date on
592 which the victim of digital ~~video~~ voyeurism obtains actual
593 knowledge of the existence of such a recording or the date on

35-00440A-24

20241604__

594 which the recording is confiscated by a law enforcement agency,
595 whichever occurs first. Any dissemination of such a recording
596 before the victim obtains actual knowledge thereof or before its
597 confiscation by a law enforcement agency does not affect any
598 provision of this subsection.

599 Section 8. Paragraph (a) of subsection (4) of section
600 775.21, Florida Statutes, is amended to read:

601 775.21 The Florida Sexual Predators Act.—

602 (4) SEXUAL PREDATOR CRITERIA.—

603 (a) For a current offense committed on or after October 1,
604 1993, upon conviction, an offender shall be designated as a
605 “sexual predator” under subsection (5), and subject to
606 registration under subsection (6) and community and public
607 notification under subsection (7) if:

608 1. The felony is:

609 a. A capital, life, or first degree felony violation, or
610 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
611 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
612 violation of a similar law of another jurisdiction; or

613 b. Any felony violation, or any attempt thereof, of s.
614 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
615 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
616 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
617 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
618 s. 800.04; former s. 810.145(8)(b); s. 825.1025; s. 827.071; s.
619 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if
620 the court makes a written finding that the racketeering activity
621 involved at least one sexual offense listed in this sub-
622 subparagraph or at least one offense listed in this sub-

35-00440A-24

20241604__

623 subparagraph with sexual intent or motive; s. 916.1075(2); or s.
624 985.701(1); or a violation of a similar law of another
625 jurisdiction, and the offender has previously been convicted of
626 or found to have committed, or has pled nolo contendere or
627 guilty to, regardless of adjudication, any violation of s.
628 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
629 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
630 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
631 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
632 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
633 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
634 makes a written finding that the racketeering activity involved
635 at least one sexual offense listed in this sub-subparagraph or
636 at least one offense listed in this sub-subparagraph with sexual
637 intent or motive; s. 916.1075(2); or s. 985.701(1); or a
638 violation of a similar law of another jurisdiction;

639 2. The offender has not received a pardon for any felony or
640 similar law of another jurisdiction that is necessary for the
641 operation of this paragraph; and

642 3. A conviction of a felony or similar law of another
643 jurisdiction necessary to the operation of this paragraph has
644 not been set aside in any postconviction proceeding.

645 Section 9. Paragraph (h) of subsection (1) of section
646 943.0435, Florida Statutes, is amended to read:

647 943.0435 Sexual offenders required to register with the
648 department; penalty.—

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

650 (h)1. "Sexual offender" means a person who meets the
651 criteria in sub-subparagraph a., sub-subparagraph b., sub-

35-00440A-24

20241604__

652 subparagraph c., or sub-subparagraph d., as follows:

653 a.(I) Has been convicted of committing, or attempting,
654 soliciting, or conspiring to commit, any of the criminal
655 offenses proscribed in the following statutes in this state or
656 similar offenses in another jurisdiction: s. 393.135(2); s.
657 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
658 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
659 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
660 794.05; former s. 796.03; former s. 796.035; s. 800.04; former
661 s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
662 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
663 847.0145; s. 895.03, if the court makes a written finding that
664 the racketeering activity involved at least one sexual offense
665 listed in this sub-sub-subparagraph or at least one offense
666 listed in this sub-sub-subparagraph with sexual intent or
667 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
668 committed in this state which has been redesignated from a
669 former statute number to one of those listed in this sub-sub-
670 subparagraph; and

671 (II) Has been released on or after October 1, 1997, from a
672 sanction imposed for any conviction of an offense described in
673 sub-sub-subparagraph (I) and does not otherwise meet the
674 criteria for registration as a sexual offender under chapter 944
675 or chapter 985. For purposes of this sub-sub-subparagraph, a
676 sanction imposed in this state or in any other jurisdiction
677 means probation, community control, parole, conditional release,
678 control release, or incarceration in a state prison, federal
679 prison, private correctional facility, or local detention
680 facility. If no sanction is imposed, the person is deemed to be

35-00440A-24

20241604__

681 released upon conviction;

682 b. Establishes or maintains a residence in this state and
683 who has not been designated as a sexual predator by a court of
684 this state but who has been designated as a sexual predator, as
685 a sexually violent predator, or by another sexual offender
686 designation in another state or jurisdiction and was, as a
687 result of such designation, subjected to registration or
688 community or public notification, or both, or would be if the
689 person were a resident of that state or jurisdiction, without
690 regard to whether the person otherwise meets the criteria for
691 registration as a sexual offender;

692 c. Establishes or maintains a residence in this state who
693 is in the custody or control of, or under the supervision of,
694 any other state or jurisdiction as a result of a conviction for
695 committing, or attempting, soliciting, or conspiring to commit,
696 any of the criminal offenses proscribed in the following
697 statutes or similar offense in another jurisdiction: s.
698 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
699 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
700 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
701 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
702 s. 800.04; former s. 810.145(8); s. 825.1025; s. 827.071; s.
703 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
704 847.0138; s. 847.0145; s. 895.03, if the court makes a written
705 finding that the racketeering activity involved at least one
706 sexual offense listed in this sub-subparagraph or at least one
707 offense listed in this sub-subparagraph with sexual intent or
708 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
709 committed in this state which has been redesignated from a

35-00440A-24

20241604__

710 former statute number to one of those listed in this sub-
711 subparagraph; or

712 d. On or after July 1, 2007, has been adjudicated
713 delinquent for committing, or attempting, soliciting, or
714 conspiring to commit, any of the criminal offenses proscribed in
715 the following statutes in this state or similar offenses in
716 another jurisdiction when the juvenile was 14 years of age or
717 older at the time of the offense:

718 (I) Section 794.011, excluding s. 794.011(10);

719 (II) Section 800.04(4)(a)2. where the victim is under 12
720 years of age or where the court finds sexual activity by the use
721 of force or coercion;

722 (III) Section 800.04(5)(c)1. where the court finds
723 molestation involving unclothed genitals;

724 (IV) Section 800.04(5)(d) where the court finds the use of
725 force or coercion and unclothed genitals; or

726 (V) Any similar offense committed in this state which has
727 been redesignated from a former statute number to one of those
728 listed in this sub-subparagraph.

729 2. For all qualifying offenses listed in sub-subparagraph
730 1.d., the court shall make a written finding of the age of the
731 offender at the time of the offense.

732
733 For each violation of a qualifying offense listed in this
734 subsection, except for a violation of s. 794.011, the court
735 shall make a written finding of the age of the victim at the
736 time of the offense. For a violation of s. 800.04(4), the court
737 shall also make a written finding indicating whether the offense
738 involved sexual activity and indicating whether the offense

35-00440A-24

20241604__

739 involved force or coercion. For a violation of s. 800.04(5), the
740 court shall also make a written finding that the offense did or
741 did not involve unclothed genitals or genital area and that the
742 offense did or did not involve the use of force or coercion.

743 Section 10. Paragraph (r) of subsection (2) of section
744 943.0584, Florida Statutes, is amended to read:

745 943.0584 Criminal history records ineligible for court-
746 ordered expunction or court-ordered sealing.—

747 (2) A criminal history record is ineligible for a
748 certificate of eligibility for expunction or a court-ordered
749 expunction pursuant to s. 943.0585 or a certificate of
750 eligibility for sealing or a court-ordered sealing pursuant to
751 s. 943.059 if the record is a conviction for any of the
752 following offenses:

753 (r) Voyeurism or digital ~~video~~ voyeurism, as defined in ss.
754 810.14 and 810.145, respectively;

755 Section 11. Paragraph (f) of subsection (1) of section
756 944.606, Florida Statutes, is amended to read:

757 944.606 Sexual offenders; notification upon release.—

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

759 (f) "Sexual offender" means a person who has been convicted
760 of committing, or attempting, soliciting, or conspiring to
761 commit, any of the criminal offenses proscribed in the following
762 statutes in this state or similar offenses in another
763 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
764 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
765 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
766 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
767 former s. 796.035; s. 800.04; former s. 810.145(8); s. 825.1025;

35-00440A-24

20241604__

768 s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6);
 769 s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
 770 makes a written finding that the racketeering activity involved
 771 at least one sexual offense listed in this paragraph or at least
 772 one offense listed in this paragraph with sexual intent or
 773 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
 774 committed in this state which has been redesignated from a
 775 former statute number to one of those listed in this subsection,
 776 when the department has received verified information regarding
 777 such conviction; an offender's computerized criminal history
 778 record is not, in and of itself, verified information.

779 Section 12. Paragraph (f) of subsection (1) of section
 780 944.607, Florida Statutes, is amended to read:

781 944.607 Notification to Department of Law Enforcement of
 782 information on sexual offenders.—

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

784 (f) "Sexual offender" means a person who is in the custody
 785 or control of, or under the supervision of, the department or is
 786 in the custody of a private correctional facility:

787 1. On or after October 1, 1997, as a result of a conviction
 788 for committing, or attempting, soliciting, or conspiring to
 789 commit, any of the criminal offenses proscribed in the following
 790 statutes in this state or similar offenses in another
 791 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 792 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 793 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 794 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 795 former s. 796.035; s. 800.04; former s. 810.145(8); s. 825.1025;
 796 s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6);

35-00440A-24

20241604__

797 s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
798 makes a written finding that the racketeering activity involved
799 at least one sexual offense listed in this subparagraph or at
800 least one offense listed in this subparagraph with sexual intent
801 or motive; s. 916.1075(2); or s. 985.701(1); or any similar
802 offense committed in this state which has been redesignated from
803 a former statute number to one of those listed in this
804 paragraph; or

805 2. Who establishes or maintains a residence in this state
806 and who has not been designated as a sexual predator by a court
807 of this state but who has been designated as a sexual predator,
808 as a sexually violent predator, or by another sexual offender
809 designation in another state or jurisdiction and was, as a
810 result of such designation, subjected to registration or
811 community or public notification, or both, or would be if the
812 person were a resident of that state or jurisdiction, without
813 regard as to whether the person otherwise meets the criteria for
814 registration as a sexual offender.

815 Section 13. Paragraph (y) of subsection (1) of section
816 1012.315, Florida Statutes, is amended to read:

817 1012.315 Screening standards.—A person is ineligible for
818 educator certification or employment in any position that
819 requires direct contact with students in a district school
820 system, a charter school, or a private school that participates
821 in a state scholarship program under chapter 1002 if the person
822 is on the disqualification list maintained by the department
823 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
824 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible
825 for an exemption under s. 435.07(4)(c), or has been convicted or

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826 found guilty of, has had adjudication withheld for, or has pled
827 guilty or nolo contendere to:

828 (1) Any felony offense prohibited under any of the
829 following statutes:

830 (y) Section 810.145, relating to digital ~~video~~ voyeurism.

831 Section 14. This act shall take effect October 1, 2024.