

By the Appropriations Committee on Criminal and Civil Justice;  
and Senator Martin

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1                   A bill to be entitled  
2       An act relating to sexual offenses; amending s.  
3       775.0847, F.S.; revising a criteria related to the  
4       reclassification of specified offenses; amending s.  
5       794.0116, F.S.; revising mandatory minimum sentences  
6       for certain sexual offenses by persons previously  
7       convicted of sexual offenses; amending s. 827.071,  
8       F.S.; increasing the criminal penalties for a person  
9       who is guilty of the use of a child in a sexual  
10      performance under certain circumstances; requiring  
11      mandatory minimum sentences for certain offenses when  
12      committed by specified offenders; prohibiting a person  
13      from employing, authorizing, or inducing a child  
14      younger than 12 years of age to engage in a sexual  
15      performance; providing criminal penalties; requiring a  
16      mandatory minimum sentence for a person who is guilty  
17      of promoting a sexual performance by a child under  
18      certain circumstances; increasing the criminal  
19      penalties for knowingly soliciting, possessing,  
20      controlling, or intentionally viewing certain  
21      materials that include child pornography; providing  
22      applicability of specified mandatory minimum  
23      sentences; amending s. 827.072, F.S.; defining the  
24      term "transmit"; providing criminal penalties for a  
25      person transmitting child pornography to another  
26      person; providing criminal penalties; increasing the  
27      criminal penalties for intentionally creating  
28      generated child pornography; amending s. 828.126,  
29      F.S.; revising criminal penalties for certain sexual

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30 activities involving animals; requiring a certain  
31 court order to be effective for a certain number of  
32 years; amending s. 847.011, F.S.; providing that  
33 prosecution of a person for certain acts in connection  
34 with obscene, lewd, etc., materials does not preclude  
35 prosecution of that person for other specified  
36 offenses; amending s. 847.0137, F.S.; defining terms;  
37 increasing the criminal penalties for transmitting  
38 child pornography; requiring mandatory minimum  
39 sentences for certain offenses when committed by  
40 specified offenders; prohibiting prosecution under  
41 certain circumstances; providing applicability of  
42 specified mandatory minimum sentences; amending s.  
43 921.0022, F.S.; ranking offenses on the offense  
44 severity ranking chart of the Criminal Punishment  
45 Code; providing an effective date.

46  
47 Be It Enacted by the Legislature of the State of Florida:

48  
49 Section 1. Subsection (2) of section 775.0847, Florida  
50 Statutes, is amended, and subsection (3) of that section is  
51 republished, to read:

52 775.0847 Possession or promotion of certain images of child  
53 pornography; reclassification.—

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

57 (a) The offender possesses 10 or more images of any form of  
58 child pornography regardless of content; and

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

- 61 1. A child who is younger than the age of 12 ~~5~~.
- 62 2. Sadomasochistic abuse involving a child.
- 63 3. Sexual battery involving a child.
- 64 4. Sexual bestiality involving a child.
- 65 5. Any motion picture, film, video, or computer-generated  
66 motion picture, film, or video involving a child, regardless of  
67 length and regardless of whether the motion picture, film,  
68 video, or computer-generated motion picture, film, or video  
69 contains sound.

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

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

74

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

80 Section 2. Subsection (1) of section 794.0116, Florida  
81 Statutes, is amended to read:

82 794.0116 Sexual offenses by persons previously convicted of  
83 sexual offenses.—

84 (1) A person who was previously convicted of or had  
85 adjudication withheld for an offense specified in s.  
86 943.0435(1)(h)1.a. and commits a violation of s. 800.04(5); s.  
87 825.1025(3); s. 827.071(2), (3), (4), or (5)(a); s. 847.0135; s.

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88 847.0137; or s. 847.0145 shall be sentenced to a mandatory  
 89 minimum term of imprisonment as follows:

	Statute	Mandatory Minimum
91		
	(a) 800.04 (5)	<u>15</u> <del>10</del> years
92		
	(b) 825.1025 (3)	10 years
93		
	(c) 827.071 (2)	<u>30</u> <del>20</del> years
94		
	(d) 827.071 (3)	20 years
95		
	(e) 827.071 (4)	15 years
96		
	(f) 827.071 (5) (a)	10 years
97		
	(g) 847.0135	10 years
98		
	(h) 847.0137	10 years
99		
	(i) 847.0145	<u>30</u> <del>20</del> years

100  
 101  
 102 Section 3. Subsections (2) and (3) and paragraph (a) of  
 103 subsection (5) of section 827.071, Florida Statutes, are  
 104 amended, and subsection (7) is added to that section, to read:  
 105 827.071 Sexual performance by a child; child pornography;  
 106 penalties.-

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107           (2) (a) A person is guilty of the use of a child in a sexual  
108 performance if, knowing the character and content thereof, he or  
109 she employs, authorizes, or induces a child to engage in a  
110 sexual performance or, being a parent, legal guardian, or  
111 custodian of such child, consents to the participation by such  
112 child in a sexual performance. A person who violates this  
113 subsection commits a felony of the first ~~second~~ degree,  
114 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
115 Except as provided in subsection (7), a person 18 years of age  
116 or older at the time of the offense who is convicted of a  
117 violation of this paragraph must be sentenced to a mandatory  
118 minimum term of imprisonment of 15 years.

119           (b) A person is guilty of aggravated use of a child in a  
120 sexual performance if, knowing the character and content  
121 thereof, he or she employs, authorizes, or induces a child  
122 younger than 12 years of age to engage in a sexual performance.  
123 A person who violates this paragraph commits a life felony,  
124 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
125 A person 18 years of age or older at the time of the offense who  
126 is convicted of a violation of this paragraph must be sentenced  
127 to a mandatory minimum term of imprisonment of 25 years.

128           (3) A person is guilty of promoting a sexual performance by  
129 a child when, knowing the character and content thereof, he or  
130 she produces, directs, or promotes any performance which  
131 includes sexual conduct by a child. A person who violates this  
132 subsection commits a felony of the second degree, punishable as  
133 provided in s. 775.082, s. 775.083, or s. 775.084. Except as  
134 provided in subsection (7), a person 18 years of age or older at  
135 the time of the offense who is convicted of a violation of this

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136 subsection must be sentenced to a mandatory minimum term of  
137 imprisonment of 5 years.

138 (5) (a) It is unlawful for any person to knowingly solicit,  
139 possess, control, or intentionally view a photograph, motion  
140 picture, exhibition, show, representation, image, data, computer  
141 depiction, or other presentation which, in whole or in part, he  
142 or she knows to include child pornography. The solicitation,  
143 possession, control, or intentional viewing of each such  
144 photograph, motion picture, exhibition, show, image, data,  
145 computer depiction, representation, or presentation is a  
146 separate offense. If such photograph, motion picture,  
147 exhibition, show, representation, image, data, computer  
148 depiction, or other presentation includes child pornography  
149 depicting more than one child, then each such child in each such  
150 photograph, motion picture, exhibition, show, representation,  
151 image, data, computer depiction, or other presentation that is  
152 knowingly solicited, possessed, controlled, or intentionally  
153 viewed is a separate offense. A person who violates this  
154 paragraph commits a felony of the second ~~third~~ degree,  
155 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

156 (7) A court is not required to impose a mandatory minimum  
157 term of imprisonment for a violation of this section if the  
158 court makes the following written findings related to the sexual  
159 performance that forms the basis of the violation:

160 (a) The child depicted in the sexual performance was 14  
161 years of age or older at the time the sexual performance was  
162 created;

163 (b) The sexual performance was created with the depicted  
164 child's permission;

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165       (c) The offender was not more than 4 years older than the  
166 depicted child at the time the sexual performance was created;  
167 and

168       (d) The offender did not promote the sexual performance to  
169 any third party.

170       Section 4. Section 827.072, Florida Statutes, is amended to  
171 read:

172       827.072 Generated child pornography.—

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

174       (a) “Generated child pornography” means any image that has  
175 been created, altered, adapted, or modified by electronic,  
176 mechanical, or other computer-generated means to portray a  
177 fictitious person, who a reasonable person would regard as being  
178 a real person younger than 18 years of age, engaged in sexual  
179 conduct.

180       (b) “Intentionally view” has the same meaning as in s.  
181 827.071.

182       (c) “Sexual conduct” has the same meaning as in s. 827.071.

183       (d) “Transmit” has the same meaning as in s. 847.0137.

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

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194        (b)1. Notwithstanding ss. 847.012 and 847.0133, any person  
195 in this state who knew or reasonably should have known that he  
196 or she was transmitting generated child pornography to another  
197 person in this state or in another jurisdiction commits a felony  
198 of the second degree, punishable as provided in s. 775.082, s.  
199 775.083, or s. 775.084.

200        2. Notwithstanding ss. 847.012 and 847.0133, any person in  
201 any jurisdiction other than this state who knew or reasonably  
202 should have known that he or she was transmitting generated  
203 child pornography to any person in this state commits a felony  
204 of the second degree, punishable as provided in s. 775.082, s.  
205 775.083, or s. 775.084.

206        3. A person is subject to prosecution in this state  
207 pursuant to chapter 910 for any act or conduct proscribed by  
208 this paragraph, including a person in a jurisdiction other than  
209 this state, if the act or conduct violates subparagraph 2.

210        (c) A person who intentionally creates generated child  
211 pornography commits a felony of the second ~~third~~ degree,  
212 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

213        (d)~~(e)~~ Paragraph (a) does not apply to any material  
214 possessed, controlled, or intentionally viewed as part of a law  
215 enforcement investigation.

216        Section 5. Section 828.126, Florida Statutes, is amended to  
217 read:

218        828.126 Sexual activities involving animals.—

219        (1) As used in this section, the term "sexual contact with  
220 an animal" means any act committed between a person and an  
221 animal for the purpose of sexual gratification, abuse, or  
222 financial gain which involves:

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

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

226 (c) The insertion, however slight, of any part of the body  
227 of a person or any object into the vaginal or anal opening of an  
228 animal, or the insertion of any part of the body of an animal  
229 into the vaginal or anal opening of a person.

230 (2) A person may not~~+~~

231 ~~(a)~~ knowingly engage in any sexual contact with an animal.  
232 A person who violates this subsection commits a felony of the  
233 second degree, punishable as provided in s. 775.082, s. 775.083,  
234 or s. 775.084.~~+~~

235 (3)~~(b)~~ A person may not knowingly cause, aid, or abet  
236 another person to engage in any sexual contact with an animal. A  
237 person who violates this subsection commits a felony of the  
238 second degree, punishable as provided in s. 775.082, s. 775.083,  
239 or s. 775.084.~~+~~

240 (4)~~(e)~~ A person may not knowingly permit any sexual contact  
241 with an animal to be conducted on any premises under his or her  
242 charge or control. A person who violates this subsection commits  
243 a felony of the third degree, punishable as provided in s.  
244 775.082, s. 775.083, or s. 775.084.~~+~~

245 (5)~~(d)~~ A person may not knowingly organize, promote,  
246 conduct, aid, abet, participate in as an observer, or advertise,  
247 offer, solicit, or accept an offer of an animal for the purpose  
248 of sexual contact with such animal, or perform any service in  
249 the furtherance of an act involving any sexual contact with an  
250 animal. A person who violates this subsection commits a felony  
251 of the third degree, punishable as provided in s. 775.082, s.

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252 775.083, or s. 775.084. ~~or~~

253 (6)~~(e)~~ A person may not knowingly film, distribute, or  
254 possess any pornographic image or video of a person and an  
255 animal engaged in any of the activities prohibited by this  
256 section.

257 ~~(3)~~ A person who violates this subsection ~~section~~ commits a  
258 felony of the third degree, punishable as provided in s.  
259 775.082, s. 775.083, or s. 775.084.

260 (7)~~(4)~~ In addition to other penalties prescribed by law,  
261 the court shall issue an order prohibiting a person convicted  
262 under this section from harboring, owning, possessing, or  
263 exercising control over any animal; from residing in any  
264 household in which animals are present; and from engaging in an  
265 occupation, whether paid or unpaid, or participating in a  
266 volunteer position at any establishment at which animals are  
267 present. The order shall ~~may~~ be effective for at least ~~up to~~ 5  
268 years after the date of the conviction, regardless of whether  
269 adjudication is withheld.

270 (8)~~(5)~~ This section does not apply to accepted animal  
271 husbandry practices, including, but not limited to, bona fide  
272 agricultural purposes, assistance with the birthing process or  
273 artificial insemination of an animal for reproductive purposes,  
274 accepted conformation judging practices, or accepted veterinary  
275 medical practices.

276 Section 6. Subsection (12) is added to section 847.011,  
277 Florida Statutes, and subsections (1) through (11) of that  
278 section are republished, to read:

279 847.011 Prohibition of certain acts in connection with  
280 obscene, lewd, etc., materials; penalty.-

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281 (1) (a) Except as provided in paragraph (c), any person who  
282 knowingly sells, lends, gives away, distributes, transmits,  
283 shows, or transmutes, or offers to sell, lend, give away,  
284 distribute, transmit, show, or transmute, or has in his or her  
285 possession, custody, or control with intent to sell, lend, give  
286 away, distribute, transmit, show, transmute, or advertise in any  
287 manner, any obscene book, magazine, periodical, pamphlet,  
288 newspaper, comic book, story paper, written or printed story or  
289 article, writing, paper, card, picture, drawing, photograph,  
290 motion picture film, figure, image, phonograph record, or wire  
291 or tape or other recording, or any written, printed, or recorded  
292 matter of any such character which may or may not require  
293 mechanical or other means to be transmuted into auditory,  
294 visual, or sensory representations of such character, or any  
295 article or instrument for obscene use, or purporting to be for  
296 obscene use or purpose; or who knowingly designs, copies, draws,  
297 photographs, poses for, writes, prints, publishes, or in any  
298 manner whatsoever manufactures or prepares any such material,  
299 matter, article, or thing of any such character; or who  
300 knowingly writes, prints, publishes, or utters, or causes to be  
301 written, printed, published, or uttered, any advertisement or  
302 notice of any kind, giving information, directly or indirectly,  
303 stating, or purporting to state, where, how, of whom, or by what  
304 means any, or what purports to be any, such material, matter,  
305 article, or thing of any such character can be purchased,  
306 obtained, or had; or who in any manner knowingly hires, employs,  
307 uses, or permits any person knowingly to do or assist in doing  
308 any act or thing mentioned above, commits a misdemeanor of the  
309 first degree, punishable as provided in s. 775.082 or s.

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310 775.083. A person who, after having been convicted of a  
311 violation of this subsection, thereafter violates any of its  
312 provisions, commits a felony of the third degree, punishable as  
313 provided in s. 775.082, s. 775.083, or s. 775.084.

314 (b) The knowing possession by any person of three or more  
315 identical or similar materials, matters, articles, or things  
316 coming within the provisions of paragraph (a) is prima facie  
317 evidence of the violation of the paragraph.

318 (c) A person who commits a violation of paragraph (a) or  
319 subsection (2) which is based on materials that depict a minor  
320 engaged in any act or conduct that is harmful to minors commits  
321 a felony of the third degree, punishable as provided in s.  
322 775.082, s. 775.083, or s. 775.084.

323 (d) A person's ignorance of a minor's age, a minor's  
324 misrepresentation of his or her age, a bona fide belief of a  
325 minor's age, or a minor's consent may not be raised as a defense  
326 in a prosecution for one or more violations of paragraph (a) or  
327 subsection (2).

328 (2) Except as provided in paragraph (1)(c), a person who  
329 knowingly has in his or her possession, custody, or control any  
330 obscene book, magazine, periodical, pamphlet, newspaper, comic  
331 book, story paper, written or printed story or article, writing,  
332 paper, card, picture, drawing, photograph, motion picture film,  
333 film, any sticker, decal, emblem or other device attached to a  
334 motor vehicle containing obscene descriptions, photographs, or  
335 depictions, any figure, image, phonograph record, or wire or  
336 tape or other recording, or any written, printed, or recorded  
337 matter of any such character which may or may not require  
338 mechanical or other means to be transmuted into auditory,

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339 visual, or sensory representations of such character, or any  
340 article or instrument for obscene use, or purporting to be for  
341 obscene use or purpose, without intent to sell, lend, give away,  
342 distribute, transmit, show, transmute, or advertise the same,  
343 commits a misdemeanor of the second degree, punishable as  
344 provided in s. 775.082 or s. 775.083. A person who, after having  
345 been convicted of violating this subsection, thereafter violates  
346 any of its provisions commits a misdemeanor of the first degree,  
347 punishable as provided in s. 775.082 or s. 775.083. In any  
348 prosecution for such possession, it is not necessary to allege  
349 or prove the absence of such intent.

350 (3) No person shall as a condition to a sale, allocation,  
351 consignment, or delivery for resale of any paper, magazine,  
352 book, periodical, or publication require that the purchaser or  
353 consignee receive for resale any other article, paper, magazine,  
354 book, periodical, or publication reasonably believed by the  
355 purchaser or consignee to be obscene, and no person shall deny  
356 or threaten to deny or revoke any franchise or impose or  
357 threaten to impose any penalty, financial or otherwise, by  
358 reason of the failure of any person to accept any such article,  
359 paper, magazine, book, periodical, or publication, or by reason  
360 of the return thereof. Whoever violates this subsection is  
361 guilty of a felony of the third degree, punishable as provided  
362 in s. 775.082, s. 775.083, or s. 775.084.

363 (4) Any person who knowingly promotes, conducts, performs,  
364 or participates in an obscene show, exhibition, or performance  
365 by live persons or a live person before an audience is guilty of  
366 a misdemeanor of the first degree, punishable as provided in s.  
367 775.082 or s. 775.083. Any person who, after having been

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368 convicted of violating this subsection, thereafter violates any  
369 of its provisions and is convicted thereof is guilty of a felony  
370 of the third degree, punishable as provided in s. 775.082, s.  
371 775.083, or s. 775.084.

372 (5) (a) 1. A person may not knowingly sell, lend, give away,  
373 distribute, transmit, show, or transmute; offer to sell, lend,  
374 give away, distribute, transmit, show, or transmute; have in his  
375 or her possession, custody, or control with the intent to sell,  
376 lend, give away, distribute, transmit, show, or transmute; or  
377 advertise in any manner an obscene, child-like sex doll.

378 2.a. Except as provided in sub-subparagraph b., a person  
379 who violates this paragraph commits a felony of the third  
380 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
381 775.084.

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

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

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

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

395 2. Upon proper affidavits being made, a search warrant may  
396 be issued to further investigate a violation of paragraph (b),

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397 including to search a private dwelling.

398 (6) Every act, thing, or transaction forbidden by this  
399 section shall constitute a separate offense and shall be  
400 punishable as such.

401 (7) Proof that a defendant knowingly committed any act or  
402 engaged in any conduct referred to in this section may be made  
403 by showing that at the time such act was committed or conduct  
404 engaged in the defendant had actual knowledge of the contents or  
405 character of the material, matter, article, or thing possessed  
406 or otherwise dealt with, by showing facts and circumstances from  
407 which it may fairly be inferred that he or she had such  
408 knowledge, or by showing that he or she had knowledge of such  
409 facts and circumstances as would put a person of ordinary  
410 intelligence and caution on inquiry as to such contents or  
411 character.

412 (8) There shall be no right of property in any of the  
413 materials, matters, articles, or things possessed or otherwise  
414 dealt with in violation of this section; and, upon the seizure  
415 of any such material, matter, article, or thing by any  
416 authorized law enforcement officer, the same shall be held by  
417 the arresting agency. When the same is no longer required as  
418 evidence, the prosecuting officer or any claimant may move the  
419 court in writing for the disposition of the same and, after  
420 notice and hearing, the court, if it finds the same to have been  
421 possessed or otherwise dealt with in violation of this section,  
422 shall order the sheriff to destroy the same in the presence of  
423 the clerk; otherwise, the court shall order the same returned to  
424 the claimant if the claimant shows that he or she is entitled to  
425 possession. If destruction is ordered, the sheriff and clerk

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426 shall file a certificate of compliance.

427 (9) (a) The circuit court has jurisdiction to enjoin a  
428 threatened violation of this section upon complaint filed by the  
429 state attorney or attorney for a municipality in the name of the  
430 state upon the relation of such state attorney or attorney for a  
431 municipality.

432 (b) After the filing of such a complaint, the judge to whom  
433 it is presented may grant an order restraining the person  
434 complained of until final hearing or further order of the court.  
435 Whenever the relator state attorney or attorney for a  
436 municipality requests a judge of such court to set a hearing  
437 upon an application for such a restraining order, such judge  
438 shall set such hearing for a time within 3 days after the making  
439 of such request. No such order shall be made unless such judge  
440 is satisfied that sufficient notice of the application therefor  
441 has been given to the party restrained of the time when and  
442 place where the application for such restraining order is to be  
443 made; however, such notice shall be dispensed with when it is  
444 manifest to such judge, from the sworn allegations of the  
445 complaint or the affidavit of the plaintiff or other competent  
446 person, that the apprehended violation will be committed if an  
447 immediate remedy is not afforded.

448 (c) The person sought to be enjoined shall be entitled to a  
449 trial of the issues within 1 day after joinder of issue, and a  
450 decision shall be rendered by the court within 2 days of the  
451 conclusion of the trial.

452 (d) In any action brought as provided in this subsection,  
453 no bond or undertaking shall be required of the state attorney  
454 or the municipality or its attorney before the issuance of a

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455 restraining order provided for by paragraph (b), and there shall  
456 be no liability on the part of the state or the state attorney  
457 or the municipality or its attorney for costs or for damages  
458 sustained by reason of such restraining order in any case where  
459 a final decree is rendered in favor of the person sought to be  
460 enjoined.

461 (e) Every person who has possession, custody, or control  
462 of, or otherwise deals with, any of the materials, matters,  
463 articles, or things described in this section, after the service  
464 upon him or her of a summons and complaint in an action for  
465 injunction brought under this subsection, is chargeable with  
466 knowledge of the contents and character thereof.

467 (10) The several sheriffs and state attorneys shall  
468 vigorously enforce this section within their respective  
469 jurisdictions.

470 (11) This section shall not apply to the exhibition of  
471 motion picture films permitted by s. 847.013.

472 (12) Prosecution of a person for an offense under this  
473 section does not preclude prosecution of that person in this  
474 state for a violation of any other law of this state, including  
475 a law providing for greater penalties than prescribed in this  
476 section or any other crime punishing the sexual performance or  
477 the sexual exploitation of children.

478 Section 7. Section 847.0137, Florida Statutes, is amended  
479 to read:

480 847.0137 Transmission of pornography by electronic device  
481 or equipment prohibited; penalties.—

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

483 (a) “Access credential” means any password, username,

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484 token, unique link, uniform resource locator (URL), hyperlink,  
485 or other data that enables a user to access a digital file or  
486 other data in cloud storage.

487 (b) "Child pornography" has the same meaning as in s.  
488 847.001.

489 (c) "Cloud storage" means any remote, networked, or third-  
490 party provided storage service that enables a user to store,  
491 host, or share a digital file or other data and to access such a  
492 digital file or other data via the Internet or other network,  
493 whether by direct file transfer, access credential, link, or  
494 other similar means.

495 (d) "Link" means any uniform resource locator (URL),  
496 hyperlink, short link, shareable link, magnet link, or other  
497 string, token, or data that, when used, directs or grants a user  
498 access to a digital file or other data that is stored remotely,  
499 including in cloud storage.

500 (e) "Transmit" means the act of sending and causing to be  
501 delivered, including the act of providing access for receiving  
502 and causing to be delivered, any image, information, or data  
503 over or through any medium, including the Internet or an  
504 interconnected network, by use of any electronic equipment or  
505 other device. The term also includes the act of providing access  
506 to any image, information, or data in cloud storage by sharing,  
507 publishing, or otherwise making available a link, access  
508 credential, or other similar means by which another person may  
509 access, view, or obtain such image, information, or data.

510 (2) Notwithstanding ss. 847.012 and 847.0133, any person in  
511 this state who knew or reasonably should have known that he or  
512 she was transmitting child pornography, ~~as defined in s.~~

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513 ~~847.001~~, to another person in this state or in another  
514 jurisdiction commits a felony of the second ~~third~~ degree,  
515 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
516 Except as provided in subsection (7), a person 18 years of age  
517 or older at the time of the offense who is convicted of a  
518 violation of this subsection must be sentenced to a mandatory  
519 minimum term of imprisonment of 5 years.

520 (3) Notwithstanding ss. 847.012 and 847.0133, any person in  
521 any jurisdiction other than this state who knew or reasonably  
522 should have known that he or she was transmitting child  
523 pornography, ~~as defined in s. 847.001~~, to any person in this  
524 state commits a felony of the second ~~third~~ degree, punishable as  
525 provided in s. 775.082, s. 775.083, or s. 775.084. Except as  
526 provided in subsection (7), a person 18 years of age or older at  
527 the time of the offense who is convicted of a violation of this  
528 subsection must be sentenced to a mandatory minimum term of  
529 imprisonment of 5 years.

530 (4) A person may not be prosecuted under this section for  
531 providing a link, access credential, or other information, in  
532 good faith, to a law enforcement agency, prosecuting authority,  
533 or authorized forensic examiner for the purpose of reporting  
534 suspected child pornography, cooperating with an investigation,  
535 preserving evidence, or seeking lawful removal of content.

536 (5)~~(4)~~ This section shall not be construed to preclude  
537 prosecution of a person in this state or another jurisdiction  
538 for a violation of any law of this state, including a law  
539 providing for greater penalties than prescribed in this section,  
540 for the transmission of child pornography, as defined in s.  
541 847.001, to any person in this state.

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542 (6)~~(5)~~ A person is subject to prosecution in this state  
 543 pursuant to chapter 910 for any act or conduct proscribed by  
 544 this section, including a person in a jurisdiction other than  
 545 this state, if the act or conduct violates subsection (4) ~~(3)~~.

546 (7) A court is not required to impose a mandatory minimum  
 547 term of imprisonment for a violation of this section if the  
 548 court makes the following written findings related to the image  
 549 that forms the basis of the violation:

550 (a) The child depicted in the image was 14 years of age or  
 551 older at the time the image was created;

552 (b) The image was created with the depicted child's  
 553 permission;

554 (c) The offender was not more than 4 years older than the  
 555 depicted child at the time the image was created; and

556 (d) The offender did not transmit the image to any third  
 557 party.

558  
 559 The provisions of this section do not apply to subscription-  
 560 based transmissions such as list servers.

561 Section 8. Paragraphs (e), (f), and (g) of subsection (3)  
 562 of section 921.0022, Florida Statutes, are amended to read:

563 921.0022 Criminal Punishment Code; offense severity ranking  
 564 chart.—

565 (3) OFFENSE SEVERITY RANKING CHART

566 (e) LEVEL 5

567

Florida	Felony	Description
Statute	Degree	

568

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569 316.027(2)(a) 3rd Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.

570 316.1935(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.

571 316.80(2) 2nd Unlawful conveyance of fuel; obtaining fuel fraudulently.

572 322.34(6) 3rd Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

573 327.30(5)(a)2. 3rd Vessel accidents involving personal injuries other than serious bodily injury; leaving scene.

574 365.172(14)(b)2. 2nd Misuse of emergency communications system resulting in death.

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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  
crabs while license is  
suspended or revoked.

575

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

576

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

577

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

578

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579	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
580	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
581	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
582	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
583	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
584	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
585	790.162	2nd	Threat to throw or discharge destructive device.
	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass



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594	810.145 (7) (a)	2nd	Digital voyeurism; 2nd or subsequent offense.
595	810.145 (8) (a)	2nd	Digital voyeurism; certain minor victims.
596	812.014 (2) (d) 3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
597	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
598	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
599	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
600	812.015 (8) (g)	3rd	Retail theft; committed with specified number of other persons.
601	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.

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602	812.081 (3)	2nd	Trafficking in trade secrets.
603	812.131 (2) (b)	3rd	Robbery by sudden snatching.
604	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
605	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
606	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
607	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	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

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persons.

608

817.611(2)(a)

2nd

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

609

817.625(2)(b)

2nd

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

610

825.1025(4)

3rd

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

611

828.12(2)

3rd

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

612

836.14(4)

2nd

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

613

839.13(2)(b)

2nd

Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or

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death.

614

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

615

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

616

~~847.0137~~ 3rd ~~Transmission of pornography by~~  
~~(2) & (3)~~ ~~electronic device or equipment.~~

617

847.0138 3rd Transmission of material harmful to minors to a minor by electronic device or equipment.

618

874.05 (1) (b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

619

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

620

893.13 (1) (a) 1. 2nd Sell, manufacture, or deliver cocaine (or other s.  
 893.03 (1) (a), (1) (b), (1) (d),

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(2) (a), (2) (b), or (2) (c) 5.  
drugs).

621

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.

622

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.

623

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.,

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(2) (c) 10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

624

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.

625

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

626

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

627

628 (f) LEVEL 6

629

Florida	Felony	Description
Statute	Degree	

630

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

631

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632  
633  
634  
635  
636  
637  
638  
639

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
327.30 (5) (a) 3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875 (1)	3rd	Taking firearm from law enforcement officer.

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640	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
641	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
642	784.041	3rd	Felony battery; domestic battery by strangulation.
643	784.048 (3)	3rd	Aggravated stalking; credible threat.
644	784.048 (5)	3rd	Aggravated stalking of person under 16.
645	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
646	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
647	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
648	784.081 (2)	2nd	Aggravated assault on specified official or employee.
	784.082 (2)	2nd	Aggravated assault by detained

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person on visitor or other  
detainee.

649

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

650

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

651

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

652

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

653

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

654

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.

655

790.19 2nd Shooting or throwing deadly  
missiles into dwellings,

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vessels, or vehicles.

656

794.011(8)(a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

657

794.05(1) 2nd Unlawful sexual activity with specified minor.

658

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.

659

800.04(6)(b) 2nd Lewd or lascivious conduct; offender 18 years of age or older.

660

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

661

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

662

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

663

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664	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
665	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.
666	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
667	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
668	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
669	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
670	812.015 (9) (e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
	812.13 (2) (c)	2nd	Robbery, no firearm or other

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weapon (strong-arm robbery).

671

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

672

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

673

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

674

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

675

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

676

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

677

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

678

825.103 (3) (c) 3rd Exploiting an elderly person or  
disabled adult and property is

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valued at less than \$10,000.

679

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

680

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

681

827.071 (5) 2nd Possess, control, or  
~~3rd~~ intentionally view any  
 photographic material, motion  
 picture, etc., which includes  
 child pornography.

682

828.126 3rd Sexual activities involving  
(4), (5) & (6) animals.

~~828.126(3)~~

683

836.05 2nd Threats; extortion.

684

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

685

843.12 3rd Aids or assists person to  
 escape.

686

847.011 3rd Distributing, offering to  
 distribute, or possessing with  
 intent to distribute obscene

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materials depicting minors.

687

847.012

3rd

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

688

847.0135 (2)

3rd

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

689

847.0137

2nd

Transmitting child pornography.

(2) & (3)

690

893.131

2nd

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

691

914.23

2nd

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

692

918.13 (2) (b)

2nd

Tampering with or fabricating physical evidence relating to a capital felony.

693

944.35 (3) (a) 2.

3rd

Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate

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or offender on community supervision, resulting in great bodily harm.

694

944.40 2nd Escapes.

695

944.46 3rd Harboring, concealing, aiding escaped prisoners.

696

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

697

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

698

699 (g) LEVEL 7

700

Florida Statute	Felony Degree	Description
-----------------	---------------	-------------

701

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

702

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

703

316.1935(3)(b)	1st	Causing serious bodily injury or death to another person;
----------------	-----	---

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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.

704

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

705

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

706

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

707

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

708

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

709

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

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injury.

710

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

711

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

712

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

713

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

714

462.17 3rd Practicing naturopathy without a license.

715

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

716

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

717

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

718

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

719

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720	467.201	3rd	Practicing midwifery without a license.
721	468.366	3rd	Delivering respiratory care services without a license.
722	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
723	483.901 (7)	3rd	Practicing medical physics without a license.
724	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
725	484.053	3rd	Dispensing hearing aids without a license.
726	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a

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money services business.

727

560.125 (5) (a)

3rd

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

728

655.50 (10) (b) 1.

3rd

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

729

775.21 (10) (a)

3rd

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

730

775.21 (10) (b)

3rd

Sexual predator working where children regularly congregate.

731

775.21 (10) (g)

3rd

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

732

782.051 (3)

2nd

Attempted felony murder of a person by a person other than

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the perpetrator or the perpetrator of an attempted felony.

733

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

734

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

735

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

736

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

737

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

738

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

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739

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

740

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

741

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

742

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

743

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

744

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

745

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

746

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

747

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

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748	787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.
749	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
750	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
751	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
752	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
753	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
754	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

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755

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

756

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

757

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

758

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

759

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

760

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

761

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762 800.04 (5) (c) 1. 2nd Lewd or lascivious molestation;  
victim younger than 12 years of  
age; offender younger than 18  
years of age.

763 800.04 (5) (c) 2. 2nd Lewd or lascivious molestation;  
victim 12 years of age or older  
but younger than 16 years of  
age; offender 18 years of age  
or older.

764 800.04 (5) (e) 1st Lewd or lascivious molestation;  
victim 12 years of age or older  
but younger than 16 years;  
offender 18 years or older;  
prior conviction for specified  
sex offense.

765 806.01 (2) 2nd Maliciously damage structure by  
fire or explosive.

766 810.02 (3) (a) 2nd Burglary of occupied dwelling;  
unarmed; no assault or battery.

767 810.02 (3) (b) 2nd Burglary of unoccupied  
dwelling; unarmed; no assault  
or battery.

810.02 (3) (d) 2nd Burglary of occupied



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812.014(2)(c)5.

774

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

775

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

776

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

777

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

778

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

779

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

780

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

781

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

782

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	817.2341	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
	(2) (b) &		
	(3) (b)		
783	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
784	817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
785	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
786	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
787	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
788	825.103 (3) (b)	2nd	Exploiting an elderly person or

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disabled adult and property is valued at \$10,000 or more, but less than \$50,000.

789

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

790

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

791

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

792

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

793

828.126                                      2nd      Sexual activities involving  
(2) & (3)                                      animals.

794

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

795

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796	838.015	2nd	Bribery.
797	838.016	2nd	Unlawful compensation or reward for official behavior.
798	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
799	838.22	2nd	Bid tampering.
800	843.0855 (2)	3rd	Impersonation of a public officer or employee.
801	843.0855 (3)	3rd	Unlawful simulation of legal process.
802	843.0855 (4)	3rd	Intimidation of a public officer or employee.
803	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
804	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
805	872.06	2nd	Abuse of a dead human body.
	874.05 (2) (b)	1st	Encouraging or recruiting

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person under 13 to join a  
criminal gang; second or  
subsequent offense.

806

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

807

893.13(1)(c)1.            1st        Sell, manufacture, or deliver  
cocaine (or other drug  
prohibited under s.  
893.03(1)(a), (1)(b), (1)(d),  
(2)(a), (2)(b), or (2)(c)5.)  
within 1,000 feet of a child  
care facility, school, or  
state, county, or municipal  
park or publicly owned  
recreational facility or  
community center.

808

893.13(1)(e)1.            1st        Sell, manufacture, or deliver  
cocaine or other drug  
prohibited under s.  
893.03(1)(a), (1)(b), (1)(d),  
(2)(a), (2)(b), or (2)(c)5.,  
within 1,000 feet of property  
used for religious services or  
a specified business site.

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809  
810  
811  
812  
813  
814  
815  
816

893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.

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- 817
893.135
1st
Trafficking in oxycodone, 14  
(1) (c) 3.b. grams or more, less than 25  
grams.
- 818
893.135
1st
Trafficking in fentanyl, 4  
(1) (c) 4.b. (I) grams or more, less than 14  
grams.
- 819
893.135
1st
Trafficking in phencyclidine,  
(1) (d) 1.a. 28 grams or more, less than 200  
grams.
- 820
893.135 (1) (e) 1.
1st
Trafficking in methaqualone,  
200 grams or more, less than 5  
kilograms.
- 821
893.135 (1) (f) 1.
1st
Trafficking in amphetamine, 14  
grams or more, less than 28  
grams.
- 822
893.135
1st
Trafficking in flunitrazepam, 4  
(1) (g) 1.a. grams or more, less than 14  
grams.
- 823
893.135
1st
Trafficking in gamma-  
(1) (h) 1.a. hydroxybutyric acid (GHB), 1  
kilogram or more, less than 5  
kilograms.

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824	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
825	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
826	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
827	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
828	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
829	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
830	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
	896.104 (4) (a) 1.	3rd	Structuring transactions to

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evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

831

943.0435 (4) (c)            2nd    Sexual offender vacating permanent residence; failure to comply with reporting requirements.

832

943.0435 (8)            2nd    Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

833

943.0435 (9) (a)        3rd    Sexual offender; failure to comply with reporting requirements.

834

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

835

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

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836

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

837

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

838

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

839

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

840

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

841

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

842

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985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

843

844

Section 9. This act shall take effect July 1, 2026.