

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

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

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

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

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

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

Section 2. Subsection (3) of section 92.56, Florida

26 **Statutes, is amended to read:**

27 92.56 Judicial proceedings and court records involving
28 sexual offenses and human trafficking.—

29 (3) The state may use a pseudonym instead of the victim's
30 name to designate the victim of a crime described in s.
31 787.06(3)(a)1., (c)1., or (e)1., in s. 787.06(3)(b), (d), (f),
32 or (g), or in chapter 794 or chapter 800, or of child abuse,
33 aggravated child abuse, or sexual performance by a child as
34 described in chapter 827, or any crime involving the production,
35 possession, or promotion of child sexual abuse material
36 ~~pornography~~ as described in chapter 847, in all court records
37 and records of court proceedings, both civil and criminal.

38 **Section 3. Section 92.561, Florida Statutes, is amended to**
39 **read:**

40 92.561 Prohibition on reproduction of child sexual abuse
41 material ~~pornography~~.—

42 (1) In a criminal proceeding, any property or material
43 that portrays sexual performance by a child as defined in s.
44 827.071, constitutes generated child sexual abuse material
45 ~~pornography~~ as defined in s. 827.072, or constitutes child
46 sexual abuse material ~~pornography~~ as defined in s. 847.001, must
47 remain secured or locked in the care, custody, and control of a
48 law enforcement agency, the state attorney, or the court.

49 (2) Notwithstanding any law or rule of court, a court
50 shall deny, in a criminal proceeding, any request by the

defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that portrays sexual performance by a child, constitutes generated child sexual abuse material ~~pornography~~, or constitutes child sexual abuse material ~~pornography~~ so long as the state attorney makes the property or material reasonably available to the defendant.

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

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

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(4)

76 (c) Disqualification from employment under this chapter
77 may not be removed from, and an exemption may not be granted to,
78 any current or prospective child care personnel, as defined in
79 s. 402.302(3), and such a person is disqualified from employment
80 as child care personnel, regardless of any previous exemptions
81 from disqualification, if the person has been registered as a
82 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has
83 been arrested for and is awaiting final disposition of, has been
84 convicted or found guilty of, or entered a plea of guilty or
85 nolo contendere to, regardless of adjudication, or has been
86 adjudicated delinquent and the record has not been sealed or
87 expunged for, any offense prohibited under any of the following
88 provisions of state law or a similar law of another
89 jurisdiction:

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

- 92 a. Chapter 741, relating to domestic violence.
93 b. Section 782.04, relating to murder.
94 c. Section 782.07, relating to manslaughter; aggravated
95 manslaughter of an elderly person or disabled adult; aggravated
96 manslaughter of a child; or aggravated manslaughter of an
97 officer, a firefighter, an emergency medical technician, or a
98 paramedic.
99 d. Section 784.021, relating to aggravated assault.
100 e. Section 784.045, relating to aggravated battery.

f. Section 787.01, relating to kidnapping.

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

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

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

j. Section 794.011, relating to sexual battery.

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

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

m. Section 794.08, relating to female genital mutilation.

n. Section 806.01, relating to arson.

o. Section 826.04, relating to incest.

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

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

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

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

130 t. Chapter 893, relating to a drug abuse prevention and
131 control offense, if that offense was committed in the preceding
132 5 years.

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

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

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

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

141 c. Chapter 847, relating to child sexual abuse material
142 ~~pornography~~.

143 3. A criminal act committed in another state or under
144 federal law which, if committed in this state, constitutes an
145 offense prohibited under any statute listed in subparagraph 1.
146 or subparagraph 2.

147 **Section 5. Paragraph (aa) of subsection (5) of section**
148 **456.074, Florida Statutes, is amended to read:**

149 456.074 Certain health care practitioners; immediate
150 suspension of license.—

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

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

Section 6. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 775.0847, Florida Statutes, are amended to read:

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

(1) For purposes of this section:

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

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

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

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

(a) The offender possesses 10 or more images of any form

176 of child sexual abuse material ~~pornography~~ regardless of
177 content; and
178

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

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

187 827.071 Sexual performance by a child; child sexual abuse
188 material ~~pornography~~; penalties.—

189 (1) As used in this section, the following definitions
190 shall apply:

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

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

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

197 (4) It is unlawful for any person to possess with the
198 intent to promote any photograph, motion picture, exhibition,
199 show, representation, or other presentation which, in whole or
200 in part, includes child sexual abuse material ~~pornography~~. The

possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(a) It is unlawful for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include child sexual abuse material ~~pornography~~. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes child sexual abuse material ~~pornography~~ depicting more than one child, then each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 8. Paragraph (a) of subsection (1) and paragraphs (a) and (b) of subsection (2) of section 827.072, Florida

Statutes, are amended to read:

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

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

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

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

(b) A person who intentionally creates generated child sexual abuse material ~~pornography~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Provide case information to the Child Victim Identification Program, as required by the National Center for Missing and Exploited Children guidelines, in any case where the law enforcement officer identifies a previously unidentified

victim of child sexual abuse material ~~pornography~~.

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

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

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

Section 13. Subsections (1) and (4) of section 847.01357,

Florida Statutes, are amended to read:

847.01357 Exploited children's civil remedy.—

(1) Any person who, while under the age of 18, was a victim of a sexual abuse crime listed in chapter 794, chapter 800, chapter 827, or chapter 847, where any portion of such abuse was used in the production of child sexual abuse material ~~pornography~~, and who suffers personal or psychological injury as a result of the production, promotion, or possession of such images or movies, may bring an action in an appropriate state court against the producer, promoter, or possessor of such images or movies, regardless of whether the victim is now an adult. In any action brought under this section, a prevailing plaintiff shall recover the actual damages such person sustained and the cost of the suit, including reasonable attorney's fees. Any victim who is awarded damages under this section shall be deemed to have sustained damages of at least \$150,000.

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

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

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

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

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

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

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

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

847.0139 Immunity from civil liability for reporting child sexual abuse material ~~pornography~~, transmission of child sexual

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

**Section 16. Paragraph (g) of subsection (6) of section
903.011, Florida Statutes, is amended to read:**

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

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

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

1. A capital felony, life felony, felony of the first degree, or felony of the second degree;
2. A homicide under chapter 782; or any attempt, solicitation, or conspiracy to commit a homicide;
3. Assault in furtherance of a riot or an aggravated riot; felony battery; domestic battery by strangulation; domestic violence, as defined in s. 741.28; stalking; mob intimidation; assault or battery on a law enforcement officer; assault or battery on juvenile probation officer, or other staff of a detention center or commitment facility, or a staff member of a commitment facility, or health services personnel; assault or battery on a person 65 years of age or older; robbery; burglary; carjacking; or resisting an officer with violence;
4. Kidnapping, false imprisonment, human trafficking, or human smuggling;
5. Possession of a firearm or ammunition by a felon, violent career criminal, or person subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking;
6. Sexual battery; indecent, lewd, or lascivious touching; exposure of sexual organs; incest; luring or enticing a child; or child sexual abuse material ~~pornography~~;
7. Abuse, neglect, or exploitation of an elderly person or disabled adult;
8. Child abuse or aggravated child abuse;

9. Arson; riot, aggravated riot, inciting a riot, or aggravated inciting a riot; or a burglary or theft during a riot;

10. Escape; tampering or retaliating against a witness, victim, or informant; destruction of evidence; or tampering with a jury;

11. Any offense committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang;

12. Trafficking in a controlled substance, including conspiracy to engage in trafficking in a controlled substance;

13. Racketeering; or

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily

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injury.

447

316.193 (2) (b)

3rd

Felony DUI, 4th or subsequent
conviction.

448

316.1935 (4) (a)

2nd

Aggravated fleeing or eluding.

449

327.30 (5) (a) 3.

2nd

Vessel accidents involving
serious bodily injury; leaving
scene.

450

400.9935 (4) (c)

2nd

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

451

499.0051 (2)

2nd

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

452

499.0051 (3)

2nd

Knowing purchase or receipt of
prescription drug from
unauthorized person.

453

499.0051 (4)

2nd

Knowing sale or transfer of

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prescription drug to
unauthorized person.

454

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

455

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

456

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

457

784.041 3rd Felony battery; domestic
battery by strangulation.

458

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

459

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

460

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

461

784.074 (1) (b) 2nd Aggravated assault on sexually

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violent predators facility
staff.

462

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

463

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

464

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

465

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

466

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

467

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

468

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

469

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470	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
471	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.
472	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
473	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
474	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older

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but less than 16 years of age;
offender less than 18 years.

475

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

476

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

477

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

478

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

479

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

480

812.014 (2) (c) 5. 3rd Grand theft; third degree;
firearm.

481

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482	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
483	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
484	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
485	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
486	812.015 (9) (e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
487	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
	817.4821 (5)	2nd	Possess cloning paraphernalia

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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with intent to create cloned
cellular telephones.

488

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

489

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

490

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

491

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

492

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

493

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

494

825.103(3)(c) 3rd Exploiting an elderly person or

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

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

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

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

828.126 (3) 3rd Sexual activities involving
animals.

836.05 2nd Threats; extortion.

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

843.12 3rd Aids or assists person to

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escape.

502

847.011

3rd

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

503

847.012

3rd

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

504

847.0135(2)

3rd

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

505

893.131

2nd

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

506

914.23

2nd

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

507

918.13(2)(b)

2nd

Tampering with or fabricating

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physical evidence relating to a
capital felony.

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.

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

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

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

(g) LEVEL 7

Florida	Felony	Description
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	Statute	Degree	
516	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
517	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
518	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
519	327.35(3)(a)3.b.	3rd	Vessel BUI resulting in serious bodily injury.
520	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

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521	409.920	3rd	Medicaid provider fraud;
	(2) (b) 1.a.		\$10,000 or less.
522	409.920	2nd	Medicaid provider fraud; more
	(2) (b) 1.b.		than \$10,000, but less than
			\$50,000.
523	456.065 (2)	3rd	Practicing a health care
			profession without a license.
524	456.065 (2)	2nd	Practicing a health care
			profession without a license
			which results in serious bodily
			injury.
525	458.327 (1)	3rd	Practicing medicine without a
			license.
526	459.013 (1)	3rd	Practicing osteopathic medicine
			without a license.
527	460.411 (1)	3rd	Practicing chiropractic
			medicine without a license.
528			

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529	461.012 (1)	3rd	Practicing podiatric medicine without a license.
530	462.17	3rd	Practicing naturopathy without a license.
531	463.015 (1)	3rd	Practicing optometry without a license.
532	464.016 (1)	3rd	Practicing nursing without a license.
533	465.015 (2)	3rd	Practicing pharmacy without a license.
534	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
535	467.201	3rd	Practicing midwifery without a license.
536	468.366	3rd	Delivering respiratory care services without a license.
	483.828 (1)	3rd	Practicing as clinical

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laboratory personnel without a
license.

537

483.901 (7) 3rd Practicing medical physics
without a license.

538

484.013 (1) (c) 3rd Preparing or dispensing optical
devices without a prescription.

539

484.053 3rd Dispensing hearing aids without
a license.

540

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.

541

560.123 (8) (b) 1. 3rd Failure to report currency or
payment instruments exceeding
\$300 but less than \$20,000 by a
money services business.

542

560.125 (5) (a) 3rd Money services business by

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

543

655.50(10)(b)1.

3rd

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

544

775.21(10)(a)

3rd

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

545

775.21(10)(b)

3rd

Sexual predator working where
children regularly congregate.

546

775.21(10)(g)

3rd

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

547

782.051(3)

2nd

Attempted felony murder of a

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

548

782.07(1)

2nd

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

549

782.071

2nd

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

550

782.072

2nd

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

551

784.045(1)(a)1.

2nd

Aggravated battery;
intentionally causing great
bodily harm or disfigurement.

552

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553	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
554	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
555	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
556	784.048 (7)	3rd	Aggravated stalking; violation of court order.
557	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
558	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
559	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
560	784.081 (1)	1st	Aggravated battery on specified official or employee.

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561	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
562	784.083 (1)	1st	Aggravated battery on code inspector.
563	787.025 (2) (b)	2nd	Luring or enticing a child; second or subsequent offense.
564	787.025 (2) (c)	2nd	Luring or enticing a child with a specified prior conviction.
565	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
566	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.
	790.07 (4)	1st	Specified weapons violation subsequent to previous

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conviction of s. 790.07(1) or
(2).

567

790.16(1) 1st Discharge of a machine gun
under specified circumstances.

568

790.165(2) 2nd Manufacture, sell, possess, or
deliver hoax bomb.

569

790.165(3) 2nd Possessing, displaying, or
threatening to use any hoax
bomb while committing or
attempting to commit a felony.

570

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

571

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

572

790.23 1st, PBL Possession of a firearm by a

person who qualifies for the
penalty enhancements provided
for in s. 874.04.

573

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.

574

796.05 (1)

1st

Live on earnings of a
prostitute; 2nd offense.

575

796.05 (1)

1st

Live on earnings of a
prostitute; 3rd and subsequent
offense.

576

800.04 (5) (c) 1.

2nd

Lewd or lascivious molestation;
victim younger than 12 years of
age; offender younger than 18
years of age.

577

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.

578

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.

579

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

580

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

581

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

582

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

583

810.02 (3) (e) 2nd Burglary of authorized

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emergency vehicle.

584

812.014 (2) (a) 1. 1st Property stolen, valued at
\$100,000 or more or a
semitrailer deployed by a law
enforcement officer; property
stolen while causing other
property damage; 1st degree
grand theft.

585

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

586

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

587

812.014 (2) (b) 4. 2nd Property stolen, law
enforcement equipment from
authorized emergency vehicle.

588

812.014 (2) (g) 2nd Grand theft; second degree;
firearm with previous
conviction of s.

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812.014 (2) (c) 5.

589

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

590

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

591

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

592

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

593

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

594

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

595

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

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596	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
597	817.2341 (2) (b) & (3) (b)	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.
598	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
599	817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
600	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
601	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or

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related documents.

602

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

603

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

604

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

605

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

606

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

607

827.071 (4) 2nd Possess with intent to promote

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any photographic material,
motion picture, etc., which
includes child sexual abuse
material ~~pornography~~.

608

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

609

838.015 2nd Bribery.

610

838.016 2nd Unlawful compensation or reward
for official behavior.

611

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

612

838.22 2nd Bid tampering.

613

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

614

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

615

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616	843.0855(4)	3rd	Intimidation of a public officer or employee.
617	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
618	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
619	872.06	2nd	Abuse of a dead human body.
620	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
621	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s.

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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.

622

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.

623

893.13(4)(a)

1st

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

624

893.135(1)(a)1.

1st

Trafficking in cannabis, more
than 25 lbs., less than 2,000
lbs.

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625	893.135	1st	Trafficking in cocaine, more
	(1) (b) 1.a.		than 28 grams, less than 200
			grams.
626	893.135	1st	Trafficking in illegal drugs,
	(1) (c) 1.a.		more than 4 grams, less than 14
			grams.
627	893.135	1st	Trafficking in hydrocodone, 28
	(1) (c) 2.a.		grams or more, less than 50
			grams.
628	893.135	1st	Trafficking in hydrocodone, 50
	(1) (c) 2.b.		grams or more, less than 100
			grams.
629	893.135	1st	Trafficking in oxycodone, 7
	(1) (c) 3.a.		grams or more, less than 14
			grams.
630	893.135	1st	Trafficking in oxycodone, 14
	(1) (c) 3.b.		grams or more, less than 25
			grams.
631			

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632	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
633	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
634	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
635	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
636	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
637	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

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638	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
639	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
640	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
641	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
642	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
643	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
	896.101 (5) (a)	3rd	Money laundering, financial

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

644

896.104 (4) (a) 1. 3rd Structuring transactions to
evade reporting or registration
requirements, financial
transactions exceeding \$300 but
less than \$20,000.

645

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

646

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

647

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

648

943.0435 (13) 3rd Failure to report or providing
false information about a

sexual offender; harbor or
conceal a sexual offender.

649

943.0435(14)

3rd

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

650

944.607(9)

3rd

Sexual offender; failure to
comply with reporting
requirements.

651

944.607(10)(a)

3rd

Sexual offender; failure to
submit to the taking of a
digitized photograph.

652

944.607(12)

3rd

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

653

944.607(13)

3rd

Sexual offender; failure to
report and reregister; failure
to respond to address

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verification; providing false
registration information.

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

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

985.4815(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

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

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

(8)

(c) For purposes of this section, the term "qualifying

offense" means any of the following:

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

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

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

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

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

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

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

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

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

10. Poisoning food or water under s. 859.01.

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

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

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

14. Aggravated assault under s. 784.021.

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

16. Aircraft piracy under s. 860.16.

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

18. Treason under s. 876.32.

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

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

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

(3) "Crime" means:

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

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

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

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

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

(b) Any person who, while younger than age 18, was depicted in any image or movie, regardless of length, of child sexual abuse material ~~pornography~~ as defined in s. 847.001, who has been identified by a law enforcement agency or the National Center for Missing and Exploited Children as an identified victim of child sexual abuse material ~~pornography~~, who suffers

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psychiatric or psychological injury as a direct result of the
crime, and who does not otherwise sustain a personal injury or
death.

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