

1                   A bill to be entitled  
2           An act relating to pornography; amending s. 847.001,  
3           F.S.; revising the definitions of the terms "child  
4           pornography" and "minor"; amending s. 847.0135, F.S.;  
5           revising terminology to provide for separate offenses  
6           of computer pornography under certain circumstances;  
7           amending s. 847.0137, F.S.; deleting a definition;  
8           revising the definition of the term "transmit";  
9           revising terminology to provide for separate offenses  
10          of transmission of child pornography under certain  
11          circumstances; reenacting ss. 92.561(1) and  
12          960.197(1)(b), F.S., relating to the prohibition on  
13          reproduction of child pornography and assistance to  
14          victims of online sexual exploitation and child  
15          pornography, respectively, to incorporate the  
16          amendment made by the act to s. 847.011, F.S., in  
17          references thereto; reenacting s. 775.0847(2), F.S.,  
18          relating to reclassification of certain offenses, to  
19          incorporate the amendments made by the act to ss.  
20          847.0135 and 847.0137, F.S., in references thereto;  
21          reenacting ss. 794.056(1), 856.022(1), 905.34(8),  
22          938.085, 943.0435(1)(a), 944.606(1)(b), 944.607(1)(a),  
23          948.06(8)(c), 960.03(3)(e), 960.197(1)(a), and  
24          921.0022(3)(e), F.S., relating to the Rape Crisis  
25          Program Trust Fund, certain loitering and prowling  
26          offenses, grand jury powers and duties, additional

27 | cost to fund rape crisis centers, sexual offender  
 28 | registration, notification upon release of sexual  
 29 | offenders, notification to the Department of Law  
 30 | Enforcement of sexual offender information, violation  
 31 | of probation or community control, definitions  
 32 | relating to crime victim assistance, assistance to  
 33 | certain victims, and the offense severity ranking  
 34 | chart, respectively, to incorporate the amendment made  
 35 | by the act to s. 847.0137, F.S., in references  
 36 | thereto; providing an effective date.

37 |  
 38 | Be It Enacted by the Legislature of the State of Florida:

39 |  
 40 | Section 1. Subsections (3) and (8) of section 847.001,  
 41 | Florida Statutes, are amended to read:

42 | 847.001 Definitions.—As used in this chapter, the term:

43 | (3) "Child pornography" means an ~~any~~ image depicting a  
 44 | minor engaged in sexual conduct.

45 | (8) "Minor" means a ~~any~~ person under the age of 18 years.

46 | Section 2. Subsection (2) of section 847.0135, Florida  
 47 | Statutes, is amended to read:

48 | 847.0135 Computer pornography; prohibited computer usage;  
 49 | traveling to meet minor; penalties.—

50 | (2) COMPUTER PORNOGRAPHY.—A person who:

51 | (a) Knowingly compiles, enters into, or transmits by use  
 52 | of computer;

53 (b) Makes, prints, publishes, or reproduces by other  
54 computerized means;

55 (c) Knowingly causes or allows to be entered into or  
56 transmitted by use of computer; or

57 (d) Buys, sells, receives, exchanges, or disseminates,  
58

59 a ~~any~~ notice, statement, or advertisement of a ~~any~~ minor's name,  
60 telephone number, place of residence, physical characteristics,  
61 or other descriptive or identifying information for purposes of  
62 facilitating, encouraging, offering, or soliciting sexual  
63 conduct of or with a ~~any~~ minor, or the visual depiction of such  
64 conduct, commits a felony of the third degree, punishable as  
65 provided in s. 775.082, s. 775.083, or s. 775.084. The fact that  
66 an undercover operative or law enforcement officer was involved  
67 in the detection and investigation of an offense under this  
68 section shall not constitute a defense to a prosecution under  
69 this section.

70 Section 3. Section 847.0137, Florida Statutes, is amended  
71 to read:

72 847.0137 Transmission of pornography by electronic device  
73 or equipment prohibited; penalties.—

74 (1) For purposes of this section, the term—

75 ~~(a) "Minor" means any person less than 18 years of age.~~

76 ~~(b) "transmit" means the act of sending and causing to be~~  
77 delivered, or the act of providing access for receiving and  
78 causing to be delivered, an ~~any~~ image, information, or data ~~from~~

79 ~~one or more persons or places to one or more other persons or~~  
80 ~~places~~ over or through any medium, including the Internet or an  
81 interconnected network, by use of any electronic equipment or  
82 device.

83 (2) Notwithstanding ss. 847.012 and 847.0133, a ~~any~~ person  
84 in this state who knew or reasonably should have known that he  
85 or she was transmitting child pornography, ~~as defined in s.~~  
86 ~~847.001~~, to another person in this state or in another  
87 jurisdiction commits a felony of the third degree, punishable as  
88 provided in s. 775.082, s. 775.083, or s. 775.084.

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

95 (4) This section shall not be construed to prohibit  
96 prosecution of a person in this state or another jurisdiction  
97 for a violation of any law of this state, including a law  
98 providing for greater penalties than prescribed in this section,  
99 for the transmission of child pornography, ~~as defined in s.~~  
100 ~~847.001~~, to a ~~any~~ person in this state.

101 (5) A person is subject to prosecution in this state  
102 pursuant to chapter 910 for an ~~any~~ act or conduct proscribed by  
103 this section, including a person in a jurisdiction other than  
104 this state, if the act or conduct violates subsection (3).

105        (6) ~~The provisions of~~ This section does ~~de~~ not apply to  
 106 subscription-based transmissions such as list servers.

107        Section 4. For the purpose of incorporating the amendment  
 108 made by this act to section 847.001, Florida Statutes, in a  
 109 reference thereto, subsection (1) of section 92.561, Florida  
 110 Statutes, is reenacted to read:

111            92.561 Prohibition on reproduction of child pornography.—

112            (1) In a criminal proceeding, any property or material  
 113 that portrays sexual performance by a child as defined in s.  
 114 827.071, or constitutes child pornography as defined in s.  
 115 847.001, must remain secured or locked in the care, custody, and  
 116 control of a law enforcement agency, the state attorney, or the  
 117 court.

118        Section 5. For the purpose of incorporating the amendment  
 119 made by this act to section 847.001, Florida Statutes, in a  
 120 reference thereto, paragraph (b) of subsection (1) of section  
 121 960.197, Florida Statutes, is reenacted to read:

122            960.197 Assistance to victims of online sexual  
 123 exploitation and child pornography.—

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

128            (b) Any person who, while younger than age 18, was  
 129 depicted in any image or movie, regardless of length, of child  
 130 pornography as defined in s. 847.001, who has been identified by

131 a law enforcement agency or the National Center for Missing and  
 132 Exploited Children as an identified victim of child pornography,  
 133 who suffers psychiatric or psychological injury as a direct  
 134 result of the crime, and who does not otherwise sustain a  
 135 personal injury or death.

136 Section 6. For the purpose of incorporating the amendments  
 137 made by this act to sections 847.0135 and 847.0137, Florida  
 138 Statutes, in references thereto, subsection (2) of section  
 139 775.0847, Florida Statutes, is reenacted to read:

140 775.0847 Possession or promotion of certain images of  
 141 child pornography; reclassification.—

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

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

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

- 149 1. A child who is younger than the age of 5.
- 150 2. Sodomasochistic abuse involving a child.
- 151 3. Sexual battery involving a child.
- 152 4. Sexual bestiality involving a child.
- 153 5. Any movie involving a child, regardless of length and  
 154 regardless of whether the movie contains sound.

155 Section 7. For the purpose of incorporating the amendment  
 156 made by this act to section 847.0137, Florida Statutes, in a

157 reference thereto, subsection (1) of section 794.056, Florida  
158 Statutes, is reenacted to read:

159 794.056 Rape Crisis Program Trust Fund.—

160 (1) The Rape Crisis Program Trust Fund is created within  
161 the Department of Health for the purpose of providing funds for  
162 rape crisis centers in this state. Trust fund moneys shall be  
163 used exclusively for the purpose of providing services for  
164 victims of sexual assault. Funds credited to the trust fund  
165 consist of those funds collected as an additional court  
166 assessment in each case in which a defendant pleads guilty or  
167 nolo contendere to, or is found guilty of, regardless of  
168 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
169 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
170 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
171 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
172 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
173 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
174 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
175 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
176 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
177 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
178 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
179 fund also shall include revenues provided by law, moneys  
180 appropriated by the Legislature, and grants from public or  
181 private entities.

182 Section 8. For the purpose of incorporating the amendment

183 made by this act to section 847.0137, Florida Statutes, in a  
184 reference thereto, subsection (1) of section 856.022, Florida  
185 Statutes, is reenacted to read:

186       856.022 Loitering or prowling by certain offenders in  
187 close proximity to children; penalty.—

188       (1) Except as provided in subsection (2), this section  
189 applies to a person convicted of committing, or attempting,  
190 soliciting, or conspiring to commit, any of the criminal  
191 offenses proscribed in the following statutes in this state or  
192 similar offenses in another jurisdiction against a victim who  
193 was under 18 years of age at the time of the offense: s. 787.01,  
194 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
195 the offender was not the victim's parent or guardian; s.  
196 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;  
197 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.  
198 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
199 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any  
200 similar offense committed in this state which has been  
201 redesignated from a former statute number to one of those listed  
202 in this subsection, if the person has not received a pardon for  
203 any felony or similar law of another jurisdiction necessary for  
204 the operation of this subsection and a conviction of a felony or  
205 similar law of another jurisdiction necessary for the operation  
206 of this subsection has not been set aside in any postconviction  
207 proceeding.

208       Section 9. For the purpose of incorporating the amendment



209 made by this act to section 847.0137, Florida Statutes, in  
210 references thereto, subsection (8) of section 905.34, Florida  
211 Statutes, is reenacted to read:

212 905.34 Powers and duties; law applicable.—The jurisdiction  
213 of a statewide grand jury impaneled under this chapter shall  
214 extend throughout the state. The subject matter jurisdiction of  
215 the statewide grand jury shall be limited to the offenses of:

216 (8) Any violation of s. 847.0135, s. 847.0137, or s.  
217 847.0138 relating to computer pornography and child exploitation  
218 prevention, or any offense related to a violation of s.  
219 847.0135, s. 847.0137, or s. 847.0138 or any violation of  
220 chapter 827 where the crime is facilitated by or connected to  
221 the use of the Internet or any device capable of electronic data  
222 storage or transmission;

223  
224 or any attempt, solicitation, or conspiracy to commit any  
225 violation of the crimes specifically enumerated above, when any  
226 such offense is occurring, or has occurred, in two or more  
227 judicial circuits as part of a related transaction or when any  
228 such offense is connected with an organized criminal conspiracy  
229 affecting two or more judicial circuits. The statewide grand  
230 jury may return indictments and presentments irrespective of the  
231 county or judicial circuit where the offense is committed or  
232 triable. If an indictment is returned, it shall be certified and  
233 transferred for trial to the county where the offense was  
234 committed. The powers and duties of, and law applicable to,

235 county grand juries shall apply to a statewide grand jury except  
 236 when such powers, duties, and law are inconsistent with the  
 237 provisions of ss. 905.31-905.40.

238 Section 10. For the purpose of incorporating the amendment  
 239 made by this act to section 847.0137, Florida Statutes, in a  
 240 reference thereto, section 938.085, Florida Statutes, is  
 241 reenacted to read:

242 938.085 Additional cost to fund rape crisis centers.—In  
 243 addition to any sanction imposed when a person pleads guilty or  
 244 nolo contendere to, or is found guilty of, regardless of  
 245 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
 246 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
 247 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
 248 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
 249 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
 250 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
 251 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
 252 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
 253 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
 254 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
 255 (14)(c); or s. 985.701(1), the court shall impose a surcharge of  
 256 \$151. Payment of the surcharge shall be a condition of  
 257 probation, community control, or any other court-ordered  
 258 supervision. The sum of \$150 of the surcharge shall be deposited  
 259 into the Rape Crisis Program Trust Fund established within the  
 260 Department of Health by chapter 2003-140, Laws of Florida. The

261 clerk of the court shall retain \$1 of each surcharge that the  
 262 clerk of the court collects as a service charge of the clerk's  
 263 office.

264 Section 11. For the purpose of incorporating the amendment  
 265 made by this act to section 847.0137, Florida Statutes, in  
 266 references thereto, paragraph (a) of subsection (1) of section  
 267 943.0435, Florida Statutes, is reenacted to read:

268 943.0435 Sexual offenders required to register with the  
 269 department; penalty.—

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

271 (a)1. "Sexual offender" means a person who meets the  
 272 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
 273 subparagraph c., or sub-subparagraph d., as follows:

274 a.(I) Has been convicted of committing, or attempting,  
 275 soliciting, or conspiring to commit, any of the criminal  
 276 offenses proscribed in the following statutes in this state or  
 277 similar offenses in another jurisdiction: s. 393.135(2); s.  
 278 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
 279 the victim is a minor and the defendant is not the victim's  
 280 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.  
 281 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;  
 282 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);  
 283 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
 284 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
 285 916.1075(2); or s. 985.701(1); or any similar offense committed  
 286 in this state which has been redesignated from a former statute

287 number to one of those listed in this sub-sub-subparagraph; and

288 (II) Has been released on or after October 1, 1997, from  
289 the sanction imposed for any conviction of an offense described  
290 in sub-sub-subparagraph (I). For purposes of sub-sub-  
291 subparagraph (I), a sanction imposed in this state or in any  
292 other jurisdiction includes, but is not limited to, a fine,  
293 probation, community control, parole, conditional release,  
294 control release, or incarceration in a state prison, federal  
295 prison, private correctional facility, or local detention  
296 facility;

297 b. Establishes or maintains a residence in this state and  
298 who has not been designated as a sexual predator by a court of  
299 this state but who has been designated as a sexual predator, as  
300 a sexually violent predator, or by another sexual offender  
301 designation in another state or jurisdiction and was, as a  
302 result of such designation, subjected to registration or  
303 community or public notification, or both, or would be if the  
304 person were a resident of that state or jurisdiction, without  
305 regard to whether the person otherwise meets the criteria for  
306 registration as a sexual offender;

307 c. Establishes or maintains a residence in this state who  
308 is in the custody or control of, or under the supervision of,  
309 any other state or jurisdiction as a result of a conviction for  
310 committing, or attempting, soliciting, or conspiring to commit,  
311 any of the criminal offenses proscribed in the following  
312 statutes or similar offense in another jurisdiction: s.

313 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
 314 787.025(2)(c), where the victim is a minor and the defendant is  
 315 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),  
 316 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.  
 317 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
 318 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.  
 319 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
 320 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar  
 321 offense committed in this state which has been redesignated from  
 322 a former statute number to one of those listed in this sub-  
 323 subparagraph; or

324 d. On or after July 1, 2007, has been adjudicated  
 325 delinquent for committing, or attempting, soliciting, or  
 326 conspiring to commit, any of the criminal offenses proscribed in  
 327 the following statutes in this state or similar offenses in  
 328 another jurisdiction when the juvenile was 14 years of age or  
 329 older at the time of the offense:

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

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

334 (III) Section 800.04(5)(c)1. where the court finds  
 335 molestation involving unclothed genitals; or

336 (IV) Section 800.04(5)(d) where the court finds the use of  
 337 force or coercion and unclothed genitals.

338 2. For all qualifying offenses listed in sub-subparagraph

339 (1)(a)1.d., the court shall make a written finding of the age of  
 340 the offender at the time of the offense.

341  
 342 For each violation of a qualifying offense listed in this  
 343 subsection, except for a violation of s. 794.011, the court  
 344 shall make a written finding of the age of the victim at the  
 345 time of the offense. For a violation of s. 800.04(4), the court  
 346 shall also make a written finding indicating whether the offense  
 347 involved sexual activity and indicating whether the offense  
 348 involved force or coercion. For a violation of s. 800.04(5), the  
 349 court shall also make a written finding that the offense did or  
 350 did not involve unclothed genitals or genital area and that the  
 351 offense did or did not involve the use of force or coercion.

352 Section 12. For the purpose of incorporating the amendment  
 353 made by this act to section 847.0137, Florida Statutes, in a  
 354 reference thereto, paragraph (b) of subsection (1) of section  
 355 944.606, Florida Statutes, is reenacted to read:

356 944.606 Sexual offenders; notification upon release.—

357 (1) As used in this section:

358 (b) "Sexual offender" means a person who has been  
 359 convicted of committing, or attempting, soliciting, or  
 360 conspiring to commit, any of the criminal offenses proscribed in  
 361 the following statutes in this state or similar offenses in  
 362 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
 363 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
 364 the defendant is not the victim's parent or guardian; s.

365 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
366 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
367 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.  
368 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
369 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.  
370 985.701(1); or any similar offense committed in this state which  
371 has been redesignated from a former statute number to one of  
372 those listed in this subsection, when the department has  
373 received verified information regarding such conviction; an  
374 offender's computerized criminal history record is not, in and  
375 of itself, verified information.

376 Section 13. For the purpose of incorporating the amendment  
377 made by this act to section 847.0137, Florida Statutes, in a  
378 reference thereto, paragraph (a) of subsection (1) of section  
379 944.607, Florida Statutes, is reenacted to read:

380 944.607 Notification to Department of Law Enforcement of  
381 information on sexual offenders.—

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

383 (a) "Sexual offender" means a person who is in the custody  
384 or control of, or under the supervision of, the department or is  
385 in the custody of a private correctional facility:

386 1. On or after October 1, 1997, as a result of a  
387 conviction for committing, or attempting, soliciting, or  
388 conspiring to commit, any of the criminal offenses proscribed in  
389 the following statutes in this state or similar offenses in  
390 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,

391 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
 392 the defendant is not the victim's parent or guardian; s.  
 393 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
 394 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
 395 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.  
 396 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
 397 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.  
 398 985.701(1); or any similar offense committed in this state which  
 399 has been redesignated from a former statute number to one of  
 400 those listed in this paragraph; or

401 2. Who establishes or maintains a residence in this state  
 402 and who has not been designated as a sexual predator by a court  
 403 of this state but who has been designated as a sexual predator,  
 404 as a sexually violent predator, or by another sexual offender  
 405 designation in another state or jurisdiction and was, as a  
 406 result of such designation, subjected to registration or  
 407 community or public notification, or both, or would be if the  
 408 person were a resident of that state or jurisdiction, without  
 409 regard as to whether the person otherwise meets the criteria for  
 410 registration as a sexual offender.

411 Section 14. For the purpose of incorporating the amendment  
 412 made by this act to section 847.0137, Florida Statutes, in a  
 413 reference thereto, paragraph (c) of subsection (8) of section  
 414 948.06, Florida Statutes, is reenacted to read:

415 948.06 Violation of probation or community control;  
 416 revocation; modification; continuance; failure to pay



417 restitution or cost of supervision.—

418 (8)

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

421 1. Kidnapping or attempted kidnapping under s. 787.01,  
422 false imprisonment of a child under the age of 13 under s.  
423 787.02(3), or luring or enticing a child under s. 787.025(2) (b)  
424 or (c).

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

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

429 4. Sexual battery or attempted sexual battery under s.  
430 794.011(2), (3), (4), or (8) (b) or (c).

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

437 6. Robbery or attempted robbery under s. 812.13,  
438 carjacking or attempted carjacking under s. 812.133, or home  
439 invasion robbery or attempted home invasion robbery under s.  
440 812.135.

441 7. Lewd or lascivious offense upon or in the presence of  
442 an elderly or disabled person or attempted lewd or lascivious

443 offense upon or in the presence of an elderly or disabled person  
 444 under s. 825.1025.

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

447 9. Computer pornography under s. 847.0135(2) or (3),  
 448 transmission of child pornography under s. 847.0137, or selling  
 449 or buying of minors under s. 847.0145.

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

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

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

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

456 14. Aggravated assault under s. 784.021.

457 15. Aggravated stalking under s. 784.048(3), (4), (5), or  
 458 (7).

459 16. Aircraft piracy under s. 860.16.

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

462 18. Treason under s. 876.32.

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

466 Section 15. For the purpose of incorporating the amendment  
 467 made by this act to section 847.0137, Florida Statutes, in a  
 468 reference thereto, paragraph (e) of subsection (3) of section

469 960.03, Florida Statutes, is reenacted to read:

470 960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
471 960.01-960.28, unless the context otherwise requires, the term:

472 (3) "Crime" means:

473 (e) A violation of s. 827.071, s. 847.0135, s. 847.0137,  
474 or s. 847.0138, related to online sexual exploitation and child  
475 pornography.

476 Section 16. For the purpose of incorporating the amendment  
477 made by this act to section 847.0137, Florida Statutes, in a  
478 reference thereto, paragraph (a) of subsection (1) of section  
479 960.197, Florida Statutes, is reenacted to read:

480 960.197 Assistance to victims of online sexual  
481 exploitation and child pornography.—

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

486 (a) A child younger than 18 years of age who suffers  
487 psychiatric or psychological injury as a direct result of online  
488 sexual exploitation under any provision of s. 827.071, s.  
489 847.0135, s. 847.0137, or s. 847.0138, and who does not  
490 otherwise sustain a personal injury or death; or

491 Section 17. For the purpose of incorporating the amendment  
492 made by this act to section 847.0137, Florida Statutes, in  
493 references thereto, paragraph (e) of subsection (3) of section  
494 921.0022, Florida Statutes, is reenacted to read:

495 921.0022 Criminal Punishment Code; offense severity  
 496 ranking chart.—

497 (3) OFFENSE SEVERITY RANKING CHART

498 (e) LEVEL 5

499

Florida	Felony	
Statute	Degree	Description

500

316.027(2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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501

316.1935(4) (a)	2nd	Aggravated fleeing or eluding.
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502

322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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503

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

504

379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
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505	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
506	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
507	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
508	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
509	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
510	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or

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more but less than \$100,000.

511

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

512

790.01 (2) 3rd Carrying a concealed firearm.

513

790.162 2nd Threat to throw or discharge destructive device.

514

790.163 (1) 2nd False report of deadly explosive or weapon of mass destruction.

515

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

516

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

517

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

518

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

age.

519

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

520

806.111 (1) 3rd Possess, manufacture, or  
dispense fire bomb with intent  
to damage any structure or  
property.

521

812.0145 (2) (b) 2nd Theft from person 65 years of  
age or older; \$10,000 or more  
but less than \$50,000.

522

812.015 (8) 3rd Retail theft; property stolen  
is valued at \$300 or more and  
one or more specified acts.

523

812.019 (1) 2nd Stolen property; dealing in or  
trafficking in.

524

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

525

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

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526	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
527	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
528	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.
529	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
530	817.625 (2) (b)	2nd	Second or subsequent fraudulent



use of scanning device or  
reencoder.

531

825.1025 (4) 3rd Lewd or lascivious exhibition  
in the presence of an elderly  
person or disabled adult.

532

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

533

827.071 (5) 3rd Possess, control, or  
intentionally view any  
photographic material, motion  
picture, etc., which includes  
sexual conduct by a child.

534

839.13 (2) (b) 2nd Falsifying records of an  
individual in the care and  
custody of a state agency  
involving great bodily harm or  
death.

535

843.01 3rd Resist officer with violence to

person; resist arrest with violence.

536

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

537

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

538

847.0138 3rd Transmission of material (2) & (3) harmful to minors to a minor by electronic device or equipment.

539

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

540

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

541

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

(2) (a), (2) (b), or (2) (c) 4.  
drugs).

542

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)5.,  
(2)(c)6., (2)(c)7., (2)(c)8.,  
(2)(c)9., (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.

543

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)4.  
drugs) within 1,000 feet of  
university.

544

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)5.,  
 (2)(c)6., (2)(c)7., (2)(c)8.,  
 (2)(c)9., (3), or (4) within  
 1,000 feet of property used for  
 religious services or a  
 specified business site.

545

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)4.  
 drugs) within 1,000 feet of  
 public housing facility.

546

893.13(4)(b)            2nd    Deliver to minor cannabis (or  
 other s. 893.03(1)(c),  
 (2)(c)1., (2)(c)2., (2)(c)3.,  
 (2)(c)5., (2)(c)6., (2)(c)7.,  
 (2)(c)8., (2)(c)9., (3), or (4)  
 drugs).

547

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

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Section 18. This act shall take effect October 1, 2016.