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CS/CS/HB 1389

2024 Legislature

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

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 810.145, Florida Statutes, is amended
 24 to read:

25 810.145 Digital ~~Video~~ voyeurism.—

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

27 (a) "Broadcast" means electronically transmitting a visual
 28 image or visual recording with the intent that it be viewed by
 29 another person.

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

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

37 (d) "Position of authority or trust" means a position
 38 occupied by a person 18 years of age or older who is a relative,
 39 caregiver, coach, employer, or other person who, by reason of
 40 his or her relationship with the victim, is able to exercise
 41 undue influence over him or her or exploit his or her trust.

42 ~~(e)-(d)~~ "Privately exposing the body" means exposing a
 43 sexual organ.

44 ~~(f)-(e)~~ ~~"Place and time when a person has a~~ Reasonable
 45 expectation of privacy" means circumstances under which a place
 46 ~~and time when~~ a reasonable person would believe that he or she
 47 could fully disrobe in privacy, without being concerned that the
 48 person's undressing was being viewed, recorded, or broadcasted
 49 by another, including, but not limited to, the interior of a
 50 residential dwelling, bathroom, changing room, fitting room,

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51 | dressing room, or tanning booth.

52 | (2) (a) A person commits the offense of digital video
53 | voyeurism if that person:

54 | 1. (a) For his or her own amusement, entertainment, sexual
55 | arousal, gratification, or profit, or for the purpose of
56 | degrading, exploiting, or abusing another person, intentionally
57 | uses or installs an imaging device to secretly view, broadcast,
58 | or record a person, without that person's knowledge and consent,
59 | who is dressing, undressing, or privately exposing the body, at
60 | a place and time when that person has a reasonable expectation
61 | of privacy;

62 | 2. (b) For the amusement, entertainment, sexual arousal,
63 | gratification, or profit of another, or on behalf of another,
64 | intentionally permits the use or installation of an imaging
65 | device to secretly view, broadcast, or record a person, without
66 | that person's knowledge and consent, who is dressing,
67 | undressing, or privately exposing the body, at a place and time
68 | when that person has a reasonable expectation of privacy; or

69 | 3. (c) For the amusement, entertainment, sexual arousal,
70 | gratification, or profit of oneself or another, or on behalf of
71 | oneself or another, intentionally uses an imaging device to
72 | secretly view, broadcast, or record under or through the
73 | clothing being worn by another person, without that person's
74 | knowledge and consent, for the purpose of viewing the body of,
75 | or the undergarments worn by, that person.

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76 (b) A person who is under 19 years of age and who violates
 77 this subsection commits a misdemeanor of the first degree,
 78 punishable as provided in s. 775.082 or s. 775.083.

79 (c) A person who is 19 years of age or older and who
 80 violates this subsection commits a felony of the third degree,
 81 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

82 (3)(a) A person commits the offense of digital video
 83 voyeurism dissemination if that person, knowing or having reason
 84 to believe that an image or recording was created in a manner
 85 described in subsection (2) this section, intentionally
 86 disseminates, distributes, or transfers the image or recording
 87 to another person for the purpose of the amusement,
 88 entertainment, sexual arousal, or gratification of any person,
 89 ~~or profit,~~ or for the purpose of degrading, exploiting, or
 90 abusing another person.

91 (b) A person who violates this subsection commits a felony
 92 of the third degree, punishable as provided in s. 775.082, s.
 93 775.083, or s. 775.084.

94 (4) A person commits the offense of commercial digital
 95 ~~video~~ voyeurism dissemination if that person:

96 (a) Knowing or having reason to believe that an image or
 97 recording was created in a manner described in subsection (2)
 98 ~~this section~~, sells the image or recording for consideration to
 99 another person; or

100 (b) Having created the image or recording in a manner

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101 described in subsection (2) ~~this section~~, disseminates,
 102 distributes, or transfers the image or recording to another
 103 person for that person to sell the image or recording to others.

104 (c) A person who violates this subsection commits a felony
 105 of the third degree, punishable as provided in s. 775.082, s.
 106 775.083, or s. 775.084.

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

108 (a) Law enforcement agency conducting surveillance for a
 109 law enforcement purpose;

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

113 (c) Video surveillance device that is installed in such a
 114 manner that the presence of the device is clearly and
 115 immediately obvious; or

116 (d) Dissemination, distribution, or transfer of images or
 117 recordings subject to this section by a provider of an
 118 electronic communication service as defined in 18 U.S.C. s.
 119 2510(15), or a provider of a remote computing service as defined
 120 in 18 U.S.C. s. 2711(2). For purposes of this section, the
 121 exceptions to the definition of "electronic communication" set
 122 forth in 18 U.S.C. s. 2510(12) (a), (b), (c), and (d) do not
 123 apply, but are included within the definition of the term.

124 (6) Each instance of secretly viewing a person in
 125 violation of subsection (2) or broadcasting, recording,

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126 disseminating, distributing, or transferring an image or
 127 recording made in violation of subsection (2) is a separate
 128 offense for which a separate penalty is authorized. ~~Except as~~
 129 provided in subsections (7) and (8):

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

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

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

140 (b) If a person who is 19 years or age or older commits a
 141 violation of this section and is a family or household member of
 142 the victim or holds a position of authority or trust with the
 143 victim, the court shall reclassify the felony to the next higher
 144 degree as follows:

145 1. A felony of the third degree is reclassified as a
 146 felony of the second degree.

147 2. A felony of the second degree is reclassified as a
 148 felony of the first degree.

149
 150 For purposes of sentencing under chapter 921 and incentive gain-

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151 time eligibility under chapter 944, a felony that is
 152 reclassified under this subsection is ranked one level above the
 153 ranking under s. 921.0022 of the felony offense committed.

154 (8)(a) A person who is:

155 1. Eighteen years of age or older who is responsible for
 156 the welfare of a child younger than 16 years of age, regardless
 157 of whether the person knows or has reason to know the age of the
 158 child, and who commits an offense under this section against
 159 that child;

160 2. Eighteen years of age or older who is employed at a
 161 private school as defined in s. 1002.01; a school as defined in
 162 s. 1003.01; or a voluntary prekindergarten education program as
 163 described in s. 1002.53(3)(a), (b), or (c) and who commits an
 164 offense under this section against a student of the private
 165 school, school, or voluntary prekindergarten education program;
 166 or

167 3. Twenty-four years of age or older who commits an
 168 offense under this section against a child younger than 16 years
 169 of age, regardless of whether the person knows or has reason to
 170 know the age of the child

171
 172 commits a felony of the second degree, punishable as provided in
 173 s. 775.082, s. 775.083, or s. 775.084.

174 (b) A person who violates this subsection and who has
 175 previously been convicted of or adjudicated delinquent for any

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176 violation of this section commits a felony of the second degree,
 177 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

178 (9) For purposes of this section, a person has previously
 179 been convicted of or adjudicated delinquent for a violation of
 180 this section if the violation resulted in a conviction that was
 181 sentenced separately, or an adjudication of delinquency entered
 182 separately, before ~~prior to~~ the current offense.

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

185 921.0022 Criminal Punishment Code; offense severity
 186 ranking chart.—

187 (3) OFFENSE SEVERITY RANKING CHART

188 (c) LEVEL 3

189

Florida Statute	Felony Degree	Description
119.10(2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) – (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2) (b)	3rd	Felony DUI, 3rd conviction.

190

191

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193	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
194	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
195	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
196	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
197	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
198	327.35(2)(b)	3rd	Felony BUI.
199	328.05(2)	3rd	Possess, sell, or counterfeit

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200	328.07(4)	3rd	fictitious, stolen, or fraudulent titles or bills of sale of vessels.
201	376.302(5)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
202	379.2431 (1) (e) 5.	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
203	379.2431 (1) (e) 6.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
			Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any

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marine turtle species described
in the Marine Turtle Protection
Act.

204

379.2431
(1) (e) 7.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine Turtle
Protection Act.

205

400.9935(4) (a)
or (b)

3rd

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

206

400.9935(4) (e)

3rd

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

207

440.1051(3)

3rd

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

208

501.001(2) (b)

2nd

Tampers with a consumer product
or the container using

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			materially false/misleading information.
209	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
210	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
211	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
212	697.08	3rd	Equity skimming.
213	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
214	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
215			

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216	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
217	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
218	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
219	<u>810.145(2)(c)</u>	<u>3rd</u>	<u>Digital voyeurism; 19 years of age or older.</u>
220	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
221	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
	812.015(8)(b)	3rd	Retail theft with intent to

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			sell; conspires with others.
222	812.081 (2)	3rd	Theft of a trade secret.
223	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
224	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
225	817.233	3rd	Burning to defraud insurer.
226	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
227	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
228	817.236	3rd	Filing a false motor vehicle insurance application.
229	817.2361	3rd	Creating, marketing, or

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presenting a false or
fraudulent motor vehicle
insurance card.

230 817.413(2) 3rd Sale of used goods of \$1,000 or
more as new.

231 817.49(2)(b)1. 3rd Willful making of a false
report of a crime causing great
bodily harm, permanent
disfigurement, or permanent
disability.

232 831.28(2)(a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument
with intent to defraud.

233 831.29 2nd Possession of instruments for
counterfeiting driver licenses
or identification cards.

234 836.13(2) 3rd Person who promotes an altered
sexual depiction of an

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			identifiable person without consent.
235	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
236	860.15 (3)	3rd	Overcharging for repairs and parts.
237	870.01 (2)	3rd	Riot.
238	870.01 (4)	3rd	Inciting a riot.
239	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).
240	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs

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within 1,000 feet of
university.

241

893.13(1)(f)2. 2nd Sell, manufacture, or deliver
s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4) drugs
within 1,000 feet of public
housing facility.

242

893.13(4)(c) 3rd Use or hire of minor; deliver
to minor other controlled
substances.

243

893.13(6)(a) 3rd Possession of any controlled
substance other than felony
possession of cannabis.

244

893.13(7)(a)8. 3rd Withhold information from
practitioner regarding previous
receipt of or prescription for
a controlled substance.

245

893.13(7)(a)9. 3rd Obtain or attempt to obtain

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controlled substance by fraud,
forgery, misrepresentation,
etc.

246

893.13(7)(a)10. 3rd Affix false or forged label to
package of controlled
substance.

247

893.13(7)(a)11. 3rd Furnish false or fraudulent
material information on any
document or record required by
chapter 893.

248

893.13(8)(a)1. 3rd Knowingly assist a patient,
other person, or owner of an
animal in obtaining a
controlled substance through
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.

249

893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to
assist a patient, other person,

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or owner of an animal in
obtaining a controlled
substance.

250

893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.

251

893.13(8)(a)4. 3rd Write a prescription for a
controlled substance for a
patient, other person, or an
animal if the sole purpose of
writing the prescription is a
monetary benefit for the
practitioner.

252

918.13(1) 3rd Tampering with or fabricating
physical evidence.

253

944.47
(1)(a)1. & 2. 3rd Introduce contraband to
correctional facility.

254

944.47(1)(c) 2nd Possess contraband while upon
the grounds of a correctional
institution.

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255	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
256			
257	(d) LEVEL 4		
258			
	Florida Statute	Felony Degree	Description
259	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.
260	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
261	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell,

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			contraband prescription drugs.
262	517.07(1)	3rd	Failure to register securities.
263	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
264	784.031	3rd	Battery by strangulation.
265	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
266	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
267	784.075	3rd	Battery on detention or commitment facility staff.
268	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
269	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.

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270	784.081 (3)	3rd	Battery on specified official or employee.
271	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
272	784.083 (3)	3rd	Battery on code inspector.
273	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
274	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
275	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
276	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to

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avoid producing child at
custody hearing or delivering
to designated person.

277

787.07 3rd Human smuggling.

278

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

279

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

280

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

281

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

282

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

283

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

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284	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
285	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
286	810.06	3rd	Burglary; possession of tools.
287	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
288	<u>810.145(3)(b)</u>	<u>3rd</u>	<u>Digital voyeurism dissemination.</u>
289	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
290	812.014 (2)(c)4. &	3rd	Grand theft, 3rd degree; specified items.

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	6.-10.		
291	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
292	817.505(4)(a)	3rd	Patient brokering.
293	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
294	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
295	817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
296	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
297	817.625(2)(c)	3rd	Possess, sell, or deliver

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skimming device.

298

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

299

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

300

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

301

837.02 (1) 3rd Perjury in official
proceedings.

302

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

303

838.022 3rd Official misconduct.

304

839.13 (2) (a) 3rd Falsifying records of an

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individual in the care and
custody of a state agency.

305

839.13(2)(c) 3rd Falsifying records of the
Department of Children and
Families.

306

843.021 3rd Possession of a concealed
handcuff key by a person in
custody.

307

843.025 3rd Deprive law enforcement,
correctional, or correctional
probation officer of means of
protection or communication.

308

843.15(1)(a) 3rd Failure to appear while on bail
for felony (bond estreature or
bond jumping).

309

843.19(2) 2nd Injure, disable, or kill
police, fire, or SAR canine or
police horse.

310

847.0135(5)(c) 3rd Lewd or lascivious exhibition

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using computer; offender less than 18 years.

311

870.01(3) 2nd Aggravated rioting.

312

870.01(5) 2nd Aggravated inciting a riot.

313

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

314

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

315

914.14(2) 3rd Witnesses accepting bribes.

316

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

317

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

318

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319	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
320	918.12	3rd	Tampering with jurors.
321	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
322	944.47(1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
323	951.22(1) (h) , (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.
324	(e) LEVEL 5		
325			

Florida Felony Description

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	Statute	Degree	
326	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
327	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
328	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
329	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
330	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
331	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

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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.

332

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

333

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

334

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

335

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

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compensation coverage.

336

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

337

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

338

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

339

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

340

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

341

790.162 2nd Threat to throw or discharge destructive device.

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342	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
343	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
344	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
345	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
346	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
347	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
348	806.111 (1)	3rd	Possess, manufacture, or

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dispense fire bomb with intent
to damage any structure or
property.

349

810.145 (4) (c) 3rd Commercial digital voyeurism
dissemination.

350

810.145 (7) (a) 2nd Digital voyeurism; 2nd or
subsequent offense.

351

810.145 (8) (a) 2nd Digital voyeurism; certain
minor victims.

352

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

353

812.015 3rd Retail theft; property stolen
(8) (a) & (c) - is valued at \$750 or more and
(e) one or more specified acts.

354

812.015 (8) (f) 3rd Retail theft; multiple thefts

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within specified period.

355

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

356

812.081 (3) 2nd Trafficking in trade secrets.

357

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

358

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

359

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

360

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

361

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

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motion picture, etc., which includes child pornography.

367

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

368

828.12 (2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

369

836.14 (4) 2nd Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.

370

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.

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371	843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
372	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
373	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
374	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
375	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
376	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
377			

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378

893.13(1)(a)1. 2nd Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)5.
drugs).

379

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.

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.

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380	893.13(1)(e)2.	2nd	<p>Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.</p>
381	893.13(1)(f)1.	1st	<p>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.</p>
382	893.13(4)(b)	2nd	<p>Use or hire of minor; deliver to minor other controlled substance.</p>
383	893.1351(1)	3rd	<p>Ownership, lease, or rental for trafficking in or manufacturing</p>

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of controlled substance.

384

385 (f) LEVEL 6

386

Florida Statute	Felony Degree	Description
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387

316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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388

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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389

400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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390

499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
--------------	-----	--

391

499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from
--------------	-----	---

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			unauthorized person.
392	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
393	775.0875(1)	3rd	Taking firearm from law enforcement officer.
394	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
395	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
396	784.041	3rd	Felony battery; domestic battery by strangulation.
397	784.048(3)	3rd	Aggravated stalking; credible threat.
398	784.048(5)	3rd	Aggravated stalking of person under 16.
399	784.07(2)(c)	2nd	Aggravated assault on law

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enforcement officer.

400

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

401

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

402

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

403

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

404

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

405

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

406

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

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407	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
408	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.
409	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
410	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
411	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
412	800.04 (5) (d)	3rd	Lewd or lascivious molestation;

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victim 12 years of age or older
but less than 16 years of age;
offender less than 18 years.

413

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

414

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

415

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

416

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

417

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

418

419

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420	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.
421	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
422	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
423	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
424	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
425	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.

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426	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
427	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
428	817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
429	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
430	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
431	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
432	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

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433	827.03(2)(c)	3rd	Abuse of a child.
434	827.03(2)(d)	3rd	Neglect of a child.
435	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
436	828.126(3)	3rd	Sexual activities involving animals.
437	836.05	2nd	Threats; extortion.
438	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
439	843.12	3rd	Aids or assists person to escape.
440	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene

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materials depicting minors.

441 847.012 3rd Knowingly using a minor in the
production of materials harmful
to minors.

442 847.0135(2) 3rd Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

443 893.131 2nd Distribution of controlled
substances resulting in
overdose or serious bodily
injury.

444 914.23 2nd Retaliation against a witness,
victim, or informant, with
bodily injury.

445 918.13(2) (b) 2nd Tampering with or fabricating
physical evidence relating to a
capital felony.

446 944.35(3) (a) 2. 3rd Committing malicious battery
upon or inflicting cruel or

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inhuman treatment on an inmate
or offender on community
supervision, resulting in great
bodily harm.

447

944.40 2nd Escapes.

448

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

449

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

450

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

451

452 Section 3. Paragraph (e) of subsection (4) of section
453 397.417, Florida Statutes, is amended to read:

454 397.417 Peer specialists.—

455 (4) BACKGROUND SCREENING.—

456 (e) The background screening conducted under this
457 subsection must ensure that a peer specialist has not been
458 arrested for and is awaiting final disposition of, found guilty
459 of, regardless of adjudication, or entered a plea of nolo

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460 | contendere or guilty to, or been adjudicated delinquent and the
 461 | record has not been sealed or expunged for, any offense
 462 | prohibited under any of the following state laws or similar laws
 463 | of another jurisdiction:

464 | 1. Section 393.135, relating to sexual misconduct with
 465 | certain developmentally disabled clients and reporting of such
 466 | sexual misconduct.

467 | 2. Section 394.4593, relating to sexual misconduct with
 468 | certain mental health patients and reporting of such sexual
 469 | misconduct.

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

472 | 4. Section 415.111, relating to abuse, neglect, or
 473 | exploitation of vulnerable adults.

474 | 5. Any offense that constitutes domestic violence as
 475 | defined in s. 741.28.

476 | 6. Section 777.04, relating to attempts, solicitation, and
 477 | conspiracy to commit an offense listed in this paragraph.

478 | 7. Section 782.04, relating to murder.

479 | 8. Section 782.07, relating to manslaughter; aggravated
 480 | manslaughter of an elderly person or a disabled adult;
 481 | aggravated manslaughter of a child; or aggravated manslaughter
 482 | of an officer, a firefighter, an emergency medical technician,
 483 | or a paramedic.

484 | 9. Section 782.071, relating to vehicular homicide.

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485 10. Section 782.09, relating to killing an unborn child by
486 injury to the mother.

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

489 12. Section 787.01, relating to kidnapping.

490 13. Section 787.02, relating to false imprisonment.

491 14. Section 787.025, relating to luring or enticing a
492 child.

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

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

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

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

507 19. Section 794.011, relating to sexual battery.

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

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- 510 21. Section 794.05, relating to unlawful sexual activity
511 with certain minors.
- 512 22. Section 794.08, relating to female genital mutilation.
- 513 23. Section 796.07, relating to procuring another to
514 commit prostitution, except for those offenses expunged pursuant
515 to s. 943.0583.
- 516 24. Section 798.02, relating to lewd and lascivious
517 behavior.
- 518 25. Chapter 800, relating to lewdness and indecent
519 exposure.
- 520 26. Section 806.01, relating to arson.
- 521 27. Section 810.02, relating to burglary, if the offense
522 was a felony of the first degree.
- 523 28. Section 810.14, relating to voyeurism, if the offense
524 was a felony.
- 525 29. Section 810.145, relating to digital ~~video~~ voyeurism,
526 if the offense was a felony.
- 527 30. Section 812.13, relating to robbery.
- 528 31. Section 812.131, relating to robbery by sudden
529 snatching.
- 530 32. Section 812.133, relating to carjacking.
- 531 33. Section 812.135, relating to home-invasion robbery.
- 532 34. Section 817.034, relating to communications fraud, if
533 the offense was a felony of the first degree.
- 534 35. Section 817.234, relating to false and fraudulent

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535 insurance claims, if the offense was a felony of the first or
 536 second degree.

537 36. Section 817.50, relating to fraudulently obtaining
 538 goods or services from a health care provider and false reports
 539 of a communicable disease.

540 37. Section 817.505, relating to patient brokering.

541 38. Section 817.568, relating to fraudulent use of
 542 personal identification, if the offense was a felony of the
 543 first or second degree.

544 39. Section 825.102, relating to abuse, aggravated abuse,
 545 or neglect of an elderly person or a disabled adult.

546 40. Section 825.1025, relating to lewd or lascivious
 547 offenses committed upon or in the presence of an elderly person
 548 or a disabled person.

549 41. Section 825.103, relating to exploitation of an
 550 elderly person or a disabled adult, if the offense was a felony.

551 42. Section 826.04, relating to incest.

552 43. Section 827.03, relating to child abuse, aggravated
 553 child abuse, or neglect of a child.

554 44. Section 827.04, relating to contributing to the
 555 delinquency or dependency of a child.

556 45. Former s. 827.05, relating to negligent treatment of
 557 children.

558 46. Section 827.071, relating to sexual performance by a
 559 child.

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- 560 47. Section 831.30, relating to fraud in obtaining
 561 medicinal drugs.
- 562 48. Section 831.31, relating to the sale; manufacture;
 563 delivery; or possession with intent to sell, manufacture, or
 564 deliver of any counterfeit controlled substance, if the offense
 565 was a felony.
- 566 49. Section 843.01, relating to resisting arrest with
 567 violence.
- 568 50. Section 843.025, relating to depriving a law
 569 enforcement, correctional, or correctional probation officer of
 570 the means of protection or communication.
- 571 51. Section 843.12, relating to aiding in an escape.
- 572 52. Section 843.13, relating to aiding in the escape of
 573 juvenile inmates of correctional institutions.
- 574 53. Chapter 847, relating to obscenity.
- 575 54. Section 874.05, relating to encouraging or recruiting
 576 another to join a criminal gang.
- 577 55. Chapter 893, relating to drug abuse prevention and
 578 control, if the offense was a felony of the second degree or
 579 greater severity.
- 580 56. Section 895.03, relating to racketeering and
 581 collection of unlawful debts.
- 582 57. Section 896.101, relating to the Florida Money
 583 Laundering Act.
- 584 58. Section 916.1075, relating to sexual misconduct with

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585 | certain forensic clients and reporting of such sexual
586 | misconduct.

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

589 | 60. Section 944.40, relating to escape.

590 | 61. Section 944.46, relating to harboring, concealing, or
591 | aiding an escaped prisoner.

592 | 62. Section 944.47, relating to introduction of contraband
593 | into a correctional institution.

594 | 63. Section 985.701, relating to sexual misconduct in
595 | juvenile justice programs.

596 | 64. Section 985.711, relating to introduction of
597 | contraband into a detention facility.

598 | Section 4. Paragraph (ff) of subsection (2) of section
599 | 435.04, Florida Statutes, as amended by s. 2, ch. 2023-220, Laws
600 | of Florida, is amended to read:

601 | 435.04 Level 2 screening standards.—

602 | (2) The security background investigations under this
603 | section must ensure that persons subject to this section have
604 | not been arrested for and are awaiting final disposition of,
605 | have not been found guilty of, regardless of adjudication, or
606 | entered a plea of nolo contendere or guilty to, or have not been
607 | adjudicated delinquent and the record has not been sealed or
608 | expunged for, any offense prohibited under any of the following
609 | provisions of state law or similar law of another jurisdiction:

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

612 Section 5. Paragraph (s) of subsection (5) of section
 613 456.074, Florida Statutes, is amended to read:

614 456.074 Certain health care practitioners; immediate
 615 suspension of license.—

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

622 (s) Section 810.145(8), relating to digital ~~video~~
 623 voyeurism of a minor.

624 Section 6. Subsection (17) of section 775.15, Florida
 625 Statutes, is amended to read:

626 775.15 Time limitations; general time limitations;
 627 exceptions.—

628 (17) In addition to the time periods prescribed in this
 629 section, a prosecution for digital ~~video~~ voyeurism in violation
 630 of s. 810.145 may be commenced within 1 year after the date on
 631 which the victim of digital ~~video~~ voyeurism obtains actual
 632 knowledge of the existence of such a recording or the date on
 633 which the recording is confiscated by a law enforcement agency,
 634 whichever occurs first. Any dissemination of such a recording

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635 before the victim obtains actual knowledge thereof or before its
 636 confiscation by a law enforcement agency does not affect any
 637 provision of this subsection.

638 Section 7. Paragraph (r) of subsection (2) of section
 639 943.0584, Florida Statutes, is amended to read:

640 943.0584 Criminal history records ineligible for court-
 641 ordered expunction or court-ordered sealing.—

642 (2) A criminal history record is ineligible for a
 643 certificate of eligibility for expunction or a court-ordered
 644 expunction pursuant to s. 943.0585 or a certificate of
 645 eligibility for sealing or a court-ordered sealing pursuant to
 646 s. 943.059 if the record is a conviction for any of the
 647 following offenses:

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

650 Section 8. Paragraph (y) of subsection (1) of section
 651 1012.315, Florida Statutes, is amended to read:

652 1012.315 Screening standards.—A person is ineligible for
 653 educator certification or employment in any position that
 654 requires direct contact with students in a district school
 655 system, a charter school, or a private school that participates
 656 in a state scholarship program under chapter 1002 if the person
 657 is on the disqualification list maintained by the department
 658 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
 659 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible

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660 | for an exemption under s. 435.07(4)(c), or has been convicted or
661 | found guilty of, has had adjudication withheld for, or has pled
662 | guilty or nolo contendere to:

663 | (1) Any felony offense prohibited under any of the
664 | following statutes:

665 | (y) Section 810.145, relating to digital ~~video~~ voyeurism.
666 | Section 9. This act shall take effect October 1, 2024.