

THE FLORIDA SENATE
2025 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 757 — Sexual Images

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Redondo, Kincart Jonsson, and others (CS/CS/CS/SB 1180 by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Gaetz)

The bill creates s. 800.045, F.S., to create offenses relating to lewd or lascivious images. “Lewd or lascivious image,” means:

- Any image depicting lewd or lascivious exhibition in violation of s. 800.04(7), F.S.
- Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray lewd or lascivious exhibition in violation of s. 800.04(7), F.S., committed in the presence of an identifiable minor.

It is a second degree felony for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part includes a lewd or lascivious image. The possession of three or more copies of such photograph, etc., is prima facie evidence of an intent to promote.

It is a third degree felony 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 a lewd or lascivious image.

The solicitation, possession, control, or intentional viewing of each such photograph, etc., is a separate offense. If such photograph, etc., includes a lewd or lascivious image depicting more than one minor, each such minor in each such photograph, etc., that is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense.

The bill amends s. 827.071, F.S., to provide that “actual or simulated lewd exhibition of the genitals” may be evidenced by the overall content of an image, taking into account the age of the minor depicted and including, but not limited to, whether:

- The focal point of the image is on the minor’s genitalia;
- The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;
- The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;
- The image suggests sexual coyness or a willingness to engage in sexual conduct; or
- The image is intended or designed to elicit a sexual response in the viewer.

Additionally, the bill adds “solicit” to the crime of knowingly possessing, controlling, or intentionally viewing child pornography. Under the bill, the knowing solicitation of child pornography is a third degree felony.

The bill amends s. 836.13, F.S., to provide that it is a third degree felony for:

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- A person to willfully generate any altered sexual depiction of an identifiable person, without the consent of the identifiable person.
- A person to solicit any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction.
- A person to willfully possess with the intent to maliciously promote, any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction.

The bill authorizes an aggrieved person to initiate a civil cause of action against a person who commits the above described crimes in s. 836.13, F.S., to obtain appropriate relief.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2025.

Vote: Senate 37-0; House 115-0