

Bill No. CS for SB 284

Amendment No. 1 Barcode 450960

CHAMBER ACTION

Senate

House

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11 The Committee on Commerce, Economic Opportunities, and
12 Consumer Services recommended the following amendment:

Senate Amendment (with title amendment)

15 On page 2, line 18, through page 5, line 16, delete
16 those lines

18 and insert:

19 Section 1. Section 810.145, Florida Statutes, is
20 created to read:

810.145 Video voyeurism.--

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

23 (a) "Broadcast" means electronically transmitting a
24 visual image with the intent that it be viewed by another
25 person.

26 (b) "Imaging device" means any mechanical, digital, or
27 electronic viewing device, still camera, camcorder, motion
28 picture camera, or any other instrument, equipment, or format
29 capable of recording, storing, or transmitting visual images
30 of another person.

31 (c) "Place and time when a person has a reasonable

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1 expectation of privacy" means a place and time when a
2 reasonable person would believe that he or she could fully
3 disrobe in privacy, without being concerned that the person's
4 undressing was being viewed, recorded, or broadcasted by
5 another, including, but not limited to, the interior of a
6 bathroom, changing room, fitting room, dressing room, or
7 tanning booth.

8 (d) "Privately exposing the body" means exposing a
9 sexual organ.

10 (2) A person commits the offense of video voyeurism if
11 that person:

12 (a) For his or her own amusement, entertainment,
13 sexual arousal, gratification, or profit, or for the purpose
14 of degrading or abusing another person, intentionally uses or
15 installs an imaging device to secretly view, broadcast, or
16 record a person, without that person's knowledge and consent,
17 who is dressing, undressing, or privately exposing the body,
18 at a place and time when that person has a reasonable
19 expectation of privacy;

20 (b) For the amusement, entertainment, sexual arousal,
21 gratification, or profit of another, or on behalf of another,
22 intentionally permits the use or installation of an imaging
23 device to secretly view, broadcast, or record a person,
24 without that person's knowledge and consent, who is dressing,
25 undressing, or privately exposing the body, at a place and
26 time when that person has a reasonable expectation of privacy;
27 or

28 (c) For the amusement, entertainment, sexual arousal,
29 gratification, or profit of oneself or another, or on behalf
30 of oneself or another, intentionally uses an imaging device to
31 secretly view, broadcast, or record under or through the

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1 clothing being worn by another person, without that person's
2 knowledge and consent, for the purpose of viewing the body of,
3 or the undergarments worn by, that person.

4 (3) A person commits the offense of video voyeurism
5 dissemination if that person, knowing or having reason to
6 believe that an image was created in a manner that violates
7 this section, intentionally disseminates, distributes, or
8 transfers the image to another person.

9 (4) A person commits the offense of commercial video
10 voyeurism dissemination if that person:

11 (a) Knowing or having reason to believe that an image
12 was created in a manner that violates this section, sells the
13 image for consideration to another person; or

14 (b) Having created the image in a manner that violates
15 this section, disseminates, distributes, or transfers the
16 image to another person for that person to sell the image to
17 others.

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

19 (a) Law enforcement agency conducting surveillance for
20 a law enforcement purpose;

21 (b) Security system when a written notice is
22 conspicuously posted on the premises stating that a video
23 surveillance system has been installed for the purpose of
24 security for the premises; or

25 (c) Video surveillance device that is installed in
26 such a manner that the presence of the device is clearly and
27 immediately obvious.

28 (d) Dissemination, distribution, or transfer of images
29 subject to this section by a provider of an electronic
30 communication service as defined in 18 U.S.C. s. 2510(15), or
31 a provider of a remote computing service as defined in 18

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1 U.S.C. s. 2711(2). For purposes of this section, the
2 exceptions to the definition of "electronic communication" set
3 forth in 18 U.S.C. s. 2510(12)(a), (b), (c), and (d) shall not
4 apply, but rather shall be included within the definition of
5 the term.

6 (6) Except as provided in subsection (7), a person who
7 violates this section commits a misdemeanor of the first
8 degree, punishable as provided in s. 775.082 or s. 775.083.

9 (7) A person who violates this section and who has
10 previously been convicted of or adjudicated delinquent for any
11 violation of this section two or more times commits a felony
12 of the third degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084.

14 (8) For purposes of this section, a person has
15 previously been convicted of or adjudicated delinquent for a
16 violation of this section if the violation resulted in a
17 conviction that was sentenced separately, or an adjudication
18 of delinquency entered separately, prior to the current
19 offense.

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22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 1, lines 14-20, delete those lines

25

26 and insert:

27 undergarments without knowledge and consent of
28 the person viewed; prohibiting a person from
29 disseminating images when the person
30 disseminating the images knows or has reason to
31 believe that the images were recorded in

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1 violation of law; prohibiting a person from
2 selling images to another for consideration
3 when the person selling the images knows or has
4 reason to believe that

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