Florida Senate - 2005

By Senator Posey

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24-544-05
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1	A bill to be entitled
2	An act relating to the transmission of sexually
3	oriented material to a minor; creating s.
4	847.01385, F.S.; providing definitions relating
5	to the transmission of materials to a minor;
6	prohibiting a person in this state or in any
7	jurisdiction from transmitting sexually
8	oriented material or material that is harmful
9	to a minor by means of unsolicited electronic
10	mail or a computer pop-up; providing that a
11	violation of the act is a felony of the third
12	degree; providing criminal penalties; providing
13	an effective date.
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15	Be It Enacted by the Legislature of the State of Florida:
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17	Section 1. Section 847.01385, Florida Statutes, is
18	created to read:
19	847.01385 Transmission of sexually oriented or other
20	material harmful to a minor by electronic device or equipment
21	prohibited; penalties
22	(1) As used in this section, the term:
23	(a) "Known to be a minor" means that a person knew or
24	should have known that the recipient of the communication was
25	<u>a minor.</u>
26	(b) "Transmit" means the act of sending any image,
27	information, or data by use of any electronic equipment or
28	device.
29	(2) Notwithstanding ss. 847.012 and 847.0133, a person
30	in this state may not transmit sexually oriented material or
31	an image, information, or data that is harmful to minors, as
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1	<u>defined in s. 847.001, to an individual in this state known to</u>
2	be a minor by means of unsolicited electronic mail or a
3	computer pop-up. Any person who knew or reasonably should have
4	known that he or she was transmitting sexually oriented
5	<u>material or an image, information, or data in violation of</u>
б	this subsection commits a felony of the third degree,
7	punishable as provided in s. 775.082, s. 775.083, or s.
8	<u>775.084.</u>
9	(3) Notwithstanding ss. 847.012 and 847.0133, a person
10	in any jurisdiction other than this state may not transmit
11	sexually oriented material or an image, information, or data
12	that is harmful to minors, as defined in s. 847.001, to an
13	individual in this state known to be a minor by means of
14	unsolicited electronic mail or a computer pop-up. Any person
15	who knew or reasonably should have known that he or she was
16	transmitting sexually oriented material or an image,
17	information, or data in violation of this subsection commits a
18	felony of the third degree, punishable as provided in s.
19	<u>775.082, s. 775.083, or s. 775.084.</u>
20	(4) This section does not apply to subscription-based
21	transmissions such as list servers.
22	Section 2. This act shall take effect July 1, 2005.
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25	SENATE SUMMARY
26	Prohibits a person from transmitting sexually oriented material or material that is harmful to a minor by
27	unsolicited electronic mail or a computer pop-up. Provides that any person violating the act commits a
28	felony of the third degree. Provides criminal penalties.
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CODING: Words stricken are deletions; words <u>underlined</u> are additions.