

By Senator Fasano

11-924A-07

1 A bill to be entitled
2 An act relating to punishment for video
3 voyeurism; amending s. 810.145, F.S.; providing
4 that a first-time offender commits a felony in
5 the third degree; providing that each
6 subsequent violation constitutes a felony in
7 the second degree; providing that a person who
8 is in a position of authority over a minor and
9 who commits the offense of video voyeurism in a
10 school setting commits a felony of the second
11 degree; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 810.145, Florida Statutes, is
16 amended to read:

17 810.145 Video voyeurism.--

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

19 (a) "Broadcast" means electronically transmitting a
20 visual image with the intent that it be viewed by another
21 person.

22 (b) "Imaging device" means any mechanical, digital, or
23 electronic viewing device; still camera; camcorder; motion
24 picture camera; or any other instrument, equipment, or format
25 capable of recording, storing, or transmitting visual images
26 of another person.

27 (c) "Place and time when a person has a reasonable
28 expectation of privacy" means a place and time when a
29 reasonable person would believe that he or she could fully
30 disrobe in privacy, without being concerned that the person's
31 undressing was being viewed, recorded, or broadcasted by

1 another, including, but not limited to, the interior of a
2 bathroom, changing room, fitting room, dressing room, or
3 tanning booth.

4 (d) "Privately exposing the body" means exposing a
5 sexual organ.

6 (2) A person commits the offense of video voyeurism if
7 that person:

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

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

24 (c) For the amusement, entertainment, sexual arousal,
25 gratification, or profit of oneself or another, or on behalf
26 of oneself or another, intentionally uses an imaging device to
27 secretly view, broadcast, or record under or through the
28 clothing being worn by another person, without that person's
29 knowledge and consent, for the purpose of viewing the body of,
30 or the undergarments worn by, that person.

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1 (3) A person commits the offense of video voyeurism
2 dissemination if that person, knowing or having reason to
3 believe that an image was created in a manner described in
4 this section, intentionally disseminates, distributes, or
5 transfers the image to another person for the purpose of
6 amusement, entertainment, sexual arousal, gratification, or
7 profit, or for the purpose of degrading or abusing another
8 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 described in this section, sells the
13 image for consideration to another person; or

14 (b) Having created the image in a manner described in
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;

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; or

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

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) do not
4 apply, but are included within the definition of the term.

5 (6) Except as provided in subsections ~~subsection~~ (7)
6 and (8), a person who violates this section commits a felony
7 ~~misdemeanor~~ of the third first degree, punishable as provided
8 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

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 commits a felony of the second third
12 degree, punishable as provided in s. 775.082, s. 775.083, or
13 s. 775.084.

14 (8) A person who is in a position of authority over a
15 minor and violates this section in a school setting commits a
16 felony of the second degree, punishable as provided in s.
17 775.082, s. 775.083, or s. 775.084.

18 ~~(9)(8)~~ For purposes of this section, a person has
19 previously been convicted of or adjudicated delinquent for a
20 violation of this section if the violation resulted in a
21 conviction that was sentenced separately, or an adjudication
22 of delinquency entered separately, prior to the current
23 offense.

24 Section 2. This act shall take effect July 1, 2007.

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27 SENATE SUMMARY

28 Provides that an offender committing video voyeurism for
29 the first time commits a felony in the third degree.
30 Provides that a subsequent violation constitutes a felony
31 in the second degree. Provides that it is a second-degree
felony for a person who is in a position of authority
over a minor to commit the offense of video voyeurism in
a school setting.