

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Kiar offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 465 and 466, insert:

5 Section 6. Paragraph (a) of subsection (5) and subsection
6 (7) of section 847.0135, Florida Statutes, are amended to read:
7 847.0135 Computer pornography; traveling to meet minor;
8 penalties.--

9 (5) CERTAIN COMPUTER TRANSMISSIONS PROHIBITED.--

10 (a) A person who:

- 11 1. Intentionally masturbates;
12 2. Intentionally exposes the genitals in a lewd or
13 lascivious manner; or
14 3. Intentionally commits any other sexual act that does
15 not involve actual physical or sexual contact with the victim,
16 including, but not limited to, sadomasochistic abuse, sexual

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17 bestiality, or the simulation of any act involving sexual
18 activity

19
20 live over a computer online service, Internet service, or local
21 bulletin board service and who knows or should know or has
22 reason to believe that the transmission is viewed on a computer
23 or television monitor by a victim ~~in this state~~ who is less than
24 16 years of age, commits lewd or lascivious exhibition in
25 violation of this subsection. The fact that an undercover
26 operative or law enforcement officer was involved in the
27 detection and investigation of an offense under this subsection
28 shall not constitute a defense to a prosecution under this
29 subsection.

30 (7) STATE CRIMINAL JURISDICTION.--A person is subject to
31 prosecution in this state pursuant to chapter 910 for any
32 conduct proscribed by this section which the person engages in,
33 while either within or outside this state, if by such conduct
34 the person commits a violation of this section involving a child
35 ~~residing in this state~~, a child's guardian, or another person
36 believed by the person to be a child or a child's guardian
37 ~~residing in this state~~.

38 Section 7. Subsections (2) and (3) of section 847.0138,
39 Florida Statutes, are amended to read:

40 847.0138 Transmission of material harmful to minors to a
41 minor by electronic device or equipment prohibited; penalties.--

42 (2) Notwithstanding ss. 847.012 and 847.0133, any person
43 ~~in this state~~ who knew or believed that he or she was
44 transmitting an image, information, or data that is harmful to
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45 minors, as defined in s. 847.001, to a specific individual known
46 by the defendant to be a minor ~~in this state~~ commits a felony of
47 the third degree, punishable as provided in s. 775.082, s.
48 775.083, or s. 775.084.

49 (3) Notwithstanding ss. 847.012 and 847.0133, any person
50 in any jurisdiction other than this state who knew or believed
51 that he or she was transmitting an image, information, or data
52 that is harmful to minors, as defined in s. 847.001, to a
53 specific individual known by the defendant to be a minor ~~in this~~
54 ~~state~~ commits a felony of the third degree, punishable as
55 provided in s. 775.082, s. 775.083, or s. 775.084.

56
57 The provisions of this section do not apply to subscription-
58 based transmissions such as list servers.

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60 -----
61 **T I T L E A M E N D M E N T**

62 Remove line 10 and insert:

63 a minor; amending ss. 847.0135 and 847.0138, F.S.; removing
64 residency requirements in statutes relating to computer
65 pornography involving minor children and the transmission
66 of material harmful to a minor by electronic device or
67 equipment, respectively; providing an effective date.