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LEGISLATIVE ACTION

|            |   |       |
|------------|---|-------|
| Senate     | . | House |
| Comm: RCS  | . |       |
| 04/21/2009 | . |       |
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The Committee on Judiciary (Haridopolos) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 504 and 505

insert:

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

(5) CERTAIN COMPUTER TRANSMISSIONS PROHIBITED.—



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12 (a) A person who:

13 1. Intentionally masturbates;

14 2. Intentionally exposes the genitals in a lewd or  
15 lascivious manner; or

16 3. Intentionally commits any other sexual act that does not  
17 involve actual physical or sexual contact with the victim,  
18 including, but not limited to, sadomasochistic abuse, sexual  
19 bestiality, or the simulation of any act involving sexual  
20 activity

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

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

40 Section 8. Subsections (2) and (3) of section 847.0138,



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41 Florida Statutes, are amended to read:

42 847.0138 Transmission of material harmful to minors to a  
43 minor by electronic device or equipment prohibited; penalties.-

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

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

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

61  
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete line 20

65 and insert:

66 meet a minor; amending ss. 847.0135 and 847.0138,  
67 F.S.; removing residency requirements in statutes  
68 relating to computer pornography involving minor  
69 children and the transmission of material harmful to a



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minor by electronic device or equipment, respectively;  
providing an effective date.