

1                   A bill to be entitled  
 2           An act relating to the offense of sexting; providing that  
 3           a minor commits the offense of sexting if he or she  
 4           knowingly uses a computer, or any other device capable of  
 5           electronic data transmission or distribution, to transmit  
 6           or distribute to another person any photograph or video of  
 7           himself or herself which depicts nudity and is harmful to  
 8           minors, or knowingly possesses such a photograph or video  
 9           that was transmitted or distributed to the minor from  
 10          another minor; providing noncriminal and criminal  
 11          penalties; providing that the act does not prohibit  
 12          prosecution of a minor for conduct relating to material  
 13          that includes the depiction of sexual conduct or sexual  
 14          excitement or for stalking; providing an effective date.

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

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 18           Section 1. Sexting; prohibited acts; penalties.-

19           (1) A minor commits the offense of sexting if he or she  
 20 knowingly:

21           (a) Uses a computer, or any other device capable of  
 22 electronic data transmission or distribution, to transmit or  
 23 distribute to another person any photograph or video of himself  
 24 or herself which depicts nudity and is harmful to minors; or

25           (b) Possesses a photograph or video that was transmitted  
 26 or distributed by another minor as described in paragraph (a).

27           (2) A minor who violates subsection (1):

28           (a) Commits a noncriminal violation for a first offense,

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29 punishable by 8 hours of community service and a \$25 fine. The  
30 court may order the minor to participate in suitable training or  
31 instruction in lieu of community service.

32 (b) Commits a misdemeanor of the second degree for a  
33 second offense, punishable as provided in s. 775.082 or s.  
34 775.083, Florida Statutes.

35 (c) Commits a misdemeanor of the first degree for a third  
36 offense, punishable as provided in s. 775.082 or s. 775.083,  
37 Florida Statutes.

38 (d) Commits a felony of the third degree for a fourth or  
39 subsequent offense, punishable as provided in s. 775.082, s.  
40 775.083, or s. 775.084, Florida Statutes.

41 (3) This section does not prohibit the prosecution of a  
42 minor for conduct relating to material that includes the  
43 depiction of sexual conduct or sexual excitement, and does not  
44 prohibit the prosecution of a minor for stalking under s.  
45 784.048, Florida Statutes.

46 Section 2. This act shall take effect October 1, 2010.