

By Senator Aronberg

27-00228D-10

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1 A bill to be entitled

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

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

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

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

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

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

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

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30 (a) Commits a noncriminal violation for a first offense,
31 punishable by 8 hours of community service and a \$25 fine. The
32 court may order the minor to participate in suitable training or
33 instruction in lieu of community service, or both.

34 (b) Commits a misdemeanor of the second degree for a second
35 offense occurring within 12 months after a prior conviction,
36 punishable as provided in s. 775.082 or s. 775.083, Florida
37 Statutes.

38 (c) Commits a misdemeanor of the first degree for a third
39 offense occurring within 24 months after a prior conviction,
40 punishable as provided in s. 775.082 or s. 775.083, Florida
41 Statutes.

42 (d) Commits a felony of the third degree for a fourth or
43 subsequent offense occurring within 36 months after a prior
44 conviction, punishable as provided in s. 775.082, s. 775.083, or
45 s. 775.084, Florida Statutes.

46 (3) This section does not prohibit the prosecution of a
47 minor for conduct relating to material that includes the
48 depiction of sexual conduct or sexual excitement, and does not
49 prohibit the prosecution of a minor for stalking under s.
50 784.048, Florida Statutes.

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