

By the Committee on Criminal Justice; and Senators Aronberg and Sobel

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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 minor any photograph or video of himself or herself
8 which depicts nudity and is harmful to minors;
9 providing noncriminal and criminal penalties;
10 providing that the act does not prohibit prosecution
11 of a minor for conduct relating to material that
12 includes the depiction of sexual conduct or sexual
13 excitement or for stalking; providing an effective
14 date.

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

17
18 Section 1. Sexting; prohibited acts; penalties.-

19 (1) A minor commits the offense of sexting if he or she
20 knowingly uses a computer, or any other device capable of
21 electronic data transmission or distribution, to transmit or
22 distribute to another minor any photograph or video of himself
23 or herself which depicts nudity as defined in s. 847.001(9),
24 Florida Statutes, and is harmful to minors as defined in s.
25 847.001(6), Florida Statutes.

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

27 (a) Commits a noncriminal violation for a first violation
28 of sexting, punishable by 8 hours of community service or, if
29 ordered by the court in lieu of community service, a \$60 fine.

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30 The court may also order the minor to participate in suitable
31 training or instruction in lieu of, or in addition to, community
32 service or a fine.

33 (b) Commits a misdemeanor of the second degree for a
34 violation that occurs after being found to have committed a
35 noncriminal violation for sexting, punishable as provided in s.
36 775.082 or s. 775.083, Florida Statutes.

37 (c) Commits a misdemeanor of the first degree for a
38 violation that occurs after being found to have committed a
39 misdemeanor of the second degree for sexting, punishable as
40 provided in s. 775.082 or s. 775.083, Florida Statutes.

41 (d) Commits a felony of the third degree for a violation
42 that occurs after being found to have committed a misdemeanor of
43 the first degree for sexting, punishable as provided in s.
44 775.082, s. 775.083, or s. 775.084, Florida Statutes.

45 (3) This section does not prohibit the prosecution of a
46 minor for a violation of any law of this state if the photograph
47 or video that depicts nudity also includes the depiction of
48 sexual conduct or sexual excitement, and does not prohibit the
49 prosecution of a minor for stalking under s. 784.048, Florida
50 Statutes.

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