

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Abruzzo offered the following:

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

4 Remove lines 22-52 and insert:

5 knowingly:

6 (a) Uses a computer, or any other device capable of  
7 electronic data transmission or distribution, to transmit or  
8 distribute to another minor any photograph or video of any  
9 person which depicts nudity, as defined in s. 847.001(9),  
10 Florida Statutes, and is harmful to minors, as defined in s.  
11 847.001(6), Florida Statutes.

12 (b) Possesses a photograph or video of any person that was  
13 transmitted or distributed by another minor which depicts  
14 nudity, as defined in s. 847.001(9), Florida Statutes, and is  
15 harmful to minors, as defined in s. 847.001(6), Florida

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16 Statutes. A minor does not violate paragraph this paragraph if  
17 all of the following apply:

18 1. The minor did not solicit the photograph or video.

19 2. The minor took reasonable steps to report the  
20 photograph or video to the minor's legal guardian or to a school  
21 or law enforcement official.

22 3. The minor did not transmit or distribute the photograph  
23 or video to a third party.

24 (2)(a) The transmission or distribution of multiple  
25 photographs or videos prohibited by paragraph (1)(a) is a single  
26 offense if the photographs or videos were transmitted or  
27 distributed within the same 24-hour period.

28 (b) The possession of multiple photographs or videos that  
29 were transmitted or distributed by a minor prohibited by  
30 paragraph (1)(b) is a single offense if the photographs or  
31 videos were transmitted or distributed by a minor in the same  
32 24-hour period.

33 (3) A minor who violates subsection (1):

34 (a) Commits a noncriminal violation for a first violation,  
35 punishable by 8 hours of community service or, if ordered by the  
36 court in lieu of community service, a \$60 fine. The court may  
37 also order the minor to participate in suitable training or  
38 instruction in lieu of, or in addition to, community service or  
39 a fine.

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

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44 (c) Commits a felony of the third degree for a violation  
45 that occurs after being found to have committed a misdemeanor of  
46 the first degree for sexting, punishable as provided in s.  
47 775.082, s. 775.083, or s. 775.084, Florida Statutes.

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

54 (5) As used in this section, the term "found to have  
55  
56

57 -----  
58 **T I T L E A M E N D M E N T**

59 Remove lines 8-9 and insert:

60 providing that a minor commits the offense of sexting if he or  
61 she knowingly possesses a photograph or video of any person that  
62 was transmitted or distributed by another minor which depicts  
63 nudity and is harmful to minors; providing an exception;  
64 providing noncriminal and criminal penalties; providing that the  
65 transmission, distribution, or possession of multiple

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