

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Abruzzo offered the following:

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3 **Substitute Amendment for Amendment (672025) (with title**
4 **amendment)**

5 Remove lines 22-30 and insert:
6 knowingly:

7 (a) Uses a computer, or any other device capable of
8 electronic data transmission or distribution, to transmit or
9 distribute to another minor any photograph or video of any
10 person which depicts nudity, as defined in s. 847.001(9),
11 Florida Statutes, and is harmful to minors, as defined in s.
12 847.001(6), Florida Statutes.

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

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

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

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

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

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

29 (b) The possession of multiple photographs or videos that
30 were transmitted or distributed by a minor prohibited by
31 paragraph (1) (b) is a single offense if the photographs or
32 videos were transmitted or distributed by a minor in the same
33 24-hour period.

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

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

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

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45 (c) Commits a felony of the third degree for a violation
46 that occurs after being found to have committed a misdemeanor of
47 the first degree for sexting, punishable as provided in s.
48 775.082, s. 775.083, or s. 775.084, Florida Statutes.

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

55 (5) As used in this section, the term "found to have
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59 **T I T L E A M E N D M E N T**

60 Remove lines 7-11 and insert:

61 any person which depicts nudity and is harmful to minors, or
62 knowingly possesses such a photograph or video that was
63 transmitted or distributed to the minor from another minor;
64 providing exceptions; providing noncriminal and criminal
65 penalties; providing that the transmission or distribution of
66 multiple photographs or videos is a single offense if the
67 transmission or distribution occurs within a 24-hour period;
68 providing that the possession of multiple photographs or videos
69 that were transmitted or distributed by a minor is a single
70 offense if the transmission or distribution occurs within a 24-
71 hour period; providing
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