

1 A bill to be entitled
 2 An act relating to computer or electronic device
 3 harassment; creating s. 847.0042, F.S.; prohibiting
 4 knowing use of a computer or other device to transmit
 5 or post any photograph or video of an individual which
 6 depicts nudity and specified information relating to
 7 the depicted individual for the purpose of harassment;
 8 providing criminal penalties; providing enhanced
 9 penalties for violations by persons 18 years of age or
 10 older involving victims younger than 16 years of age;
 11 providing for jurisdiction; amending s. 921.244, F.S.;
 12 providing that a person convicted of a violation of s.
 13 847.0042, F.S., be ordered to have no contact with the
 14 victim; providing criminal penalties for violation of
 15 such an order; providing an effective date.

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

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 19 Section 1. Section 847.0042, Florida Statutes, is created
 20 to read:

21 847.0042 Nude depictions with personal identifying
 22 information.-

23 (1) A person may not knowingly transmit or post to a
 24 social networking service or any other website, or knowingly
 25 cause to be transmitted or posted to a social networking service
 26 or another website, in one or more transmissions or posts:

27 (a) A photograph or video that depicts nudity of another
 28 person;

29 (b) Descriptive information in a form that conveys the
30 personal identification information, as defined in s. 817.568,
31 of the person whose nudity is depicted in the photograph or
32 video; and

33 (c) That results in the personal identification
34 information being displayed together with, or being otherwise
35 identifiable as connected with, the photograph or video,
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37 for the purpose of harassing the depicted person or causing
38 others to harass the depicted person. "Harass" means to engage
39 in conduct directed at a specific person that is intended to
40 cause substantial emotional distress to such person and serves
41 no legitimate purpose.

42 (2) (a) Except as provided in paragraph (b), a person who
43 violates this section commits a felony of the third degree,
44 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

45 (b) A person who is 18 years of age or older at the time
46 of violating this section commits a felony of the second degree,
47 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
48 if the violation involves a photograph or video of a person who
49 was younger than 16 years of age at the time the photograph or
50 video was made.

51 (3) An offense is committed within this state if any
52 conduct that is an element of the offense or any harm to the
53 depicted person resulting from the offense occurs within this
54 state.

55 Section 2. Section 921.244, Florida Statutes, is amended
56 to read:

57 | 921.244 Order of no contact; penalties.—

58 | (1) At the time of sentencing an offender convicted of a
59 | violation of s. 794.011, s. 800.04, s. 847.0042, s. 847.0135(5),
60 | or any offense in s. 775.084(1)(b)1.a.-o., the court shall order
61 | that the offender be prohibited from having any contact with the
62 | victim, directly or indirectly, including through a third
63 | person, for the duration of the sentence imposed. The court may
64 | reconsider the order upon the request of the victim if the
65 | request is made at any time after the victim has attained 18
66 | years of age. In considering the request, the court shall
67 | conduct an evidentiary hearing to determine whether a change of
68 | circumstances has occurred which warrants a change in the court
69 | order prohibiting contact and whether it is in the best interest
70 | of the victim that the court order be modified or rescinded.

71 | (2) Any offender who violates a court order issued under
72 | this section commits a felony of the third degree, punishable as
73 | provided in s. 775.082, s. 775.083, or s. 775.084.

74 | (3) The punishment imposed under this section shall run
75 | consecutive to any former sentence imposed for a conviction for
76 | any offense under s. 794.011, s. 800.04, s. 847.0135(5), or any
77 | offense in s. 775.084(1)(b)1.a.-o.

78 | Section 3. This act shall take effect October 1, 2013.