



275298

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete lines 23 - 55
and insert:

847.0042 Nude depictions with personal identifying information.-

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

(a) A photograph or video which depicts nudity of another person, and



275298

13 (b) Descriptive information in any form that conveys the
14 personal identification information, as defined in s. 817.568,
15 of the person whose nudity is depicted in the photograph or
16 video;

17 (c) That results in the personal identification information
18 being displayed together with, or being otherwise identifiable
19 as connected with, the photograph or video;

20
21 for the purpose of harassing the depicted person or causing
22 others to harass the depicted person. "Harass" means to engage
23 in conduct directed at a specific person that is intended to
24 cause substantial emotional distress to such person and serves
25 no legitimate purpose.

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

29 (b) A person who is 18 years of age or older at the time of
30 violating this section commits a felony of the second degree,
31 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
32 if the violation involves a photograph or video of a person who
33 was younger than 16 years of age at the time the photograph or
34 video was made.

35 (3) An offense is committed within this state if any
36 conduct that is an element of the offense or any harm to the
37 depicted person resulting from the offense occurs within this
38 state.

39
40 ===== T I T L E A M E N D M E N T =====

41 And the title is amended as follows:



275298

42 Delete lines 6 - 9
43 and insert:
44 depicts nudity and specified information relating to
45 the depicted individual for the purpose of harassment;
46 providing criminal penalties;