

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Stevenson offered the following:

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Amendment (with title amendment)

Remove lines 15-54 and insert:

(a) A person depicted in a sexually explicit image taken with the person's consent may retain ~~has~~ a reasonable expectation that the image will remain private despite sharing the image with another person, such as an intimate partner.

(b) It is becoming a common practice for persons to publish a sexually explicit image of another to Internet websites or to disseminate such an image through electronic means without the depicted person's consent, contrary to the depicted person's reasonable expectation of privacy, for no

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16 legitimate purpose, with the intent of causing substantial
17 emotional distress to the depicted person.

18 (c) When such images are published on Internet websites,
19 the images ~~they~~ are able to be viewed indefinitely by persons
20 worldwide and are able to be easily reproduced and shared.

21 (d) The publication or dissemination of such images
22 through the use of an Internet websites or electronic means
23 creates a permanent record of the depicted person's private
24 nudity or private sexually explicit conduct.

25 (e) The existence of such images on Internet websites or
26 the dissemination of such images without the consent of all
27 parties depicted in the images causes those depicted in such
28 images significant psychological harm.

29 (f) Safeguarding the psychological well-being and privacy
30 interests of persons depicted in such images is compelling.

31 (2) As used in this section, the term:

32 (a) "Image" includes, but is not limited to, any
33 photograph, picture, motion picture, film, video, or
34 representation.

35 (b) "Personal identification information" means any
36 information that identifies an individual, and includes, but is
37 not limited to, any name, postal or electronic mail address,
38 telephone number, social security number, date of birth, or any
39 unique physical representation ~~has the same meaning as provided~~
40 ~~in s. 817.568.~~

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41 (c) "Sexually cyberharass" means to publish to an Internet
42 website or disseminate through electronic means to another
43 person a sexually explicit image of a person that contains or
44 conveys the personal identification information of the depicted
45 person ~~to an Internet website~~ without the depicted person's
46 consent, contrary to the depicted person's reasonable
47 expectation that the image would remain private, for no
48 legitimate purpose, with the intent of causing substantial
49 emotional distress to the depicted person. Evidence that the
50 depicted person sent a sexually explicit image to another person
51 does not, on its own, remove his or her reasonable expectation
52 of privacy for that image.

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55 **T I T L E A M E N D M E N T**

56 Remove line 6 and insert:
57 means other than publication on a website; requiring that a
58 person have a reasonable expectation of privacy in an image to
59 qualify as sexual cyberharassment; providing