

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Criminal Justice

[2019s01136.hms]

BILL: SB 1136
INTRODUCER: Senators Harrell and Perry
SUBJECT: Cyberharassment
DATE: May 1, 2019

I. Amendments Contained in Message:

House Amendment 1 – 589573 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 removes most of the provisions of the Senate bill and substitutes most of the substance of CS/HB 1043, the House companion bill. The substantive differences between this amendment and the Senate bill include the following:

- In legislative findings regarding s. 784.049, F.S., which punishes sexual cyberharrasment, the Senate bill retains the current statutory finding that a person depicted in a sexually explicit image taken without the person’s consent has a reasonable expectation that this image will remain private. The House amendment modifies this finding: the depicted person “may retain” such privacy expectation despite sharing this image with another person, such as an intimate partner. The House amendment also modifies other legislative findings consistent with this privacy expectation.
- The House amendment amends the definition of “sexually cyberharass” to provide that publication or dissemination of a sexually explicit image must be contrary to the depicted person’s reasonable expectation that this image would remain private.
- The House amendment provides that evidence that the depicted person sent a sexually explicit image to another person does not, on its own, eliminate the depicted person’s reasonable expectation of privacy in this image. The Senate bill does not contain this provision.