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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2025	.	
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	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present paragraphs (d), (e), and (f) of
subsection (1) of section 784.049, Florida Statutes, are
redesignated as paragraphs (e), (f), and (g), respectively,
present subsections (4) through (7) are redesignated as
subsections (5) through (8), respectively, a new paragraph (d)
is added to subsection (1) and a new subsection (4) is added to



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that section, and paragraph (a) of subsection (1), subsections (2) and (3), and present subsection (5) of that section are amended, to read:

784.049 Sexual cyberharassment.—

(1) The Legislature finds that:

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

(d) A person depicted in a digitally forged intimate image created by or with the consent of the depicted person retains a reasonable expectation of privacy despite sharing the image with another person.

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

(a) "Digitally forged intimate image" means an image that has been created, altered, adopted, or modified by electronic, mechanical, or other computer-generated means; depicts nudity of an identifiable individual as defined in s. 847.001; and appears to a reasonable person to be indistinguishable from an authentic visual depiction of the individual, regardless of whether the visual depiction indicates, through a label or some other form of information published with the visual depiction, that the visual depiction is not authentic.

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

(c) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a



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40 fully opaque covering of any portion thereof below the top of
41 the nipple; or the depiction of covered male genitals in a
42 discernibly turgid state. A mother's breastfeeding of her baby
43 does not, under any circumstance, constitute nudity, regardless
44 of whether the nipple is covered during or incidental to
45 feeding.

46 (d)-(b) "Personal identification information" means any
47 information that identifies an individual, and includes, but is
48 not limited to, any name, postal or electronic mail address,
49 telephone number, social security number, date of birth, or any
50 unique physical representation.

51 (e)-(c) "Sexually cyberharass" means to publish to an
52 Internet website or disseminate through electronic means to
53 another person a sexually explicit image of a person that
54 contains or conveys the personal identification information of
55 the depicted person without the depicted person's consent,
56 contrary to the depicted person's reasonable expectation that
57 the image would remain private, for no legitimate purpose, with
58 the intent of causing substantial emotional distress to the
59 depicted person. Evidence that the depicted person sent a
60 sexually explicit image to another person does not, on its own,
61 remove his or her reasonable expectation of privacy for that
62 image. Absent affirmative consent to disseminate, the depicted
63 person retains his or her reasonable expectation of privacy.

64 (f)-(d) "Sexually explicit image" means a digitally forged
65 intimate image or an ~~any~~ image depicting nudity, ~~as defined in~~
66 ~~s. 847.001,~~ or depicting a person engaging in sexual conduct, ~~as~~
67 defined in s. 847.001.

68 (3)(a) Except as provided in paragraph (b), a person who



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willfully and maliciously sexually cyberharasses another person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Upon a second or subsequent ~~a person who has one prior conviction for a violation of paragraph (a), a person sexual cyberharassment and who commits a second or subsequent sexual cyberharassment~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) Except as provided in paragraph (b), a person who violates paragraph (3)(a) with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Upon a second or subsequent conviction for a violation of paragraph (a), a person commits a felony of the second degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.

~~(6)-(5)~~ An aggrieved person may initiate a civil action against a person who violates this section to obtain all appropriate relief in order to prevent or remedy a violation of this section, including all of the following:

(a) Injunctive relief.

(b) Monetary damages to include \$10,000 or actual damages incurred as a result of a violation of this section, whichever is greater.

(c) Punitive damages.

(d)-(e) Reasonable attorney fees and costs.

Section 2. Subsection (22) is added to section 775.15,



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Florida Statutes, to read:

775.15 Time limitations; general time limitations;
exceptions.—

(22)(a) A prosecution for a misdemeanor violation of s.
784.049 must be commenced within 5 years after the commission of
the offense or within 3 years after the date on which the victim
obtains knowledge of the offense or should have obtained such
knowledge by the exercise of due diligence.

(b) A prosecution for a felony violation of s. 784.049 must
be commenced within 7 years after the commission of the offense
or within 3 years after the date on which the victim obtains
knowledge of the offense or should have obtained such knowledge
by the exercise of due diligence.

Section 3. This act shall take effect October 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to sexual cyberharassment; amending s.
784.049, F.S.; providing and revising legislative
findings; defining terms and revising definitions of
terms; providing criminal penalties for persons who
sexually cyberharass other persons with specified
intent or purpose; providing criminal penalties for
persons who commit the offense of sexual
cyberharassment with a specified intent or purpose;
providing enhanced criminal penalties for second or



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127 subsequent violations; authorizing an aggrieved person
128 to initiate a civil action to recover punitive
129 damages; making technical changes; amending s. 775.15,
130 F.S.; providing time limitations for commencing
131 prosecution for violations of sexual cyberharassment;
132 providing an effective date.