



423516

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
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	.	
	.	

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (1), (2), and (3) of section  
827.071, Florida Statutes, are amended, and subsections (4),  
(5), and (6) of that section are republished, to read:

827.071 Sexual performance by a child; child pornography;  
penalties.—

(1) As used in this section, the term ~~following definitions~~



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11 ~~shall apply:~~

12 (a) "Anus" means the end of the gastrointestinal tract and  
13 the opening of the rectum to the outside of the body.

14 (b) "Child" or "minor" means any person, whose identity is  
15 known or unknown, younger than 18 years of age.

16 (c) ~~(b)~~ "Child pornography" means:

17 1. Any image depicting a minor engaged in sexual conduct;

18 or

19 2. Any image that has been created, altered, adapted, or  
20 modified by electronic, mechanical, or other means, to portray  
21 an identifiable minor engaged in sexual conduct.

22 (d) ~~(c)~~ "Deviate sexual intercourse" means sexual conduct  
23 between persons not married to each other consisting of contact  
24 between the penis and the anus, the mouth and the penis, or the  
25 mouth and the vulva.

26 (e) ~~(d)~~ "Female genitals" includes the labia minora, labia  
27 majora, clitoris, vulva, hymen, and vagina.

28 (f) ~~(e)~~ "Identifiable minor" means a person:

29 1. Who was a minor at the time the image was created,  
30 altered, adapted, or modified, or whose image as a minor was  
31 used in the creating, altering, adapting, or modifying of the  
32 image; and

33 2. Who is recognizable as an actual person by the person's  
34 face, likeness, or other distinguishing characteristic, such as  
35 a unique birthmark, or other recognizable feature.

36

37 The term may not be construed to require proof of the actual  
38 identity of the identifiable minor.

39 (g) ~~(f)~~ "Intentionally view" means to deliberately,



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40 purposefully, and voluntarily view. Proof of intentional viewing  
41 requires establishing more than a single image, motion picture,  
42 exhibition, show, image, data, computer depiction,  
43 representation, or other presentation over any period of time.

44 (h) "Male genitals" includes the penis and the scrotum.

45 (i)~~(g)~~ "Performance" means any play, motion picture,  
46 photograph, or dance or any other visual representation  
47 exhibited before an audience.

48 (j)~~(h)~~ "Promote" means to procure, manufacture, issue,  
49 sell, give, provide, lend, mail, deliver, transfer, transmit,  
50 transmute, publish, distribute, circulate, disseminate,  
51 present, exhibit, send, post, share, or advertise or to offer or  
52 agree to do the same.

53 (k)~~(i)~~ "Sadomasochistic abuse" means flagellation or  
54 torture by or upon a person, or the condition of being fettered,  
55 bound, or otherwise physically restrained, for the purpose of  
56 deriving sexual satisfaction from inflicting harm on another or  
57 receiving such harm oneself.

58 (l)~~(j)~~ "Sexual battery" means oral, anal, or female genital  
59 penetration by, or union with, the sexual organ of another or  
60 the anal or female genital penetration of another by any other  
61 object. The term; however, "sexual battery" does not include an  
62 act done for a bona fide medical purpose.

63 (m)~~(k)~~ "Sexual bestiality" means any sexual act between a  
64 person and an animal involving the sex organ of the one and the  
65 mouth, anus, or female genitals of the other.

66 (n)1.~~(l)~~ "Sexual conduct" means actual or simulated sexual  
67 intercourse, deviate sexual intercourse, sexual bestiality,  
68 masturbation, or sadomasochistic abuse; actual or simulated lewd



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69 exhibition of the genitals or anus; actual physical contact with  
70 a person's clothed or unclothed genitals, pubic area, buttocks,  
71 or, if such person is a female, breast, with the intent to  
72 arouse or gratify the sexual desire of either party; or any act  
73 or conduct which constitutes sexual battery or simulates that  
74 sexual battery is being or will be committed. A mother's  
75 breastfeeding of her baby does not under any circumstance  
76 constitute "sexual conduct." The term includes masturbation by a  
77 person in the presence of a child or ejaculation on any part of  
78 a child's body or clothing.

79 2. As used in subparagraph 1., the term "actual or  
80 simulated lewd exhibition of the genitals or anus" may be  
81 evidenced by the overall content of an image, taking into  
82 account the age of the minor depicted and including, but not  
83 limited to, whether:

84 a. The focal point of the image is on the minor's genitals  
85 or anus;

86 b. The setting of the image is sexually suggestive or in a  
87 place or pose generally associated with sexual conduct;

88 c. The minor is depicted in an unnatural pose, or in  
89 inappropriate attire, considering the age of the minor;

90 d. The image suggests sexual coyness or a willingness to  
91 engage in sexual conduct; or

92 e. The image is intended or designed to elicit a sexual  
93 response in the viewer.

94 (o) ~~(m)~~ "Sexual performance" means any performance or part  
95 thereof which includes sexual conduct by a child.

96 (p) ~~(n)~~ "Simulated" means the explicit depiction of conduct  
97 set forth in paragraph (n) ~~(l)~~ which creates the appearance of



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98 such conduct and which exhibits any uncovered portion of the  
99 breasts, genitals, or buttocks.

100 (2) A person commits ~~is guilty of~~ the use of a child in a  
101 sexual performance if, knowing the character and content  
102 thereof, he or she employs, authorizes, or induces a child to  
103 engage in a sexual performance or, being a parent, legal  
104 guardian, or custodian of such child, consents to the  
105 participation by such child in a sexual performance. A person  
106 who violates this subsection commits a felony of the second  
107 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
108 775.084.

109 (3) A person commits ~~is guilty of~~ promoting a sexual  
110 performance by a child if ~~when~~, knowing the character and  
111 content thereof, he or she produces, directs, or promotes any  
112 performance which includes sexual conduct by a child. A person  
113 who violates this subsection commits a felony of the second  
114 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
115 775.084.

116 (4) It is unlawful for any person to possess with the  
117 intent to promote any photograph, motion picture, exhibition,  
118 show, representation, or other presentation which, in whole or  
119 in part, includes child pornography. The possession of three or  
120 more copies of such photograph, motion picture, representation,  
121 or presentation is prima facie evidence of an intent to promote.  
122 A person who violates this subsection commits a felony of the  
123 second degree, punishable as provided in s. 775.082, s. 775.083,  
124 or s. 775.084.

125 (5)(a) It is unlawful for any person to knowingly possess,  
126 control, or intentionally view a photograph, motion picture,



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127 exhibition, show, representation, image, data, computer  
128 depiction, or other presentation which, in whole or in part, he  
129 or she knows to include child pornography. The possession,  
130 control, or intentional viewing of each such photograph, motion  
131 picture, exhibition, show, image, data, computer depiction,  
132 representation, or presentation is a separate offense. If such  
133 photograph, motion picture, exhibition, show, representation,  
134 image, data, computer depiction, or other presentation includes  
135 child pornography depicting more than one child, then each such  
136 child in each such photograph, motion picture, exhibition, show,  
137 representation, image, data, computer depiction, or other  
138 presentation that is knowingly possessed, controlled, or  
139 intentionally viewed is a separate offense. A person who  
140 violates this paragraph commits a felony of the third degree,  
141 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

142 (b) Paragraph (a) does not apply to any material possessed,  
143 controlled, or intentionally viewed as part of a law enforcement  
144 investigation.

145 (6) Prosecution of a person for an offense under this  
146 section does not preclude prosecution of that person in this  
147 state for a violation of any other law of this state, including  
148 a law providing for greater penalties than prescribed in this  
149 section or any other crime punishing the sexual performance or  
150 the sexual exploitation of children.

151 Section 2. Section 836.13, Florida Statutes, is amended to  
152 read:

153 836.13 ~~Promotion of an~~ Altered sexual depictions ~~depiction~~;  
154 prohibited acts; penalties; applicability.-

155 (1) As used in this section, the term:



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156 (a) "Altered sexual depiction" means any visual depiction  
157 that, as a result of any type of digital, electronic,  
158 mechanical, or other modification, alteration, or adaptation,  
159 depicts a realistic version of an identifiable person:

160 1. With the nude body parts of another person as the nude  
161 body parts of the identifiable person;

162 2. With computer-generated nude body parts as the nude body  
163 parts of the identifiable person; or

164 3. Engaging in sexual conduct as defined in s. 847.001 in  
165 which the identifiable person did not engage.

166 (b) "Generate" means to create, alter, adapt, or modify any  
167 image by electronic, mechanical, or other computer-generated  
168 means to portray an identifiable person or to offer or agree to  
169 do the same.

170 (c) ~~(b)~~ "Identifiable person" means a person who is  
171 recognizable as an actual person by the person's face, likeness,  
172 or other distinguishing characteristic, such as a unique  
173 birthmark, or other recognizable feature.

174 (d) ~~(e)~~ "Nude body parts" means the human male or female  
175 genitals, pubic area, or buttocks with less than fully opaque  
176 covering; or the female breast with less than a fully opaque  
177 covering of any portion thereof below the top of the nipple; or  
178 the depiction of covered male genitals in a discernibly turgid  
179 state. The term does not under any circumstances include a  
180 mother breastfeeding her baby.

181 (e) "Possess" means to knowingly or intentionally keep,  
182 control, maintain, store, or own, physically or electronically,  
183 any altered sexual depiction of an identifiable person without  
184 the consent of the identifiable person.



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185        (f)~~(d)~~ "Promote" means to issue, sell, give, provide, lend,  
186 mail, deliver, transfer, transmit, transmute, publish,  
187 distribute, circulate, disseminate, present, exhibit, send,  
188 post, share, or advertise or to offer or agree to do the same.

189        (g)~~(e)~~ "Visual depiction" includes, but is not limited to,  
190 a photograph, picture, image, motion picture, film, video, or  
191 other visual representation.

192        (2) A person who willfully and maliciously promotes any  
193 altered sexual depiction of an identifiable person, without the  
194 consent of the identifiable person, and who knows or reasonably  
195 should have known that such visual depiction was an altered  
196 sexual depiction, commits a felony of the third degree,  
197 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
198 An act done for a bona fide medical, literary, academic, or  
199 scientific purpose is not a violation of this subsection.

200        (3) A person who willfully and maliciously generates any  
201 altered sexual depiction of an identifiable person, without the  
202 consent of the identifiable person, and who knows or reasonably  
203 should have known that such visual depiction was an altered  
204 sexual depiction, commits a felony of the third degree,  
205 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
206 An act done for a bona fide medical, literary, academic, or  
207 scientific purpose is not a violation of this subsection.

208        (4) A person who willfully and maliciously possesses any  
209 altered sexual depiction of an identifiable person, without the  
210 consent of the identifiable person, and who knows or reasonably  
211 should have known that such visual depiction was an altered  
212 sexual depiction, commits a felony of the third degree,  
213 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.





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214 An act done for a bona fide medical, literary, academic, or  
215 scientific purpose is not a violation of this subsection.

216 (5)~~(3)~~ Every act, thing, or transaction prohibited by this  
217 section constitutes a separate offense and is punishable as  
218 such.

219 (6)~~(4)~~ The presence of a disclaimer within an altered  
220 sexual depiction which notifies a viewer that the person or  
221 persons depicted did not consent to or participate in the  
222 generation, possession, creation or promotion of the material,  
223 or that the person or persons depicted did not actually perform  
224 the actions portrayed, is not a defense and does not relieve a  
225 person of criminal liability under this section.

226 (7)~~(5)~~ An aggrieved person may initiate a civil action  
227 against a person who violates subsection (2) or subsection (3)  
228 to obtain appropriate relief in order to prevent or remedy a  
229 violation of subsection (2) or subsection (3), including all of  
230 the following:

231 (a) Injunctive relief.

232 (b) Monetary damages to include \$10,000 or actual damages  
233 incurred as a result of a violation of subsection (2) or  
234 subsection (3), whichever is greater.

235 (c) Reasonable attorney fees and costs.

236 (8)~~(6)~~ The criminal and civil penalties of this section do  
237 not apply to:

238 (a) A provider of an interactive computer service as  
239 defined in 47 U.S.C. s. 230(f), of an information service as  
240 defined in 47 U.S.C. s. 153, or of a communications service as  
241 defined in s. 202.11 which provides the transmission, storage,  
242 or caching of electronic communications or messages of others;



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243 another related telecommunications or commercial mobile radio  
244 service; or content provided by another person;

245 (b) A law enforcement officer, as defined in s. 943.10, or  
246 any local, state, federal, or military law enforcement agency  
247 engaged in ~~that promotes an altered sexual depiction in~~  
248 ~~connection with~~ the performance of his or her duties as a law  
249 enforcement officer or the duties of the law enforcement agency;

250 (c) A person reporting unlawful activity; or

251 (d) A person participating in a hearing, trial, or other  
252 legal proceeding.

253 ~~(9)(7)~~ A violation of this section is committed within this  
254 state if any conduct that is an element of the offense, or any  
255 harm to the depicted person resulting from the offense, occurs  
256 within this state.

257 ~~(10)(8)~~ Prosecution of a person for an offense under this  
258 section does not preclude prosecution of that person in this  
259 state for a violation of any other law of this state, including  
260 a law providing for greater penalties than prescribed in this  
261 section or any other crime related to child pornography or the  
262 sexual performance or the sexual exploitation of children.

263 Section 3. Paragraph (c) of subsection (3) of section  
264 921.0022, Florida Statutes, is amended to read:

265 921.0022 Criminal Punishment Code; offense severity ranking  
266 chart.-

267 (3) OFFENSE SEVERITY RANKING CHART

268 (c) LEVEL 3

269

Florida Statute	Felony Degree	Description
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270	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
271	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
272	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
273	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
274	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
275	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
276	319.33 (1) (c)	3rd	Procure or pass title on



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277			stolen vehicle.
	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
278			
	327.35(2)(b)	3rd	Felony BUI.
279			
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
280			
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
281			
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
282			
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed,



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transferring, selling,  
offering to sell,  
molesting, or harassing  
marine turtles, marine  
turtle eggs, or marine  
turtle nests in violation  
of the Marine Turtle  
Protection Act.

283

379.2431  
(1) (e) 6.

3rd

Possessing any marine  
turtle species or  
hatchling, or parts  
thereof, or the nest of  
any marine turtle species  
described in the Marine  
Turtle Protection Act.

284

379.2431  
(1) (e) 7.

3rd

Soliciting to commit or  
conspiring to commit a  
violation of the Marine  
Turtle Protection Act.

285

400.9935 (4) (a)  
or (b)

3rd

Operating a clinic, or  
offering services  
requiring licensure,  
without a license.

286

400.9935 (4) (e)

3rd

Filing a false license  
application or other



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287			required information or failing to report information.
288	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
289	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
290	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
291	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
292	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
	697.08	3rd	Equity skimming.



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293	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
294	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
295	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
296	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
297	810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
298	810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
299			



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300	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
301	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
302	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
303	812.081 (2)	3rd	Theft of a trade secret.
304	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
305	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
306	817.233	3rd	Burning to defraud insurer.
	817.234	3rd	Unlawful solicitation of





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307	(8) (b) & (c)		persons involved in motor vehicle accidents.
308	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
309	817.236	3rd	Filing a false motor vehicle insurance application.
310	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
311	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
312	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to



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defraud.

313

831.29

2nd

Possession of instruments  
for counterfeiting driver  
licenses or identification  
cards.

314

836.13 (2)

3rd

Promoting ~~Person who~~  
~~promotes~~ an altered sexual  
depiction of an  
identifiable person  
without consent.

315

836.13 (3)

3rd

Generating an altered  
sexual depiction of an  
identifiable person  
without consent.

316

836.13 (4)

3rd

Possessing an altered  
sexual depiction of an  
identifiable person  
without consent.

317

838.021 (3) (b)

3rd

Threatens unlawful harm to  
public servant.

318

847.01385

3rd

Harmful communication to a  
minor.

319



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320	860.15(3)	3rd	Overcharging for repairs and parts.
321	870.01(2)	3rd	Riot.
322	870.01(4)	3rd	Inciting a riot.
323	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
324	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6.,



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(2) (c) 7., (2) (c) 8.,  
(2) (c) 9., (2) (c) 10., (3),  
or (4) drugs within 1,000  
feet of public housing  
facility.

325

893.13(4)(c)

3rd

Use or hire of minor;  
deliver to minor other  
controlled substances.

326

893.13(6)(a)

3rd

Possession of any  
controlled substance other  
than felony possession of  
cannabis.

327

893.13(7)(a)8.

3rd

Withhold information from  
practitioner regarding  
previous receipt of or  
prescription for a  
controlled substance.

328

893.13(7)(a)9.

3rd

Obtain or attempt to  
obtain controlled  
substance by fraud,  
forgery,  
misrepresentation, etc.

329

893.13(7)(a)10.

3rd

Affix false or forged  
label to package of



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controlled substance.

330

893.13(7)(a)11.

3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

331

893.13(8)(a)1.

3rd

Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

332

893.13(8)(a)2.

3rd

Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

333

893.13(8)(a)3.

3rd

Knowingly write a prescription for a controlled substance for a



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fictitious person.

334

893.13(8)(a)4.

3rd

Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

335

918.13(1)

3rd

Tampering with or fabricating physical evidence.

336

944.47  
(1)(a)1. & 2.

3rd

Introduce contraband to correctional facility.

337

944.47(1)(c)

2nd

Possess contraband while upon the grounds of a correctional institution.

338

985.721

3rd

Escapes from a juvenile facility (secure detention or residential commitment facility).

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340

341

Section 4. This act shall take effect October 1, 2025.



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===== 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 images; amending s. 827.071,  
F.S.; defining terms and revising definitions; making  
technical changes; amending s. 836.13, F.S.; defining  
terms; providing criminal penalties for persons who  
willfully and maliciously generate or possess an  
altered sexual depiction of an identifiable person  
without the consent of the identifiable person;  
providing exceptions; specifying what is not  
considered a defense to the offenses; authorizing an  
aggrieved person to initiate a civil action against  
persons who violate specified provisions; revising  
applicability; amending s. 921.0022, F.S.; ranking  
offenses created by the act on the offense severity  
ranking chart of the Criminal Punishment Code;  
providing an effective date.