

By Senator Gaetz

1-01171A-25

20251180\_\_

1                   A bill to be entitled  
2           An act relating to sexual images; amending s. 827.071,  
3           F.S.; revising definitions; prohibiting lewd imagery  
4           or depictions involving a child; prohibiting the  
5           creation of such depictions; providing criminal  
6           penalties; amending s. 836.13, F.S.; defining the term  
7           "generate"; prohibiting the generation of nude photos  
8           involving identifiable persons; providing criminal  
9           penalties; authorizing civil actions for violations of  
10          such prohibition; amending s. 921.0022, F.S.; ranking  
11          an offense created by the act on the offense severity  
12          ranking chart of the Criminal Punishment Code;  
13          providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Paragraphs (b) and (1) of subsection (1) of  
18           section 827.071, Florida Statutes, are amended, and subsections  
19           (2) through (5) of that section are republished, to read:

20           827.071 Sexual performance by a child; child pornography;  
21           penalties.—

22           (1) As used in this section, the following definitions  
23           shall apply:

24           (b) "Child pornography" means:

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

26           ~~or~~

27           2. Any image that has been created, altered, adapted, or  
28           modified by electronic, mechanical, or other means, to portray  
29           an identifiable minor engaged in sexual conduct; or

1-01171A-25

20251180\_\_

30       3. Any image depicting a minor with actual or simulated  
31 exhibition of the genitals.

32       (1)1. "Sexual conduct" means actual or simulated sexual  
33 intercourse, deviate sexual intercourse, sexual bestiality,  
34 masturbation, or sadomasochistic abuse; actual or simulated lewd  
35 exhibition of the genitals; actual physical contact with a  
36 person's clothed or unclothed genitals, pubic area, buttocks,  
37 or, if such person is a female, breast, with the intent to  
38 arouse or gratify the sexual desire of either party; or any act  
39 or conduct which constitutes sexual battery or simulates that  
40 sexual battery is being or will be committed. A mother's  
41 breastfeeding of her baby does not under any circumstance  
42 constitute "sexual conduct."

43       2. As used in subparagraph 1., the term "actual or lewd  
44 exhibition of the genitals" may be evidenced by the overall  
45 content of the visual depiction, taking into account the age of  
46 the minor and, including, but not limited to, whether:

47       a. The focal point of the visual depiction is on the  
48 child's genitalia or pubic area;

49       b. The setting of the visual depiction is sexually  
50 suggestive or in a place or pose generally associated with  
51 sexual activity;

52       c. The child is depicted in an unnatural pose, or in  
53 inappropriate attire, considering the age of the child;

54       d. The visual depiction suggests sexual coyness or a  
55 willingness to engage in sexual activity; or

56       e. The visual depiction is intended or designed to elicit a  
57 sexual response in the viewer.

58       (2) A person is guilty of the use of a child in a sexual

1-01171A-25

20251180\_\_

59 performance if, knowing the character and content thereof, he or  
60 she employs, authorizes, or induces a child to engage in a  
61 sexual performance or, being a parent, legal guardian, or  
62 custodian of such child, consents to the participation by such  
63 child in a sexual performance. A person who violates this  
64 subsection commits a felony of the second degree, punishable as  
65 provided in s. 775.082, s. 775.083, or s. 775.084.

66 (3) A person is guilty of promoting a sexual performance by  
67 a child when, knowing the character and content thereof, he or  
68 she produces, directs, or promotes any performance which  
69 includes sexual conduct by a child. A person who violates this  
70 subsection commits a felony of the second degree, punishable as  
71 provided in s. 775.082, s. 775.083, or s. 775.084.

72 (4) It is unlawful for any person to possess with the  
73 intent to promote any photograph, motion picture, exhibition,  
74 show, representation, or other presentation which, in whole or  
75 in part, includes child pornography. The possession of three or  
76 more copies of such photograph, motion picture, representation,  
77 or presentation is prima facie evidence of an intent to promote.  
78 A person who violates this subsection commits a felony of the  
79 second degree, punishable as provided in s. 775.082, s. 775.083,  
80 or s. 775.084.

81 (5) (a) It is unlawful for any person to knowingly possess,  
82 control, or intentionally view a photograph, motion picture,  
83 exhibition, show, representation, image, data, computer  
84 depiction, or other presentation which, in whole or in part, he  
85 or she knows to include child pornography. The possession,  
86 control, or intentional viewing of each such photograph, motion  
87 picture, exhibition, show, image, data, computer depiction,

1-01171A-25

20251180\_\_

88 representation, or presentation is a separate offense. If such  
89 photograph, motion picture, exhibition, show, representation,  
90 image, data, computer depiction, or other presentation includes  
91 child pornography depicting more than one child, then each such  
92 child in each such photograph, motion picture, exhibition, show,  
93 representation, image, data, computer depiction, or other  
94 presentation that is knowingly possessed, controlled, or  
95 intentionally viewed is a separate offense. A person who  
96 violates this paragraph commits a felony of the third degree,  
97 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

101 Section 2. Present paragraphs (b) through (e) of subsection  
102 (1) of section 836.13, Florida Statutes, are redesignated as  
103 paragraphs (c) through (f), respectively, a new paragraph (b) is  
104 added to that subsection, present subsections (3) through (8) of  
105 that section are renumbered as subsections (4) through (9),  
106 respectively, present subsection (5) is amended, and a new  
107 subsection (3) is added to that section, to read:

108 836.13 ~~Promotion of an~~ Altered sexual depiction; prohibited  
109 acts; penalties; applicability.-

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

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

115 (3) A person who willfully generates or possesses any  
116 altered sexual depiction of an identifiable person, without the

1-01171A-25

20251180\_\_

117 consent of the identifiable person, and who knows or reasonably  
 118 should have known that such visual depiction was an altered  
 119 sexual depiction commits a felony of the third degree,  
 120 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

121 ~~(6)-(5)~~ An aggrieved person may initiate a civil action  
 122 against a person who violates subsection (2) or subsection (3)  
 123 to obtain appropriate relief in order to prevent or remedy a  
 124 violation of subsection (2) or subsection (3), including all of  
 125 the following:

126 (a) Injunctive relief.

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

130 (c) Reasonable attorney fees and costs.

131 Section 3. Paragraph (c) of subsection (3) of section  
 132 921.0022, Florida Statutes, is amended to read:

133 921.0022 Criminal Punishment Code; offense severity ranking  
 134 chart.—

135 (3) OFFENSE SEVERITY RANKING CHART

136 (c) LEVEL 3

137

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066	3rd	Unlawfully obtaining or using

138

139

1-01171A-25 20251180\_\_

140	(3) (b) - (d)		confidential crash reports.
141	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
142	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
143	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
144	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
145	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
146	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
147	327.35 (2) (b)	3rd	Felony BUI.
	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or

1-01171A-25

20251180\_\_

fraudulent titles or bills of  
sale of vessels.

148

328.07(4)

3rd

Manufacture, exchange, or  
possess vessel with counterfeit  
or wrong ID number.

149

376.302(5)

3rd

Fraud related to reimbursement  
for cleanup expenses under the  
Inland Protection Trust Fund.

150

379.2431  
(1)(e)5.

3rd

Taking, disturbing, mutilating,  
destroying, causing to be  
destroyed, 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.

151

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.

152

379.2431

3rd

Soliciting to commit or

1-01171A-25

20251180\_\_

(1) (e) 7.

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

153

400.9935 (4) (a)  
or (b)

3rd

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

154

400.9935 (4) (e)

3rd

Filing a false license application or other required information or failing to report information.

155

440.1051 (3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

156

501.001 (2) (b)

2nd

Tampers with a consumer product or the container using materially false/misleading information.

157

624.401 (4) (a)

3rd

Transacting insurance without a certificate of authority.

158

624.401 (4) (b) 1.

3rd

Transacting insurance without a certificate of authority; premium collected less than



1-01171A-25

20251180\_\_

\$20,000.

159  
160  
161  
162  
163  
164  
165  
166

626.902(1)(a) &  
(b)

3rd

Representing an unauthorized insurer.

697.08

3rd

Equity skimming.

790.15(3)

3rd

Person directs another to discharge firearm from a vehicle.

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.

806.10(1)

3rd

Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

806.10(2)

3rd

Interferes with or assaults firefighter in performance of duty.

810.09(2)(b)

3rd

Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

1-01171A-25 20251180\_\_

167	810.145 (2) (c)	3rd	Digital voyeurism; 19 years of age or older.
168	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
169	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
170	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
171	812.081 (2)	3rd	Theft of a trade secret.
172	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
173	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
174	817.233	3rd	Burning to defraud insurer.
175	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.

1-01171A-25 20251180\_\_

176	817.234(11) (a)	3rd	Insurance fraud; property value less than \$20,000.
177	817.236	3rd	Filing a false motor vehicle insurance application.
178	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
179	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
180	817.49(2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
181	831.28(2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.

1-01171A-25

20251180\_\_

182

836.13 (2) 3rd Person who promotes an altered sexual depiction of an identifiable person without consent.

183

836.13 (3) 3rd Person who generates or possesses an altered sexual depiction of an identifiable person without consent.

184

838.021 (3) (b) 3rd Threatens unlawful harm to public servant.

185

847.01385 3rd Harmful communication to a minor.

186

860.15 (3) 3rd Overcharging for repairs and parts.

187

870.01 (2) 3rd Riot.

188

870.01 (4) 3rd Inciting a riot.

189

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.,

1-01171A-25

20251180\_\_

(2) (c) 10., (3), or (4) drugs).

190

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.

191

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

192

893.13(4)(c)            3rd    Use or hire of minor; deliver  
to minor other controlled  
substances.

193

893.13(6)(a)            3rd    Possession of any controlled  
substance other than felony  
possession of cannabis.

194

893.13(7)(a)8.            3rd    Withhold information from  
practitioner regarding previous  
receipt of or prescription for

1-01171A-25

20251180\_\_

a controlled substance.

195

893.13(7)(a)9.           3rd    Obtain or attempt to obtain  
controlled substance by fraud,  
forgery, misrepresentation,  
etc.

196

893.13(7)(a)10.       3rd    Affix false or forged label to  
package of controlled  
substance.

197

893.13(7)(a)11.       3rd    Furnish false or fraudulent  
material information on any  
document or record required by  
chapter 893.

198

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.

199

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

1-01171A-25

20251180\_\_

obtaining a controlled substance.

200

893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

201

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.

202

918.13(1) 3rd Tampering with or fabricating physical evidence.

203

944.47 (1)(a)1. & 2. 3rd Introduce contraband to correctional facility.

204

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

205

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

1-01171A-25

20251180\_\_

206

207

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