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17 | websites or to disseminate such an image through electronic
18 | means without the depicted person's consent, contrary to the
19 | depicted person's reasonable expectation of privacy, ~~for no~~
20 | ~~legitimate purpose, with the intent of causing substantial~~
21 | ~~emotional distress to the depicted person.~~

22 | (c) When such images are published on Internet websites,
23 | the images are able to be viewed indefinitely by persons
24 | worldwide and are able to be easily reproduced and shared.

25 | (d) The publication or dissemination of such images
26 | through the use of Internet websites or electronic means creates
27 | a permanent record of the depicted person's private nudity or
28 | private sexually explicit conduct.

29 | (e) The existence of such images on Internet websites or
30 | the dissemination of such images without the consent of all
31 | parties depicted in the images causes those depicted in such
32 | images significant psychological harm.

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

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

36 | (a) "Image" includes, but is not limited to, any
37 | photograph, picture, motion picture, film, video, or
38 | representation.

39 | (b) "Personal identification information" means any
40 | information that identifies a person ~~an individual~~, and
41 | includes, but is not limited to, any name, postal or electronic

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42 mail address, telephone number, social security number, date of
43 birth, or any unique physical representation.

44 (c) "Sexually cyberharass" means to intentionally publish
45 to an Internet website or intentionally disseminate through
46 electronic means to another person a sexually explicit image of
47 a person ~~that contains or conveys the personal identification~~
48 ~~information of the depicted person~~ without the depicted person's
49 consent and contrary to the depicted person's reasonable
50 expectation that the image would remain private if:

51 1. The image contains or conveys the personal
52 identification information of the depicted person; or

53 2. The personal identification information of the depicted
54 person is not contained or conveyed in the image itself, but is
55 contemporaneously published or disseminated in such a manner
56 that a person viewing the personal identification information
57 would reasonably know that such information directly relates to
58 the person depicted in the sexually explicit image, ~~for no~~
59 ~~legitimate purpose, with the intent of causing substantial~~
60 ~~emotional distress to the depicted person.~~

61
62 Evidence that the depicted person sent a sexually explicit image
63 to another person does not, on its own, remove his or her
64 reasonable expectation of privacy for that image.

65 (d) "Sexually explicit image" means any image depicting
66 nudity, as defined in s. 847.001, ~~or~~ depicting a person engaging

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67 in sexual conduct, as defined in s. 847.001, or depicting the
68 display of semen or vaginal secretion on a person.

69 (3) (a) Except as provided in paragraph (b) or subsection
70 (4), a person who willfully and maliciously sexually
71 cyberharasses another person commits a misdemeanor of the first
72 degree, punishable as provided in s. 775.082 or s. 775.083.

73 (b) A person who has one prior conviction for sexual
74 cyberharassment and who commits a second or subsequent sexual
75 cyberharassment commits a felony of the third degree, punishable
76 as provided in s. 775.082, s. 775.083, or s. 775.084.

77 (4) (a) Except as provided in paragraph (b), a person who
78 violates this section for the purpose of pecuniary or any other
79 financial gain commits a felony of the third degree, punishable
80 as provided in s. 775.082, s. 775.083, or s. 775.084.

81 (b) A person who commits a second or subsequent violation
82 of this subsection commits a felony of the second degree,
83 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

84 (5) For purposes of this section, "conviction" means a
85 determination of guilt that is the result of a plea or a trial,
86 regardless of whether adjudication is withheld or a plea of nolo
87 contendere is entered.

88 ~~(6)~~(4) (a) A law enforcement officer may arrest, without a
89 warrant, any person that he or she has probable cause to believe
90 has violated this section.

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91 (b) Upon proper affidavits being made, a search warrant
92 may be issued to further investigate violations of this section,
93 including warrants issued to search a private dwelling.

94 ~~(7)-(5)~~ An aggrieved person may initiate a civil action
95 against a person who violates this section to obtain all
96 appropriate relief in order to prevent or remedy a violation of
97 this section, including the following:

98 (a) Injunctive relief.

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

102 (c) Punitive damages.

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

104 ~~(8)-(6)~~ The criminal and civil penalties of this section do
105 not apply to:

106 (a) A provider of an interactive computer service as
107 defined in 47 U.S.C. s. 230(f), information service as defined
108 in 47 U.S.C. s. 153, or communications service as defined in s.
109 202.11, that provides the transmission, storage, or caching of
110 electronic communications or messages of others; other related
111 telecommunications or commercial mobile radio service; or
112 content provided by another person; or

113 (b) A law enforcement officer, as defined in s. 943.10, or
114 any local, state, federal, or military law enforcement agency,
115 that publishes or disseminates a sexually explicit image in

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116 connection with the performance of his or her duties as a law
117 enforcement officer, or law enforcement agency.

118 ~~(9)(7)~~ A violation of this section is committed within
119 this state if any conduct that is an element of the offense, or
120 any harm to the depicted person resulting from the offense,
121 occurs within this state.

122 **Section 2. Section 775.15, Florida Statutes, is amended to**
123 **read:**

124 775.15 Time limitations; general time limitations;
125 exceptions.—

126 (22) (a) A prosecution for a misdemeanor violation of s.
127 784.049 must be commenced within 5 years after the commission of
128 the offense or within 3 years after the date the victim
129 discovers the offense, whichever is later.

130 (b) A prosecution for a felony violation of s. 784.049
131 must be commenced within 7 years after the commission of the
132 offense or within 3 years after the date the victim discovers
133 the offense, whichever is later.

134 **Section 3. Paragraph (b) of subsection (2) of section**
135 **98.0751, Florida Statutes, is amended to read:**

136 98.0751 Restoration of voting rights; termination of
137 ineligibility subsequent to a felony conviction.—

138 (2) For purposes of this section, the term:

139 (b) "Felony sexual offense" means any of the following:

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- 140 1. Any felony offense that serves as a predicate to
141 registration as a sexual offender in accordance with s.
142 943.0435;
- 143 2. Section 491.0112;
- 144 3. Section 784.049(3) (b) or (4);
- 145 4. Section 794.08;
- 146 5. Section 796.08;
- 147 6. Section 800.101;
- 148 7. Section 826.04;
- 149 8. Section 847.012;
- 150 9. Section 872.06(2);
- 151 10. Section 944.35(3) (b)2.;
- 152 11. Section 951.221(1); or
- 153 12. Any similar offense committed in another jurisdiction
154 which would be an offense listed in this paragraph if it had
155 been committed in violation of the laws of this state.

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

157
158 -----
159 **T I T L E A M E N D M E N T**

160 Remove everything before the enacting clause and insert:
161 An act relating to sexual cyberharassment; amending s.
162 784.049, F.S.; revising legislative findings; revising
163 definitions; revising requirements for an enhanced
164 penalty for a second or subsequent conviction;;

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165 prohibiting violations for pecuniary or any other
166 financial gain; providing criminal penalties;
167 providing for award of punitive damages in civil
168 actions; amending s. 775.15, F.S.; providing statute
169 of limitations for prosecution of a sexual
170 cyberharassment offense; amending s. 98.0751, F.S.;
171 revising the definition of "felony sexual offense" for
172 purposes of voting rights restoration to include new
173 offenses created in this act; providing an effective
174 date.