

1                                   A bill to be entitled  
 2           An act relating to sexual cyberharassment; amending s.  
 3           784.049, F.S.; revising legislative findings; revising  
 4           definitions; revising requirements for an enhanced  
 5           penalty for a second or subsequent conviction;  
 6           prohibiting violations for pecuniary or any other  
 7           financial gain; providing criminal penalties;  
 8           providing for award of punitive damages in civil  
 9           actions; amending s. 775.15, F.S.; providing statute  
 10          of limitations for prosecution of a sexual  
 11          cyberharassment offense; amending s. 98.0751, F.S.;  
 12          revising the definition of "felony sexual offense" for  
 13          purposes of voting rights restoration to include new  
 14          offenses created in this act; providing an effective  
 15          date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:  
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19                   **Section 1. Section 784.049, Florida Statutes, is amended**  
 20 **to read:**

21           784.049 Sexual cyberharassment.—  
 22           (1) The Legislature finds that:  
 23           (a) A person depicted in a sexually explicit image taken  
 24           with the person's consent may retain a reasonable expectation  
 25           that the image will remain private despite sharing the image

26 | with another person, ~~such as an intimate partner.~~

27 |       (b) It is becoming a common practice for persons to  
28 | publish a sexually explicit image of another to Internet  
29 | websites or to disseminate such an image through electronic  
30 | means without the depicted person's consent, contrary to the  
31 | depicted person's reasonable expectation of privacy, ~~for no~~  
32 | ~~legitimate purpose, with the intent of causing substantial~~  
33 | ~~emotional distress to the depicted person.~~

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

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

41 |       (e) The existence of such images on Internet websites or  
42 | the dissemination of such images without the consent of all  
43 | parties depicted in the images causes those depicted in such  
44 | images significant psychological harm.

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

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

48 |       (a) "Image" includes, but is not limited to, any  
49 | photograph, picture, motion picture, film, video, or  
50 | representation.

51 (b) "Personal identification information" means any  
52 information that identifies a person ~~an individual~~, and  
53 includes, but is not limited to, any name, postal or electronic  
54 mail address, telephone number, social security number, date of  
55 birth, or any unique physical representation.

56 (c) "Sexually cyberharass" means to intentionally publish  
57 to an Internet website or intentionally disseminate through  
58 electronic means to another person a sexually explicit image of  
59 a person ~~that contains or conveys the personal identification~~  
60 ~~information of the depicted person~~ without the depicted person's  
61 consent and, contrary to the depicted person's reasonable  
62 expectation that the image would remain private if:

63 1. The image contains or conveys the personal  
64 identification information of the depicted person; or

65 2. The personal identification information of the depicted  
66 person is not contained or conveyed in the image itself, but is  
67 contemporaneously published or disseminated in such a manner  
68 that a person viewing the personal identification information  
69 would reasonably know that such information directly relates to  
70 the person depicted in the sexually explicit image, ~~for no~~  
71 ~~legitimate purpose, with the intent of causing substantial~~  
72 ~~emotional distress to the depicted person.~~

73  
74 Evidence that the depicted person sent a sexually explicit image  
75 to another person does not, on its own, remove his or her

76 reasonable expectation of privacy for that image.

77 (d) "Sexually explicit image" means any image depicting  
78 nudity, as defined in s. 847.001, ~~or~~ depicting a person engaging  
79 in sexual conduct, as defined in s. 847.001, or depicting the  
80 display of semen or vaginal secretion on a person.

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

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

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

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

96 (5) For purposes of this section, the term "conviction"  
97 means a determination of guilt that is the result of a plea or a  
98 trial, regardless of whether adjudication is withheld or a plea  
99 of nolo contendere is entered.

100 (6) (4) (a) A law enforcement officer may arrest, without a

101 warrant, any person that he or she has probable cause to believe  
 102 has violated this section.

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

106 (7)~~(5)~~ An aggrieved person may initiate a civil action  
 107 against a person who violates this section to obtain all  
 108 appropriate relief in order to prevent or remedy a violation of  
 109 this section, including the following:

110 (a) Injunctive relief.

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

114 (c) Punitive damages.

115 (d)~~(e)~~ Reasonable attorney fees and costs.

116 (8)~~(6)~~ The criminal and civil penalties of this section do  
 117 not apply to:

118 (a) A provider of an interactive computer service as  
 119 defined in 47 U.S.C. s. 230(f), information service as defined  
 120 in 47 U.S.C. s. 153, or communications service as defined in s.  
 121 202.11, that provides the transmission, storage, or caching of  
 122 electronic communications or messages of others; other related  
 123 telecommunications or commercial mobile radio service; or  
 124 content provided by another person; or

125 (b) A law enforcement officer, as defined in s. 943.10, or

126 any local, state, federal, or military law enforcement agency,  
 127 that publishes or disseminates a sexually explicit image in  
 128 connection with the performance of his or her duties as a law  
 129 enforcement officer, or law enforcement agency.

130 ~~(9)(7)~~ A violation of this section is committed within  
 131 this state if any conduct that is an element of the offense, or  
 132 any harm to the depicted person resulting from the offense,  
 133 occurs within this state.

134 **Section 2. Section 775.15, Florida Statutes, is amended to**  
 135 **read:**

136 775.15 Time limitations; general time limitations;  
 137 exceptions.—

138 (22) (a) A prosecution for a misdemeanor violation of s.  
 139 784.049 must be commenced within 5 years after the commission of  
 140 the offense or within 3 years after the date the victim  
 141 discovers the offense, whichever is later.

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

146 **Section 3. Paragraph (b) of subsection (2) of section**  
 147 **98.0751, Florida Statutes, is amended to read:**

148 98.0751 Restoration of voting rights; termination of  
 149 ineligibility subsequent to a felony conviction.—

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

151 (b) "Felony sexual offense" means any of the following:  
 152 1. Any felony offense that serves as a predicate to  
 153 registration as a sexual offender in accordance with s.  
 154 943.0435;  
 155 2. Section 491.0112;  
 156 3. Section 784.049(3) (b) or (4);  
 157 4. Section 794.08;  
 158 5. Section 796.08;  
 159 6. Section 800.101;  
 160 7. Section 826.04;  
 161 8. Section 847.012;  
 162 9. Section 872.06(2);  
 163 10. Section 944.35(3) (b)2.;  
 164 11. Section 951.221(1); or  
 165 12. Any similar offense committed in another jurisdiction  
 166 which would be an offense listed in this paragraph if it had  
 167 been committed in violation of the laws of this state.  
 168 **Section 4.** This act shall take effect October 1, 2025.