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CS/CS/HB 1451

2025 Legislature

1
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:

18
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

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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.

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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

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reasonable expectation of privacy for that image.

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

(3)(a) Except as provided in paragraph (b) or subsection (4), a person who 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) A person who has one prior conviction for 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 this section for the purpose of pecuniary or any other financial gain commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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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

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

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

Section 2. Subsection (22) is added to section 775.15, 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 the victim discovers the offense, whichever is later.

(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 the victim discovers the offense, whichever is later.

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

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

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

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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.