

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1159 (2026)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u> (Y/N)
ADOPTED AS AMENDED	<u> </u> (Y/N)
ADOPTED W/O OBJECTION	<u> </u> (Y/N)
FAILED TO ADOPT	<u> </u> (Y/N)
WITHDRAWN	<u> </u> (Y/N)
OTHER	<u> </u>

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Jacques offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 52-485 and insert:

7 (a) The offender possesses 10 or more images of any form
8 of child pornography regardless of content; or and
9 (b) The offender possesses any number of images of any
10 form of child pornography and the content of at least one image
11 contains one or more of the following:

12 1. A child who is younger than the age of 12 §.
13 2. Sadomasochistic abuse involving a child.
14 3. Sexual battery involving a child.
15 4. Sexual bestiality involving a child.

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16 5. Any motion picture, film, video, or computer-generated
17 motion picture, film, or video involving a child, regardless of
18 length and regardless of whether the motion picture, film,
19 video, or computer-generated motion picture, film, or video
20 contains sound.

21 (3) (a) In the case of a felony of the third degree, the
22 offense is reclassified to a felony of the second degree. If an
23 offense is reclassified under this paragraph and the offender is
24 18 years of age or older at the time of the offense, the
25 offender must be sentenced to a mandatory minimum term of
26 imprisonment of 5 years.

27 (b) In the case of a felony of the second degree, the
28 offense is reclassified to a felony of the first degree. If an
29 offense is reclassified under this paragraph and the offender is
30 18 years of age or older at the time of the offense, the
31 offender must be sentenced to a mandatory minimum term of
32 imprisonment of 15 years.

33
34 For purposes of sentencing under chapter 921 and determining
35 incentive gain-time eligibility under chapter 944, a felony
36 offense that is reclassified under this section is ranked one
37 level above the ranking under s. 921.0022 or s. 921.0023 of the
38 offense committed.

39 **Section 2. Subsection (1) of section 794.0116, Florida**
40 **Statutes, is amended to read:**

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41 794.0116 Sexual offenses by persons previously convicted
42 of sexual offenses.—

43 (1) A person who was previously convicted of or had
44 adjudication withheld for an offense specified in s.
45 943.0435(1)(h)1.a. and commits a violation of s. 800.04(5); s.
46 825.1025(3); s. 827.071(2), (3), (4), or (5)(a); s. 847.0135; s.
47 847.0137; or s. 847.0145 shall be sentenced to a mandatory
48 minimum term of imprisonment as follows:

	Statute	Mandatory Minimum
(a)	800.04(5)	<u>15</u> 10 years
(b)	825.1025(3)	10 years
(c)	827.071(2)	<u>30</u> 20 years
(d)	827.071(3)	20 years
(e)	827.071(4)	15 years
(f)	827.071(5)(a)	10 years
(g)	847.0135	10 years

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58 (h) 847.0137 10 years

59 (i) 847.0145 30 20 years60 **Section 3. Paragraph (a) of subsection (1), subsections**
61 **(2) and (3), and paragraph (a) of subsection (5) of section**
62 **827.071, Florida Statutes, are amended to read:**63 827.071 Sexual performance by a child; child pornography;
64 penalties.—65 (1) As used in this section, the following definitions
66 shall apply:67 (a) "Child" or "minor" means any person, whose identity is
68 known or unknown, younger than 18 years of age.69 (2) (a) A person is guilty of the use of a child in a
70 sexual performance if, knowing the character and content
71 thereof, he or she employs, authorizes, or induces a child to
72 engage in a sexual performance or, being a parent, legal
73 guardian, or custodian of such child, consents to the
74 participation by such child in a sexual performance. A person
75 who violates this subsection commits a felony of the first
76 second degree, punishable as provided in s. 775.082, s. 775.083,
77 or s. 775.084. A person 18 years of age or older at the time of
78 the offense who is convicted of a violation of this paragraph
79 must be sentenced to a mandatory minimum term of imprisonment of
80 15 years.

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81 (b) A person is guilty of aggravated use of a child in a
82 sexual performance if, knowing the character and content
83 thereof, he or she employs, authorizes, or induces a child
84 younger than 12 years of age to engage in a sexual performance.
85 A person who violates this paragraph commits a life felony,
86 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
87 A person 18 years of age or older at the time of the offense who
88 is convicted of a violation of this paragraph must be sentenced
89 to a mandatory minimum term of imprisonment of 25 years.

90 (3) A person is guilty of promoting a sexual performance
91 by a child when, knowing the character and content thereof, he
92 or she produces, directs, or promotes any performance which
93 includes sexual conduct by a child. A person who violates this
94 subsection commits a felony of the second degree, punishable as
95 provided in s. 775.082, s. 775.083, or s. 775.084. A person 18
96 years of age or older at the time of the offense who is
97 convicted of a violation of this subsection must be sentenced to
98 a mandatory minimum term of imprisonment of 5 years.

99 (5) (a) It is unlawful for any person to knowingly solicit,
100 possess, control, or intentionally view a photograph, motion
101 picture, exhibition, show, representation, image, data, computer
102 depiction, or other presentation which, in whole or in part, he
103 or she knows to include child pornography. The solicitation,
104 possession, control, or intentional viewing of each such
105 photograph, motion picture, exhibition, show, image, data,

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106 computer depiction, representation, or presentation is a
107 separate offense. If such photograph, motion picture,
108 exhibition, show, representation, image, data, computer
109 depiction, or other presentation includes child pornography
110 depicting more than one child, then each such child in each such
111 photograph, motion picture, exhibition, show, representation,
112 image, data, computer depiction, or other presentation that is
113 knowingly solicited, possessed, controlled, or intentionally
114 viewed is a separate offense. A person who violates this
115 paragraph commits a felony of the second ~~third~~ degree,
116 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Paragraph (b) of subsection (2) of section

827.072, Florida Statutes, is amended to read:

827.072 Generated child pornography.—

(2)

(b) A person who intentionally creates generated child
pornography commits a felony of the second ~~third~~ degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
A person 18 years of age or older at the time of the offense who
is convicted of a violation of this paragraph must be sentenced
to a mandatory minimum term of imprisonment of 5 years.

Section 5. Section 828.126, Florida Statutes, is amended

to read:

828.126 Sexual activities involving animals.—

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130 (1) As used in this section, the term "sexual contact with
131 an animal" means any act committed between a person and an
132 animal for the purpose of sexual gratification, abuse, or
133 financial gain which involves:

134 (a) Contact between the sex organ or anus of one and the
135 mouth, sex organ, or anus of the other;

136 (b) The fondling of the sex organ or anus of an animal; or

137 (c) The insertion, however slight, of any part of the body
138 of a person or any object into the vaginal or anal opening of an
139 animal, or the insertion of any part of the body of an animal
140 into the vaginal or anal opening of a person.

141 (2) A person may not:

142 (a) knowingly engage in any sexual contact with an animal.

143 A person who violates this subsection commits a felony of the
144 second degree, punishable as provided in s. 775.082, s. 775.083,
145 or s. 775.084.

146 (3) ~~(b)~~ A person may not knowingly cause, aid, or abet
147 another person to engage in any sexual contact with an animal.

148 A person who violates this subsection commits a felony of the
149 second degree, punishable as provided in s. 775.082, s. 775.083,
150 or s. 775.084.

151 (4) ~~(c)~~ A person may not knowingly permit any sexual
152 contact with an animal to be conducted on any premises under his
153 or her charge or control. A person who violates this subsection

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154 commits a felony of the third degree, punishable as provided in
155 s. 775.082, s. 775.083, or s. 775.084.~~†~~

156 (5)(d) A person may not knowingly organize, promote,
157 conduct, aid, abet, participate in as an observer, or advertise,
158 offer, solicit, or accept an offer of an animal for the purpose
159 of sexual contact with such animal, or perform any service in
160 the furtherance of an act involving any sexual contact with an
161 animal. A person who violates this subsection commits a felony
162 of the third degree, punishable as provided in s. 775.082, s.
163 775.083, or s. 775.084.~~†~~or

164 (6)(e) A person may not knowingly film, distribute, or
165 possess any pornographic image or video of a person and an
166 animal engaged in any of the activities prohibited by this
167 section.

168 (3) A person who violates this subsection section commits
169 a felony of the third degree, punishable as provided in s.
170 775.082, s. 775.083, or s. 775.084.

171 (7)(4) In addition to other penalties prescribed by law,
172 the court shall issue an order prohibiting a person convicted
173 under this section from harboring, owning, possessing, or
174 exercising control over any animal; from residing in any
175 household in which animals are present; and from engaging in an
176 occupation, whether paid or unpaid, or participating in a
177 volunteer position at any establishment at which animals are
178 present. The order shall ~~may~~ be effective for at least ~~up to~~ 5

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179 years after the date of the conviction, regardless of whether
180 adjudication is withheld.

181 (8)-(5) This section does not apply to accepted animal
182 husbandry practices, including, but not limited to, bona fide
183 agricultural purposes, assistance with the birthing process or
184 artificial insemination of an animal for reproductive purposes,
185 accepted conformation judging practices, or accepted veterinary
186 medical practices.

187 **Section 6. Subsection (12) is added to section 847.011,
188 Florida Statutes, and subsections (1) through (11) of that
189 section are republished, to read:**

190 847.011 Prohibition of certain acts in connection with
191 obscene, lewd, etc., materials; penalty.—

192 (1) (a) Except as provided in paragraph (c), any person who
193 knowingly sells, lends, gives away, distributes, transmits,
194 shows, or transmutes, or offers to sell, lend, give away,
195 distribute, transmit, show, or transmute, or has in his or her
196 possession, custody, or control with intent to sell, lend, give
197 away, distribute, transmit, show, transmute, or advertise in any
198 manner, any obscene book, magazine, periodical, pamphlet,
199 newspaper, comic book, story paper, written or printed story or
200 article, writing, paper, card, picture, drawing, photograph,
201 motion picture film, figure, image, phonograph record, or wire
202 or tape or other recording, or any written, printed, or recorded
203 matter of any such character which may or may not require

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204 mechanical or other means to be transmuted into auditory,
205 visual, or sensory representations of such character, or any
206 article or instrument for obscene use, or purporting to be for
207 obscene use or purpose; or who knowingly designs, copies, draws,
208 photographs, poses for, writes, prints, publishes, or in any
209 manner whatsoever manufactures or prepares any such material,
210 matter, article, or thing of any such character; or who
211 knowingly writes, prints, publishes, or utters, or causes to be
212 written, printed, published, or uttered, any advertisement or
213 notice of any kind, giving information, directly or indirectly,
214 stating, or purporting to state, where, how, of whom, or by what
215 means any, or what purports to be any, such material, matter,
216 article, or thing of any such character can be purchased,
217 obtained, or had; or who in any manner knowingly hires, employs,
218 uses, or permits any person knowingly to do or assist in doing
219 any act or thing mentioned above, commits a misdemeanor of the
220 first degree, punishable as provided in s. 775.082 or s.
221 775.083. A person who, after having been convicted of a
222 violation of this subsection, thereafter violates any of its
223 provisions, commits a felony of the third degree, punishable as
224 provided in s. 775.082, s. 775.083, or s. 775.084.

225 (b) The knowing possession by any person of three or more
226 identical or similar materials, matters, articles, or things
227 coming within the provisions of paragraph (a) is *prima facie*
228 evidence of the violation of the paragraph.

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229 (c) A person who commits a violation of paragraph (a) or
230 subsection (2) which is based on materials that depict a minor
231 engaged in any act or conduct that is harmful to minors commits
232 a felony of the third degree, punishable as provided in s.
233 775.082, s. 775.083, or s. 775.084.

234 (d) A person's ignorance of a minor's age, a minor's
235 misrepresentation of his or her age, a bona fide belief of a
236 minor's age, or a minor's consent may not be raised as a defense
237 in a prosecution for one or more violations of paragraph (a) or
238 subsection (2).

239 (2) Except as provided in paragraph (1)(c), a person who
240 knowingly has in his or her possession, custody, or control any
241 obscene book, magazine, periodical, pamphlet, newspaper, comic
242 book, story paper, written or printed story or article, writing,
243 paper, card, picture, drawing, photograph, motion picture film,
244 film, any sticker, decal, emblem or other device attached to a
245 motor vehicle containing obscene descriptions, photographs, or
246 depictions, any figure, image, phonograph record, or wire or
247 tape or other recording, or any written, printed, or recorded
248 matter of any such character which may or may not require
249 mechanical or other means to be transmuted into auditory,
250 visual, or sensory representations of such character, or any
251 article or instrument for obscene use, or purporting to be for
252 obscene use or purpose, without intent to sell, lend, give away,
253 distribute, transmit, show, transmute, or advertise the same,

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254 commits a misdemeanor of the second degree, punishable as
255 provided in s. 775.082 or s. 775.083. A person who, after having
256 been convicted of violating this subsection, thereafter violates
257 any of its provisions commits a misdemeanor of the first degree,
258 punishable as provided in s. 775.082 or s. 775.083. In any
259 prosecution for such possession, it is not necessary to allege
260 or prove the absence of such intent.

261 (3) No person shall as a condition to a sale, allocation,
262 consignment, or delivery for resale of any paper, magazine,
263 book, periodical, or publication require that the purchaser or
264 consignee receive for resale any other article, paper, magazine,
265 book, periodical, or publication reasonably believed by the
266 purchaser or consignee to be obscene, and no person shall deny
267 or threaten to deny or revoke any franchise or impose or
268 threaten to impose any penalty, financial or otherwise, by
269 reason of the failure of any person to accept any such article,
270 paper, magazine, book, periodical, or publication, or by reason
271 of the return thereof. Whoever violates this subsection is
272 guilty of a felony of the third degree, punishable as provided
273 in s. 775.082, s. 775.083, or s. 775.084.

274 (4) Any person who knowingly promotes, conducts, performs,
275 or participates in an obscene show, exhibition, or performance
276 by live persons or a live person before an audience is guilty of
277 a misdemeanor of the first degree, punishable as provided in s.
278 775.082 or s. 775.083. Any person who, after having been

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279 convicted of violating this subsection, thereafter violates any
280 of its provisions and is convicted thereof is guilty of a felony
281 of the third degree, punishable as provided in s. 775.082, s.
282 775.083, or s. 775.084.

283 (5) (a)1. A person may not knowingly sell, lend, give away,
284 distribute, transmit, show, or transmute; offer to sell, lend,
285 give away, distribute, transmit, show, or transmute; have in his
286 or her possession, custody, or control with the intent to sell,
287 lend, give away, distribute, transmit, show, or transmute; or
288 advertise in any manner an obscene, child-like sex doll.

289 2.a. Except as provided in sub subparagraph b., a person
290 who violates this paragraph commits a felony of the third
291 degree, punishable as provided in s. 775.082, s. 775.083, or s.
292 775.084.

293 b. A person who is convicted of violating this paragraph a
294 second or subsequent time commits a felony of the second degree,
295 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

296 (b)1. Except as provided in subparagraph 2., a person who
297 knowingly has in his or her possession, custody, or control an
298 obscene, child-like sex doll commits a misdemeanor of the first
299 degree, punishable as provided in s. 775.082 or s. 775.083.

300 2. A person who is convicted of violating this paragraph a
301 second or subsequent time commits a felony of the third degree,
302 punishable as provided in s. 775.082 or s. 775.083.

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303 (c)1. A law enforcement officer may arrest without a
304 warrant any person who he or she has probable cause to believe
305 has violated paragraph (b).

306 2. Upon proper affidavits being made, a search warrant may
307 be issued to further investigate a violation of paragraph (b),
308 including to search a private dwelling.

309 (6) Every act, thing, or transaction forbidden by this
310 section shall constitute a separate offense and shall be
311 punishable as such.

312 (7) Proof that a defendant knowingly committed any act or
313 engaged in any conduct referred to in this section may be made
314 by showing that at the time such act was committed or conduct
315 engaged in the defendant had actual knowledge of the contents or
316 character of the material, matter, article, or thing possessed
317 or otherwise dealt with, by showing facts and circumstances from
318 which it may fairly be inferred that he or she had such
319 knowledge, or by showing that he or she had knowledge of such
320 facts and circumstances as would put a person of ordinary
321 intelligence and caution on inquiry as to such contents or
322 character.

323 (8) There shall be no right of property in any of the
324 materials, matters, articles, or things possessed or otherwise
325 dealt with in violation of this section; and, upon the seizure
326 of any such material, matter, article, or thing by any
327 authorized law enforcement officer, the same shall be held by

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328 the arresting agency. When the same is no longer required as
329 evidence, the prosecuting officer or any claimant may move the
330 court in writing for the disposition of the same and, after
331 notice and hearing, the court, if it finds the same to have been
332 possessed or otherwise dealt with in violation of this section,
333 shall order the sheriff to destroy the same in the presence of
334 the clerk; otherwise, the court shall order the same returned to
335 the claimant if the claimant shows that he or she is entitled to
336 possession. If destruction is ordered, the sheriff and clerk
337 shall file a certificate of compliance.

338 (9) (a) The circuit court has jurisdiction to enjoin a
339 threatened violation of this section upon complaint filed by the
340 state attorney or attorney for a municipality in the name of the
341 state upon the relation of such state attorney or attorney for a
342 municipality.

343 (b) After the filing of such a complaint, the judge to
344 whom it is presented may grant an order restraining the person
345 complained of until final hearing or further order of the court.
346 Whenever the relator state attorney or attorney for a
347 municipality requests a judge of such court to set a hearing
348 upon an application for such a restraining order, such judge
349 shall set such hearing for a time within 3 days after the making
350 of such request. No such order shall be made unless such judge
351 is satisfied that sufficient notice of the application therefor
352 has been given to the party restrained of the time when and

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353 place where the application for such restraining order is to be
354 made; however, such notice shall be dispensed with when it is
355 manifest to such judge, from the sworn allegations of the
356 complaint or the affidavit of the plaintiff or other competent
357 person, that the apprehended violation will be committed if an
358 immediate remedy is not afforded.

359 (c) The person sought to be enjoined shall be entitled to
360 a trial of the issues within 1 day after joinder of issue, and a
361 decision shall be rendered by the court within 2 days of the
362 conclusion of the trial.

363 (d) In any action brought as provided in this subsection,
364 no bond or undertaking shall be required of the state attorney
365 or the municipality or its attorney before the issuance of a
366 restraining order provided for by paragraph (b), and there shall
367 be no liability on the part of the state or the state attorney
368 or the municipality or its attorney for costs or for damages
369 sustained by reason of such restraining order in any case where
370 a final decree is rendered in favor of the person sought to be
371 enjoined.

372 (e) Every person who has possession, custody, or control
373 of, or otherwise deals with, any of the materials, matters,
374 articles, or things described in this section, after the service
375 upon him or her of a summons and complaint in an action for
376 injunction brought under this subsection, is chargeable with
377 knowledge of the contents and character thereof.

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378 (10) The several sheriffs and state attorneys shall
379 vigorously enforce this section within their respective
380 jurisdictions.

381 (11) This section shall not apply to the exhibition of
382 motion picture films permitted by s. 847.013.

383 (12) This section shall not apply to any person who is
384 charged with any offense relating to child pornography or
385 transmission of materials harmful to minors, including a
386 violation of s. 827.071, s. 827.072, s. 847.0135, s. 847.0137,
387 or s. 847.0138.

388 **Section 7. Section 847.0137, Florida Statutes, is amended**
389 **to read:**

390 847.0137 Transmission of pornography by electronic device
391 or equipment prohibited; penalties.—

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

393 (a) "Access credential" means any password, username,
394 token, unique link, URL, hyperlink, or other data that permits
395 or facilitates access to files or data that are stored in cloud
396 storage.

397 (b) "Cloud storage" means any remote, networked, or third-
398 party provided storage service that allows a user to store,
399 host, or share digital files or data and to access such files or
400 data via the Internet or other network, whether by direct file
401 transfer, URL, hyperlink, shareable link, access token,
402 credentials, or other means.

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403 (c) "Link" means any URL, hyperlink, short link, shareable
404 link, magnet link, or other string, token, or data that, when
405 used, directs or grants access to content that is stored
406 remotely, including cloud storage.

407 (d) "Transmit" means the act of sending and causing to be
408 delivered, including the act of providing access for receiving
409 and causing to be delivered, any image, information, or data
410 over or through any medium, including the Internet or an
411 interconnected network, by use of any electronic equipment or
412 other device.

413 (2) Any person who transmits, distributes, posts, shares,
414 provides, publishes, or makes accessible by any means, including
415 by sending, posting, uploading, or otherwise providing a link,
416 access credential, or information that grants access to cloud
417 storage, any files or data that the person knew or reasonably
418 should have known contain child pornography or generated child
419 pornography, and who knowingly causes another person to view or
420 obtain such files or data, or otherwise facilitates access to
421 such files or data, commits a felony of the second degree,
422 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
423 A person 18 years of age or older at the time of the offense who
424 is convicted of a violation of this subsection must be sentenced
425 to a mandatory minimum term of imprisonment of 5 years.

426 (3) ~~(2)~~ Notwithstanding ss. 847.012 and 847.0133, any
427 person in this state who knew or reasonably should have known

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428 that he or she was transmitting child pornography, as defined in
429 s. 847.001, or generated child pornography, as defined in s.
430 827.072(1), to another person in this state or in another
431 jurisdiction commits a felony of the second ~~third~~ degree,
432 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
433 A person 18 years of age or older at the time of the offense who
434 is convicted of a violation of this subsection must be sentenced
435 to a mandatory minimum term of imprisonment of 5 years.

436 (4)-(3) Notwithstanding ss. 847.012 and 847.0133, any
437 person in any jurisdiction other than this state who knew or
438 reasonably should have known that he or she was transmitting
439 child pornography, as defined in s. 847.001, or generated child
440 pornography, as defined in s. 827.072(1), to any person in this
441 state commits a felony of the second ~~third~~ degree, punishable as
442 provided in s. 775.082, s. 775.083, or s. 775.084. A person 18
443 years of age or older at the time of the offense who is

444

445 -----

446 **T I T L E A M E N D M E N T**

447 Remove lines 11-37 and insert:

448 reclassified offenses when committed by specified
449 offenders; amending s. 794.0116, F.S.; revising
450 mandatory minimum sentences for certain sexual
451 offenses by persons previously convicted of sexual
452 offenses; amending s. 827.071, F.S.; requiring

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453 mandatory minimum sentences for certain offenses when
454 committed by specified offenders; prohibiting a person
455 from employing, authorizing, or inducing a child
456 younger than 12 years of age to engage in a sexual
457 performance; providing penalties; increasing the
458 penalty for knowingly soliciting, possessing,
459 controlling, or intentionally viewing certain
460 materials that include child pornography; amending s.
461 827.072, F.S.; increasing the penalty for
462 intentionally creating generated child pornography;
463 requiring a mandatory minimum sentence for such
464 offense when committed by specified offenders;
465 amending s. 828.126, F.S.; revising punishments for
466 certain sexual activities involving animals; requiring
467 a certain court order to be effective for a certain
468 number of years; amending s. 847.011, F.S.; providing
469 that a prohibition of certain acts in connection with
470 obscene, lewd, etc., materials does not apply to
471 certain persons; amending s. 847.0137, F.S.; providing
472 definitions; prohibiting a person from knowingly
473 granting another person access to child pornography or
474 generated child pornography in a certain manner;
475 providing a penalty; requiring mandatory minimum
476 sentences for certain offenses when committed by
477 specified offenders;

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