

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WITHDRAWN	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>	

Committee/Subcommittee hearing bill: Criminal Justice
Subcommittee

Representative Jacques offered the following:

Amendment (with title amendment)

Remove lines 52-485 and insert:

(a) The offender possesses 10 or more images of any form
of child pornography regardless of content; or ~~and~~

(b) The offender possesses any number of images of any
form of child pornography and the content of at least one image
contains one or more of the following:

1. A child who is younger than the age of 12 ~~5~~.
2. Sadomasochistic abuse involving a child.
3. Sexual battery involving a child.
4. Sexual bestiality involving a child.

Amendment No. 1

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:**

140239 - h1159-line 52.docx

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Amendment No. 1

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

(1) A person who was previously convicted of or had
adjudication withheld for an offense specified in s.
943.0435(1)(h)1.a. and commits a violation of s. 800.04(5); s.
825.1025(3); s. 827.071(2), (3), (4), or (5)(a); s. 847.0135; s.
847.0137; or s. 847.0145 shall be sentenced to a mandatory
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

Amendment No. 1

(h) 847.0137 10 years

(i) 847.0145 30 ~~20~~ years

Section 3. Paragraph (a) of subsection (1), subsections (2) and (3), and paragraph (a) of subsection (5) of section 827.071, Florida Statutes, are amended to read:

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

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

(a) "Child" or "minor" means any person, whose identity is known or unknown, younger than 18 years of age.

(2)(a) A person is guilty of the use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. A person who violates this subsection commits a felony of the first ~~second~~ 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 15 years.

Amendment No. 1

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,

Amendment No. 1

computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes child pornography depicting more than one child, then each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the second ~~third~~ degree, 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.—

Amendment No. 1

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

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

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

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

(2) A person may not:

~~(a)~~ knowingly engage in any sexual contact with an animal.
A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(3)(b)~~ A person may not knowingly cause, aid, or abet another person to engage in any sexual contact with an animal.
A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

Amendment No. 1

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

Amendment No. 1

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

Amendment No. 1

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.

Amendment No. 1

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,

Amendment No. 1

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

Amendment No. 1

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

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

2.a. Except as provided in sub-subparagraph b., a person who violates this paragraph 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 is convicted of violating this paragraph a second or subsequent time commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

Amendment No. 1

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

140239 - h1159-line 52.docx

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Amendment No. 1

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

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

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

Amendment No. 1

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

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

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

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

Amendment No. 1

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

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

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

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

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

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

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

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

Amendment No. 1

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

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

(2) Any person who transmits, distributes, posts, shares, provides, publishes, or makes accessible by any means, including by sending, posting, uploading, or otherwise providing a link, access credential, or information that grants access to cloud storage, any files or data that the person knew or reasonably should have known contain child pornography or generated child pornography, and who knowingly causes another person to view or obtain such files or data, or otherwise facilitates access to such files or data, commits a felony of the second 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 subsection must be sentenced to a mandatory minimum term of imprisonment of 5 years.

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

Amendment No. 1

that he or she was transmitting child pornography, as defined in s. 847.001, or generated child pornography, as defined in s. 827.072(1), to another person in this state or in another jurisdiction 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 subsection must be sentenced to a mandatory minimum term of imprisonment of 5 years.

~~(4)-(3)~~ Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or reasonably should have known that he or she was transmitting child pornography, as defined in s. 847.001, or generated child pornography, as defined in s. 827.072(1), to any person in this state 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

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

Remove lines 11-37 and insert:
reclassified offenses when committed by specified
offenders; amending s. 794.0116, F.S.; revising
mandatory minimum sentences for certain sexual
offenses by persons previously convicted of sexual
offenses; amending s. 827.071, F.S.; requiring

Amendment No. 1

mandatory minimum sentences for certain offenses when committed by specified offenders; prohibiting a person from employing, authorizing, or inducing a child younger than 12 years of age to engage in a sexual performance; providing penalties; increasing the penalty for knowingly soliciting, possessing, controlling, or intentionally viewing certain materials that include child pornography; amending s. 827.072, F.S.; increasing the penalty for intentionally creating generated child pornography; requiring a mandatory minimum sentence for such offense when committed by specified offenders; amending s. 828.126, F.S.; revising punishments for certain sexual activities involving animals; requiring a certain court order to be effective for a certain number of years; amending s. 847.011, F.S.; providing that a prohibition of certain acts in connection with obscene, lewd, etc., materials does not apply to certain persons; amending s. 847.0137, F.S.; providing definitions; prohibiting a person from knowingly granting another person access to child pornography or generated child pornography in a certain manner; providing a penalty; requiring mandatory minimum sentences for certain offenses when committed by specified offenders;