

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/HB 1159](#)
TITLE: Sexual Offenses
SPONSOR(S): Jacques

COMPANION BILL: [SB 1750](#) (Martin)
LINKED BILLS: None
RELATED BILLS: None

Committee References

[Criminal Justice](#)
14 Y, 1 N, As CS

[Justice Budget](#)

[Judiciary](#)

SUMMARY

Effect of the Bill:

The bill creates new criminal offenses and revises the existing elements and criminal penalties related to various sexual offenses. Specifically, the bill:

- Increases the penalty for offenses related to sexual performance of a child, possession and transmission of child pornography, creation of generated child pornography, and sexual activities involving animals;
- Requires an offender who was 18 years of age or older at the time of the offense to be sentenced to a mandatory minimum sentence for specified offenses related to the use or promotion of a child in a sexual performance, creation of generated child pornography, and transmission of child pornography or generated child pornography;
- Increases mandatory minimum sentences for specified repeat sexual offenders and offenders subject to a penalty reclassification for possessing specified images of child pornography or related materials;
- Creates a life felony for aggravated use of a child in a sexual performance when a child is under 12;
- Creates a second degree felony for transmitting or otherwise making accessible child pornography or generated child pornography, subject to specified exceptions, and defines relevant terms; and
- Prohibits a person convicted of specified sexual offenses involving animals from owning or working or volunteering with an animal for at least 5 years.

Fiscal or Economic Impact:

The bill may have a positive indeterminate impact on prison beds by creating new penalties, increasing existing penalties, and requiring mandatory minimum prison sentences related to specified sexual offenses, which may result in increased prison admissions and offenders being sentenced to longer terms of incarceration.

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ANALYSIS

EFFECT OF THE BILL:

Sexual Performance by a Child and Child Pornography

The bill increases penalties related to specified offenses of [sexual performance by a child and child pornography](#), by:

- Increasing the penalty for using a child in a sexual performance under [s. 827.071\(2\), F.S.](#), from a second degree felony to a first degree felony, and requiring a court to sentence a person convicted of the offense to a 15-year mandatory minimum term of imprisonment ([mandatory minimum](#)) if he or she was 18 years of age or older at the time of the offense.
- Requiring a court to sentence a person who commits a second degree felony under [s. 827.071\(3\), F.S.](#), for promoting a sexual performance by a child, to a 5-year mandatory minimum if he or she was 18 years of age or older at the time of the offense.
- Increasing the penalty for knowingly soliciting, possessing, controlling, or intentionally viewing a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other

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presentation which, in whole or in part, a person knows includes child pornography, from a third degree felony to a second degree felony. (Section [3](#))

Additionally, the bill creates a new life felony offense for aggravated use of a child in a sexual performance if a person employs, authorizes, or induces a child younger than 12 years of age to engage in a sexual performance. Under the bill, a court is required to sentence a person convicted of the offense to a 25-year mandatory minimum if he or she was 18 years of age or older at the time of the offense. (Section [3](#))

Generated Child Pornography

The bill increases penalties for creating [generated child pornography](#) by:

- Increasing the penalty from a third degree felony to a second degree felony; and
- Requiring a court to sentence a person convicted of the offense to a 5-year mandatory minimum if he or she was 18 years of age or older at the time of the offense. (Section [4](#))

Transmitting Child Pornography

The bill amends the current prohibition against [transmitting child pornography](#) to another person by:

- Also prohibiting the transmission of generated child pornography to another person;
- Increasing the penalty from a third degree felony to a second degree felony; and
- Requiring a court to sentence a person convicted of the offense to a 5-year mandatory minimum if he or she was 18 years of age or older at the time of the offense. (Section [7](#))

The bill also creates a new second degree felony offense, ranked as a Level 5 offense on the offense severity ranking chart (OSRC) of the [Criminal Punishment Code](#) (CPC), if any person:

- 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
- Knowingly causes another person to view or obtain such files or data, or otherwise facilitates access to such files or data. (Sections [7](#) and [8](#))

A court must sentence a person convicted of such offense to a 5-year mandatory minimum if he or she was 18 years of age or older at the time of the offense. (Section [7](#))

The bill defines the following terms relevant to the crime of transmitting child pornography:

- “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.
- “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.
- “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. (Section [7](#))

The bill specifies that a person does not commit the offense of transmitting child pornography or generated child pornography if he or she provides a link, access credential, or other information, in good faith to a law enforcement agency, prosecuting authority, or authorized forensic examiner for the purpose of:

- Reporting suspected child pornography;
- Cooperating with an investigation;
- Preserving evidence; or
- Seeking lawful removal of content. (Section [7](#))

Application of Specified Sexual Offenses

The bill specifies that [s. 847.011, F.S.](#), related to the prohibition of certain acts in connection with [obscene, lewd, and other related materials](#), does not apply to any person who is charged with an offense relating to child pornography or transmission of materials harmful to minors. (Section [6](#))

Penalty Reclassification and Enhanced Penalties for Repeat Sexual Offenders

The bill revises the current [penalty reclassification](#) related to possessing 10 or more images of child pornography or material harmful to minors when at least one such image contains specified content by:

- Making the reclassification apply to the possession of 10 or more images regardless of the content of the images;
- Making the reclassification apply to the possession of any number of images when at least one image contains specified content; and
- Revising criteria for prohibited specified content from including an image of a child under 5 to instead include an image of a child under 12. (Section [1](#))

If a person's offense for possessing child pornography or material harmful to minors is reclassified as described above, and the person was 18 years of age or older at the time of the offense, the bill requires the person to be sentenced to a mandatory minimum of:

- 5 years, for a third degree felony that is reclassified to a second degree felony.
- 15 years, for a second degree felony that is reclassified to a first degree felony. (Section [1](#))

The bill also amends required mandatory minimums related to [sexual offenses by persons previously convicted of sexual offenses](#), so that a qualifying offender who reoffends must be sentenced to:

- 15 years, instead of 10 years, if the subsequent offense is a violation for [lewd and lascivious molestation](#).
- 30 years, instead of 20 years, if the subsequent offense is a violation for using a child in a sexual performance.
- 30 years, instead of 20 years, if the subsequent offense is a violation for [selling or buying minors](#). (Section [2](#))

Sexual Activities Involving Animals

The bill increases penalties for specified offenses of [sexual activities involving animals](#), to increase the penalty from a third degree felony to a second degree felony, and increase the offense ranking from a Level 6 to a Level 7 offense on the OSRC, for knowingly:

- Engaging in any sexual contact with animal; or
- Causing, aiding, or abetting another person to engage in any sexual contact with an animal. (Sections [5](#) and [8](#))

The bill also requires, instead of authorizes, a court order to be effective for at least 5 years after the date of conviction prohibiting a person convicted of specified sexual activities involving animals from:

- Harboring, owning, possessing, or exercising control over any animal;
- Residing in any household in which animals are present; and
- Engaging in an occupation, whether paid or unpaid, or participating in a volunteer position at any establishment at which animals are present. (Section [5](#))

The effective date of the bill is July 1, 2026. (Section [9](#))

FISCAL OR ECONOMIC IMPACT:**STATE GOVERNMENT:**

The bill may have a positive indeterminate impact on prison beds by creating new penalties, increasing existing penalties, and requiring a court to impose specified mandatory minimum prison sentences related to specified sexual offenses, which may result in increased prison admissions and offenders being sentenced to longer terms of incarceration.

RELEVANT INFORMATION**SUBJECT OVERVIEW:****[Sexual Performance by a Child and Child Pornography](#)***Sexual Performance by a Child*

Under [s. 827.071\(2\)-\(3\), F.S.](#), it is a second degree felony¹ if a person:

- Employs, authorizes, or induces a child younger than 18 years of age to engage in a sexual performance,² or for a parent, legal guardian, or custodian of such child to consent to the participation by such child in a sexual performance.³
- Produces, directs, or promotes any performance which includes sexual conduct by a child less than 18 years of age.⁴

Possessing Child Pornography

Section [827.071\(4\)-\(5\), F.S.](#), prohibits a person from:

- Possessing with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes any child pornography,⁵ punishable as a second degree felony.⁶
- Knowingly possessing, controlling, or intentionally viewing a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, the person knows to include child pornography, punishable as a third degree felony.^{7,8}

¹ A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

² [S. 827.071\(1\)\(m\), F.S.](#), defines “sexual performance” to mean any performance or part thereof which includes sexual conduct by a child less than 18 years of age. Additionally, [s. 827.071\(1\)\(g\), F.S.](#), defines “performance” to mean any play, motion picture, photograph, or dance or any other visual representation exhibited before an audience.

³ [S. 827.071\(2\), F.S.](#)

⁴ [S. 827.071\(3\), F.S.](#)

⁵ “Child pornography” means:

- Any image depicting a minor engaged in sexual conduct; or
- Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct. [S. 827.071\(1\)\(b\), F.S.](#)

⁶ [S. 827.071\(4\), F.S.](#)

⁷ The possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, 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 possessed, controlled, or intentionally viewed is a separate offense. [S. 827.071\(5\)\(a\), F.S.](#)

⁸ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

[Transmitting Child Pornography](#)

Under [s. 847.0137, F.S.](#), a person commits a third degree felony if he or she:

- Is in this state and knew or reasonably should have known that he or she was transmitting child pornography to another person in this state or in another jurisdiction; or
- Is in any jurisdiction and knew or reasonably should have known that he or she was transmitting child pornography to any person in this state.

“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. [S. 847.0137\(1\), F.S.](#)

[Generated Child Pornography](#)

Under [s. 827.072, F.S.](#), a person commits a third degree felony if he or she:

- Knowingly possesses, controls, or intentionally views a photograph, motion picture, representation, image, data file, computer depiction, or any other presentation which, in whole or in part, he or she knows includes generated child pornography;⁹ or
- Intentionally creates generated child pornography.¹⁰

Section [827.072, F.S.](#), provides the following definitions:

- “Generated child pornography” means any image that has been created, altered, adapted, or modified by electronic, mechanical, or other computer-generated means to portray a fictitious person, who a reasonable person would regard as being a real person younger than 18 years of age, engaged in sexual conduct.
- “Intentionally view” means to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.¹¹
- “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.¹²

[Reclassification of Specified Sexual Offenses](#)

Section [775.0847, F.S.](#), reclassifies violations relating to sexual performance by a child;¹³ computer pornography and prohibited computer usage;¹⁴ transmission of pornography by electronic device or equipment;¹⁵ and transmission of material harmful to minors to a minor by electronic device or equipment¹⁶ to the next highest degree felony offense if:

- The offender possesses 10 or more images of any form of child pornography regardless of content; *and*
- The content of at least one image contains one or more of the following:
 - A child who is younger than the age of 5
 - Sadomasochistic abuse involving a child.
 - Sexual battery involving a child.

⁹ [S. 827.072\(2\)\(a\), F.S.](#) The possession, control, or intentional viewing of each such photograph, motion picture, representation, image, data file, computer depiction, or other presentation is a separate offense. However, possession, control, or intentional viewing of generated child pornography as a part of a law enforcement investigation is not prohibited.

¹⁰ [S. 827.072\(2\)\(b\), F.S.](#)

¹¹ [S. 827.072\(1\)\(b\), F.S.](#) See [s. 827.071\(1\)\(f\), F.S.](#)

¹² [S. 827.072\(1\)\(c\), F.S.](#) See [s. 827.071\(1\)\(l\), F.S.](#) A mother's breastfeeding of her baby does not under any circumstance constitute “sexual conduct.”

¹³ [S. 871.071, F.S.](#)

¹⁴ [S. 847.0135, F.S.](#)

¹⁵ [S. 847.0137, F.S.](#)

¹⁶ [S. 847.0138, F.S.](#)

- Sexual bestiality involving a child.
- Any motion picture, film, video, or computer-generated motion picture, film, or video involving a child, regardless of length and regardless of whether the motion picture, film, video, or computer-generated motion picture, film, or video contains sound.¹⁷

Sexual Offenses by Persons Previously Convicted of Sexual Offenses

Section [794.0116, F.S.](#), requires a court to impose a mandatory minimum sentence if a person who has previously been convicted of a specified sexual offense is convicted of committing a subsequent specified sexual offense. Specifically, a court must sentence a person who was previously convicted of or had adjudication withheld for a qualifying sexual offense specified in [s. 943.0435\(1\)\(h\)1.a., F.S.](#), to a mandatory minimum term of imprisonment of:

- **10 years** if he or she commits:
 - Lewd or lascivious molestation of a victim under 16 years of age under [s. 800.04\(5\), F.S.](#);
 - Lewd or lascivious molestation of an elderly or disabled person under [s. 825.1025\(3\), F.S.](#);
 - Possession of child pornography under [s. 827.071\(5\)\(a\), F.S.](#);
 - Online solicitation of a minor, traveling to meet a minor, or prohibited computer usage under [s. 847.0135, F.S.](#); or
 - Transmitting child pornography under [s. 847.0137, F.S.](#)
- **15 years** if he or she possesses, with the intent to promote, any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child pornography, in violation of [s. 827.071\(4\), F.S.](#)
- **20 years** if he or she commits:
 - Use of a child in a sexual performance under [s. 827.071\(2\), F.S.](#);
 - Promoting a sexual performance by a child under [s. 827.071\(3\), F.S.](#); or
 - Buying or selling minors under [s. 847.0145, F.S.](#)

A person sentenced to a mandatory minimum term of imprisonment under [s. 794.0116, F.S.](#), is not eligible for statutory gain-time under [s. 944.275, F.S.](#), or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under [s. 947.149, F.S.](#), before serving his or her minimum sentence.

Lewd or Lascivious Molestation on Persons Under the Age of 16

A person who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation.¹⁸

An offender 18 years of age or older who commits lewd or lascivious molestation against a victim:

- Less than 12 years of age, commits a life felony.¹⁹
- Twelve years of age or older but less than 16 years of age, commits a second degree felony.²⁰
- Twelve years of age or older but less than 16 years of age and the person was previously convicted of specified offenses, commits a first degree felony.²¹

An offender less than 18 years of age who commits lewd or lascivious molestation against a victim:

- Less than 12 years of age, commits a second degree felony.²²

¹⁷ [S. 775.0847\(2\), F.S.](#)

¹⁸ [S. 800.04\(5\)\(a\), F.S.](#)

¹⁹ [S. 800.04\(5\)\(b\), F.S.](#) A life felony is generally punishable by life imprisonment or by a term of imprisonment not exceeding 40 years. [Ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.](#)

²⁰ [S. 800.04\(5\)\(c\)2., F.S.](#)

²¹ [S. 800.04\(5\)\(e\), F.S.](#) A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

²² [S. 800.04\(5\)\(c\)1., F.S.](#)

- Twelve years of age or older but less than 16 years of age, commits a third degree felony.²³

Lewd or Lascivious Molestation of an Elderly or Disabled Person

Under [s. 825.1025\(3\), F.S.](#), a person commits lewd and lascivious molestation of an elderly person or disabled person, a third degree felony, if he or she:

- Intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of an elderly person or disabled person; and
- Knows or reasonably should know that the elderly person or disabled person either lacks the capacity to consent or fails to give consent.

Selling or Buying of Minors

Under [s. 847.0145, F.S.](#), any parent, legal guardian, or other person having custody or control of a minor may not sell or otherwise transfer custody or control of such minor, or offer to do so, with:

- Knowledge that the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct;
- Intent to promote the minor engaging in sexually explicit conduct for the purpose of producing any visual depiction of such conduct; or
- Intent to promote the minor rendering assistance to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

Selling, transferring, or obtaining custody or control of a minor for one of the above purposes is a first degree felony.²⁴

Other Sexual Offenses

Online Solicitation of a Minor

Under [s. 847.0135\(3\), F.S.](#), a person commits a third degree felony if he or she knowingly uses a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

- Seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child, to commit any illegal act described in chapters 794, 800, or 827, F.S., or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child; or
- Solicit, lure, or entice, or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in chapters 794, 800, or 827, F.S., or to otherwise engage in any sexual conduct.²⁵

Traveling to Meet a Minor

Under [s. 847.0135\(4\), F.S.](#), a person commits a second degree felony if he or she travels any distance either within this state, to this state, or from this state by any means, attempts to do so, or causes another to do so or to attempt to do so for the purpose of engaging in any illegal act described in chapters 794, 800, or 827, F.S., or to otherwise engage in other unlawful sexual conduct with a child or with another person believed by the person to be a child after using a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

- Seduce, solicit, lure, or entice or attempt to seduce, solicit, lure, or entice a child or another person believed by the person to be a child, to engage in any illegal act described in chapters 794, 800, or 827, F.S., or to otherwise engage in other unlawful sexual conduct with a child; or

²³ [S. 800.04\(5\)\(d\), F.S.](#)

²⁴ [S. 847.0145\(1\)-\(2\), F.S.](#)

²⁵ [S. 847.0135\(3\), F.S.](#) Each separate use of a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission wherein an offense described in this section is committed may be charged as a separate offense.

- Solicit, lure, or entice or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in chapters 794, 800, or 827, F.S., or to otherwise engage in any sexual conduct.²⁶

Lewd or Lascivious Exhibition

A person commits lewd or lascivious exhibition in violation of s. [847.0135\(5\), F.S.](#), if he or she commits specified acts live over a computer online service, Internet service, or local bulletin board service, and knows, should know, or has reason to believe that the transmission is viewed on a computer or television monitor by a victim who is less than 16 years of age. Such prohibited acts include intentional:

- Masturbation;
- Exposure of the genitals in a lewd or lascivious manner; or
- Commission of any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity.²⁷

Lewd or lascivious exhibition is a second degree felony if the offender is 18 years of age or older, and a third degree felony if the offender is less than 18 years of age.²⁸

Prohibition of Certain Acts in Connection with Obscene, Lewd, and other Related Materials

Under s. [847.011, F.S.](#), a person commits a first degree misdemeanor²⁹ if he or she knowingly:

- Sells, lends, gives away, distributes, transmits, shows, or transmutes;
- Offers to sell, lend, give away, distribute, transmit, show, or transmutes; or
- Has in his or her possession, custody, or control with intent to sell, lend, give away, distribute, transmit, show, transmute, or advertise in any manner,

any obscene book, photograph, motion picture film, image or other specified material for obscene use, or purporting to be for obscene use or purpose.³⁰

A person who knowingly:

- Designs, copies, draws, photographs, poses for, writes, prints, publishes, or in any manner whatsoever manufactures or prepares any specified obscene material;
- Writes, prints, publishes, or utters, or causes to be written, printed, published, or uttered, any advertisement or notice of any kind, giving information, directly or indirectly, stating, or purporting to state, where, how, of whom, or by what means any, or what purports to be any, specified obscene material can be purchased, obtained, or had; or
- In any manner hires, employs, uses, or permits any person knowingly to do or assist in doing any of the above,³¹

commits a:

- First degree misdemeanor, upon a first offense.
- Third degree felony, upon a second or subsequent offense.³²

²⁶ [S. 847.0135\(4\), F.S.](#)

²⁷ [S. 847.0135\(5\), F.S.](#)

²⁸ *Id.*

²⁹ A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

³⁰ [S. 847.011\(1\)\(a\), F.S.](#)

³¹ *Id.*

³² *Id.*

- Third degree felony, if the violation is based on materials that depict a minor engaged in any act or conduct that is harmful to minors.³³

A person who knowingly has in his or her possession, custody, or control any obscene book, photograph, motion picture film, image, or other specified material for obscene use, or purporting to be for obscene use or purpose, without intent to sell, lend, give away, distribute, transmit, show, transmute, or advertise the same, commits a:

- Second degree misdemeanor,³⁴ upon a first offense.³⁵
- First degree misdemeanor, upon a second or subsequent offense.³⁶
- Third degree felony, if the violation is based on materials that depict a minor engaged in any act or conduct that is harmful to minors.³⁷

Any person who knowingly promotes, conducts, performs, or participates in an obscene show, exhibition, or performance by live persons or a live person before an audience commits a:

- First degree misdemeanor, for a first offense.
- Third degree felony, for a second or subsequent offense.³⁸

Sexual Activities Involving Animals

Section [828.126, F.S.](#), prohibits specified sexual activities involving animals, each punishable as a third degree felony and ranked as a Level 6 offense on the OSRC of the CPC,³⁹ including knowingly:

- Engaging in any sexual contact⁴⁰ with an animal;
- Causing, aiding, or abetting another person to engage in any sexual contact with an animal;
- Permitting any sexual contact with an animal to be conducted on any premises under his or her control;
- Organizing, promoting, conducting, aiding, abetting, participating in as an observer, or advertising, offering, soliciting, or accepting an offer of an animal for the purpose of sexual contact with such animal, or performing any service in the furtherance of an act involving any sexual contact with an animal; or
- Filming, distributing, or possessing any pornographic image or video of a person and an animal engaged in any of the activities described above.⁴¹

The court must issue an order prohibiting a person convicted under this section from:

- Harboring, owning, possessing, or exercising control over any animal;
- Residing in any household in which animals are present; and
- Engaging in an occupation, whether paid or unpaid, or participating in a volunteer position at any establishment at which animals are present.⁴²

Such order may be effective for up to 5 years after the date of the conviction, regardless of whether adjudication is withheld.⁴³

³³ [S. 847.011\(1\)\(c\), F.S.](#) A person's ignorance of a minor's age, a minor's misrepresentation of his or her age, a bona fide belief of a minor's age, or a minor's consent may not be raised as a defense. [S. 847.011\(1\)\(d\), F.S.](#)

³⁴ A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. [Ss. 775.082 and 775.083, F.S.](#)

³⁵ [S. 847.011\(2\), F.S.](#)

³⁶ *Id.*

³⁷ *Supra* note 33.

³⁸ [S. 847.011\(4\), F.S.](#)

³⁹ [S. 828.126\(3\), F.S.](#)

⁴⁰ 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: contact between the sex organ or anus of one and the mouth, sex organ, or anus of the other; the fondling of the sex organ or anus of an animal; or 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. [S. 828.126\(1\), F.S.](#)

⁴¹ [S. 828.126\(2\), F.S.](#)

⁴² [S. 828.126\(4\), F.S.](#)

⁴³ *Id.*

Criminal Punishment Code

Felony offenses which are subject to the CPC⁴⁴ are listed in a single OSRC,⁴⁵ which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.^{46,47} A person’s primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense.^{48,49} The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.⁵⁰

A mandatory minimum sentence takes precedence over the lowest permissible sentence under the scoresheet if the lowest permissible sentence is less than the mandatory minimum sentence. However, if the lowest permissible sentence exceeds the mandatory sentence for a specified offense, the requirements of the CPC and any mandatory minimum penalties apply.⁵¹

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	14 Y, 1 N, As CS	2/5/2026	Hall	Butcher
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> Revised the applicability of mandatory minimum prison sentences under the bill to apply only when the offender is 18 years of age or older at the time of the offense. Increased the mandatory minimum sentence for a repeat sexual offender who commits selling or buying minors from 20 years to 30 years. Changed a specified reclassification requirement under s. 775.0847(2)(b)1, F.S., from a prepubescent child to a child who is younger than the age of 12. Restored the definition of “child” or “minor” under s. 827.071, F.S., related to sexual performance by a child. 			
Justice Budget Subcommittee				
Judiciary Committee				

⁴⁴ All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code. [S. 921.002, F.S.](#)

⁴⁵ [S. 921.0022, F.S.](#)

⁴⁶ [S. 921.0022\(2\), F.S.](#)

⁴⁷ Felony offenses that are not listed in the OSRC default to statutorily assigned levels, as follows: an unlisted third-degree felony defaults to a level 1; an unlisted second-degree felony defaults to a level 4; an unlisted first-degree felony defaults to a level 7; an unlisted first-degree felony punishable by life defaults to a level 9; and an unlisted life felony defaults to a level 10. [S. 921.0023, F.S.](#)

⁴⁸ [Ss. 921.0022](#) and [921.0024, F.S.](#)

⁴⁹ A person may also accumulate points for factors such as victim injury points, community sanction violation points, and certain sentencing multipliers. [S. 921.0024\(1\), F.S.](#)

⁵⁰ If a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control. [S. 921.0024\(2\), F.S.](#)

⁵¹ Florida Department of Corrections, *Scoresheet Preparation Manual*, Oct. 1, 2025, <https://fdc-media.ccplatform.net/content/download/41292/file/Scoresheet%20Preparation%20Manual%202025.pdf> (last visited Feb. 5, 2026).

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
