

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

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BILL: SB 1536

INTRODUCER: Senator Pizzo

SUBJECT: Digital Voyeurism

DATE: February 11, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 1536 amends s. 810.145, F.S., to revise the definition of the term “reasonable expectation of privacy” for purposes relating to the offense of digital voyeurism, to include a privately fenced yard.

This bill is estimated to have a positive indeterminate prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

**II. Present Situation:**

Digital voyeurism is a growing issue in Florida, with cases involving the secret recording of people in private settings. On January 3, 2026, a deputy with the Palm Beach County Sheriff’s Office was called to Target in Royal Palm Beach for reports of voyeurism. A 14-year-old victim told deputies that she was in a fitting room with her shirt off when a stranger in an adjacent stall stuck his arm over into her stall and used a phone to take a photograph of her while she was changing.<sup>1</sup>

In another incident a 20-year-old Gainesville man was arrested and charged with voyeurism and burglary of an occupied dwelling after he allegedly snuck onto a lawn and peered at a teenager through her bedroom window. According to police reports, the man either scaled a 6-foot fence or entered through a closed gate to get into the backyard of the teen’s home. He allegedly

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<sup>1</sup> Bellinghausen, Grace, ABC NEWS, *Man accused of filming teen in Target dressing room arrested after weeks-long search*, published on January 26, 2026, available at <https://abc3340.com/news/nation-world/man-accused-of-filming-teen-in-target-dressing-room-arrested-after-weeks-long-search-palm-beach-county-sheriffs-office-clewiston-royal-palm-beach-florida-january-26-2026> (last visited February 5, 2026).

watched the 15-year-old through the window secretly and was spotted by the girl's mother who reported the incident to police.<sup>2</sup>

In 2024, Florida renamed and expanded the offense of “video voyeurism” to “digital voyeurism,” strengthening penalties and reclassifying the offense under state law to better address privacy violations committed through modern digital recording devices, including smartphones and hidden cameras.

### **Digital Voyeurism**

Section 810.145, F.S., provides that a person commits the offense of digital voyeurism if that person:

- For his or her own amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading, exploiting, or abusing another person, intentionally uses or installs an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy;<sup>3</sup>
- For the amusement, entertainment, sexual arousal, gratification, or profit of another, or on behalf of another, intentionally permits the use or installation of an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy;<sup>4</sup> or
- For the amusement, entertainment, sexual arousal, gratification, or profit of oneself or another, or on behalf of oneself or another, intentionally uses an imaging device to secretly view, broadcast, or record under or through the clothing being worn by another person, without that person's knowledge and consent, for the purpose of viewing the body of, or the undergarments worn by, that person.<sup>5</sup>

For purposes of digital voyeurism, the term “reasonable expectation of privacy” means circumstances under which a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person's undressing was being viewed, recorded, or broadcasted by another, including, but not limited to, the interior of a residential dwelling, bathroom, changing room, fitting room, dressing room, or tanning booth.<sup>6</sup>

A person who is under 19 years of age and who commits this offense commits a first degree misdemeanor.<sup>7,8</sup>

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<sup>2</sup> Whittel & Melton, *Man arrested for Voyeurism, Alleged Victim was 15*, available at <https://www.floridalsexcrimeattorney.com/man-arrested-for-voyeurism-alleged-victim-was-15.html> (last visited February 5, 2026).

<sup>3</sup> Section 810.145(2)(a)1., F.S.

<sup>4</sup> Section 810.145(2)(a)2., F.S.

<sup>5</sup> Section 810.145(2)(a)3., F.S.

<sup>6</sup> Section 810.145(1)(f), F.S.

<sup>7</sup> Section 810.145(2)(b), F.S.

<sup>8</sup> A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in ss. 775.082 and 775.083, F.S.

A person who is 19 years of age or older who commits this offense commits a third degree felony.<sup>9,10</sup>

### ***Digital Voyeurism Dissemination***

A person commits the offense of digital voyeurism dissemination if that person, knowing or having reason to believe that an image or recording was created by committing digital voyeurism and he or she intentionally disseminates, distributes, or transfers the image or recording to another person for the purpose of the amusement, entertainment, sexual arousal, or gratification of any person, or for the purpose of degrading, exploiting, or abusing another person.<sup>11</sup> A person who commits the offense of digital voyeurism dissemination commits a third degree felony.<sup>12</sup>

A person commits the offense of commercial digital voyeurism dissemination if that person:

- Knowing or having reason to believe that an image or recording was created by committing digital voyeurism and sells the image or recording for consideration to another person;<sup>13</sup> or
- Having created the image by committing digital voyeurism, and disseminates, distributes, or transfers the image or recording to another person for that person to sell the image or recording to others.<sup>14</sup>

Commercial digital voyeurism dissemination is a third degree felony.

### ***Digital voyeurism penalties***

Each instance of viewing, broadcasting, recording, disseminating, distributing, or transferring of an image or recording made in violation of this section is a separate offense for which a separate penalty is authorized.

A person who commits the offense of digital voyeurism, digital voyeurism dissemination, or commercial digital voyeurism and has previously been convicted of or adjudicated delinquent for any of those offenses commits a felony of the second degree.<sup>15</sup>

If a person who is 19 years of age or older and is convicted of committing any violation of s. 810.145, F.S., relating to digital voyeurism and is a family or household member of the victim, or holds a position of authority or trust with the victim, the court shall reclassify the felony to the next higher degree as follows:

- A felony of the third degree is reclassified as a felony of the second degree.<sup>16</sup>
- A felony of the second degree is reclassified as a felony of the first degree.<sup>17</sup>

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<sup>9</sup> Section 810.145(2)(c), F.S.

<sup>10</sup> A third degree felony is punishable by a term of imprisonment not exceeding 5 years and a \$5,000 fine, as provided in ss. 775.082 and 775.083. A person who is designated as a violent career criminal, habitual felony offender, habitual violent felony offender, or three-time violent felony offender is subjected to enhanced penalties provided in 775.084, F.S.

<sup>11</sup> Section 810.145(3)(a), F.S.

<sup>12</sup> Section 810.145(3)(b), F.S.

<sup>13</sup> Section 810.145(4)(a), F.S.

<sup>14</sup> Section 810.145(4)(b), F.S.

<sup>15</sup> Section 810.145(7)(a), F.S.

<sup>16</sup> Section 810.145(7)(b)1., F.S.

<sup>17</sup> Section 810.145(7)(b)2., F.S.

For purposes of sentencing under ch. 921, F.S., and incentive gain-time eligibility under ch. 944, F.S., a felony that is reclassified is ranked one level above the ranking in s. 921.0022, F.S.

### III. Effect of Proposed Changes:

The bill amends s. 810.145, F.S., to revise the definition of the term “reasonable expectation of privacy” for purposes relating to the offense of digital voyeurism.

The bill adds *privately fenced yard* to the places in which a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned the person undressing was being viewed, recorded, or broadcasted by another,

The bill takes effect on July 1, 2026

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

#### E. Other Constitutional Issues:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

None.

**C. Government Sector Impact:**

The Legislature's Office of Economic and Demographics Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have a positive indeterminate prison bed impact on the Department of Corrections (DOC), meaning that the bill may increase the number of individuals admitted to prison. The EDR provides the following additional information regarding its estimate:

Per the DOC, in FY 24-25, there were 13 new commitments to prison for felonies under s. 810.145, F.S. It is not known how many additional offenders there would be with the addition of privately fenced yard to where someone would have a reasonable expectation of privacy.<sup>18</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 810.145 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>18</sup> Office of Economic and Demographic Research Preliminary Estimate, *SB 1536- Digital Voyeurism*, (on file with the Senate Committee on Criminal Justice).