

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/HB 113 —Distribution of Materials Harmful to Minors

by Justice Appropriations Subcommittee; Criminal Justice Subcommittee; Rep. Diaz and others (CS/CS/SB 86 by Appropriations Committee; Education Committee; and Senators Flores and Benacquisto)

The bill creates a new offense making it a third-degree felony for an adult to knowingly distribute material harmful to a minor or to post materials harmful to a minor on public and private school property.

The bill defines school property as the grounds or facility of any public or private kindergarten, elementary school, middle school, junior high school, or secondary school.

The bill refers to current law to define “harmful to minors” as:

- (a) Any picture, photograph, drawing, sculpture, motion picture film, videocassette, or similar visual representation or image of a person or portion of the human body which depicts nudity or sexual conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse and which is harmful to minors; or
- (b) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording that contains any matter defined in s. 847.001, F.S., explicit and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct and that is harmful to minors.

The bill clarifies an exception for school-approved instructional materials used in the instruction of a subject by personnel defined in statute.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 36-0; House 115-3