

Committee on Criminal Justice

CS/HB 1545 — Child Exploitation Offenses

by Criminal Justice Subcommittee and Reps. Baker, Yarkosky, and others (CS/CS/SB 1656 by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; and Senator Martin)

The bill creates s. 847.01385, F.S., creating the offense of Harmful Communication to a Minor. An adult who engages in a pattern of communication to a minor that includes explicit and detailed verbal descriptions or narrative accounts of sexual activity, sexual conduct, or sexual excitement and that is harmful to minors commits a third degree felony.

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 in a prosecution for a violation of this section.

The bill ranks the offense as a Level 3 in the offense severity ranking chart.

The bill amends s. 921.0022, F.S., increasing ranking levels of specified child exploitation offenses on the offense severity ranking chart of the Criminal Punishment Code. Specifically:

- The third degree felony of harmful communication to a minor is ranked as a Level 3 in the offense severity ranking chart.
- The second degree felony of possessing with intent to promote any photographic material, motion picture, etc., which includes child pornography is ranked as a Level 7 in the offense severity ranking chart (previously ranked as a Level 5).
- The third degree felony of possession, control, or intentionally viewing any photographic material, motion picture, etc., which includes child pornography is ranked as a Level 6 in the offense severity ranking chart (previously ranked as a Level 5).
- The second degree felony of using or inducing a child in a sexual performance, or promoting or directing such performance is ranked as a Level 7 in the offense severity ranking chart (previously ranked as a Level 6).

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.

Vote: Senate 40-0; House 100-11