



964442

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2010	.	
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The Committee on Criminal Justice (Wilson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Sexting; prohibited acts; penalties.-

(1) A minor commits the offense of sexting if he or she knowingly uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of himself or herself which depicts nudity as defined in s. 847.001(9) and is harmful to minors as defined in s. 847.001(6).

(2) A minor who violates subsection (1):



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13 (a) Commits a noncriminal violation for a first violation
14 of sexting, punishable by 8 hours of community service or, if
15 ordered by the court in lieu of community service, a \$60 fine.
16 The court may also order the minor to participate in suitable
17 training or instruction in lieu of, or in addition to, community
18 service or a fine.

19 (b) Commits a misdemeanor of the second degree for a
20 violation that occurs after being found to have committed a
21 noncriminal violation for sexting, punishable as provided in s.
22 775.082 or s. 775.083, Florida Statutes.

23 (c) Commits a misdemeanor of the first degree for a
24 violation that occurs after being found to have committed a
25 misdemeanor of the second degree for sexting, punishable as
26 provided in s. 775.082 or s. 775.083, Florida Statutes.

27 (d) Commits a felony of the third degree for a violation
28 that occurs after being found to have committed a misdemeanor of
29 the first degree for sexting, punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084, Florida Statutes.

31 (3) This section does not prohibit the prosecution of a
32 minor for a violation of any law of this state if the photograph
33 or video which depicts nudity also includes the depiction of
34 sexual conduct or sexual excitement, and does not prohibit the
35 prosecution of a minor for stalking under s. 784.048, Florida
36 Statutes.

37 Section 2. This act shall take effect October 1, 2010.

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

41 And the title is amended as follows:



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42 Delete everything before the enacting clause
43 and insert:

44 A bill to be entitled
45 An act relating to the offense of sexting; providing
46 that a minor commits the offense of sexting if he or
47 she knowingly uses a computer, or any other device
48 capable of electronic data transmission or
49 distribution, to transmit or distribute to another
50 minor any photograph or video of himself or herself
51 which depicts nudity and is harmful to minors;
52 providing noncriminal and criminal penalties;
53 providing that the act does not prohibit prosecution
54 of a minor for conduct relating to material that
55 includes the depiction of sexual conduct or sexual
56 excitement or for stalking; providing an effective
57 date.