

THE FLORIDA SENATE
2026 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 1159 — Sexual Offenses

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Jacques and others (CS/SB 1750 by Appropriations Committee on Criminal and Civil Justice and Senator Martin)

The bill amends numerous sections of Florida Statutes to replace the term “child pornography” with the term “child sexual abuse material.” The change in terms does not make any substantive changes to the definition of “child pornography” or the elements of any criminal offense relating to child pornography.

The bill also amends multiple Florida laws to increase penalties, provide mandatory minimum sentencing and revise crimes related to sex offenses.

Reclassification

The bill revises the circumstances that triggers reclassification for sexual performance by a child, computer pornography, transmission of pornography by electronic device or equipment, and transmission of materials harmful to minors by electronic device or equipment. A violation of one of the above offenses must be reclassified to the next higher degree 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 12.
 - Sadomasochistic abuse involving a child.
 - Sexual battery involving a child.
 - 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.

Mandatory Minimum Sentences

The bill increases mandatory minimum prison sentences for specified sexual offenses committed by persons previously convicted, or had an adjudication withheld, of a specified sexual offense. Specifically mandatory minimums were enhanced for the following offenses:

- Lewd or lascivious molestation was increased from 10 years to 15 years.
- Use of a child in sexual performance was increased from 20 years to 30 years.
- Soliciting or buying of minors was increased from 20 years to 30 years.

Sexual Performance of a Child

The bill creates the crime of aggravated use of a child younger than 12 years of age in a sexual performance, which is a life felony. A person commits this crime if, knowing the character and content thereof, he or she employs, authorizes, or induces a child younger than 12 to engage

in a sexual performance. A person who was 18 years of age or older at the time of the offense must be sentenced to a mandatory minimum term of 25 years imprisonment.

The crime of use of a child in a sexual performance is increased from a second degree felony to a first degree felony. A person who was 18 years of age or older at the time of the offense must be sentenced to a mandatory minimum term of 15 years imprisonment.

The bill provides a mandatory minimum sentence for the second degree felony crime of promoting a sexual performance by a child. A person who is 18 years of age who is convicted of this offense must be sentenced to a mandatory minimum term of 5 years of imprisonment.

However, a court is not required to impose a mandatory minimum term of imprisonment for offenses relating to sexual performance of a child if the court makes the following written findings related to the sexual performance that forms the basis of the violation:

- The child depicted in the image was 14 years of age or older at the time the image was created;
- The image was created with the depicted child's permission;
- The offender was not more than 4 years older than the depicted child at the time the image was created; and
- The offender did not transmit the image to any third party.

Generated Child Sexual Abuse Material

The bill creates a second degree felony for a person who knew or reasonably should have known that he or she was transmitting generated child sexual abuse material to another person in this state or in another jurisdiction.

Additionally, the crime of generated child sexual abuse material is increased from a third degree felony to a second degree felony.

Sexual Activities Involving Animals

The bill increases the offense of knowingly engaging in sexual conduct with an animal and causing, aiding, or abetting another person to engage in sexual contact with an animal from a third-degree felony to a second-degree felony.

Additionally, the bill requires a court to issue an order prohibiting a person convicted under this section from harboring, owning, possessing, or exercising control over any animal for a minimum of five years after the date of conviction, whereas current law authorizes such an order for up to five years.

Obscenity

The bill increases the crime of possession of a child-like sex doll from a first degree misdemeanor to a third degree felony. A second or subsequent offense is a second degree felony.

Transmission of child sexual abuse material

The bill increases the crime of transmitting child sexual abuse material from a third degree felony to a second degree felony. A person who is 18 years of age or older at the time of the offense must be sentenced to a mandatory minimum term of imprisonment of 5 years.

Additionally, the bill specifies that a person may not be prosecuted for providing 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 sexual abuse material, cooperating with an investigation, preserving evidence, or seeking lawful removal of content.

The bill provides that a court is not required to impose a mandatory minimum term of imprisonment for the offense of transmitting child sexual abuse material if the court makes the following written findings related to the image that forms the basis of the violation:

- The child depicted in the image was 14 years of age or older at the time the image was created;
- The image was created with the depicted child's permission;
- The offender was not more than 4 years older than the depicted child at the time the image was created; and
- The offender did not transmit the image to any third party.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 37-0; House 105-0