

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

SB 1136 — Cyberharassment

by Senators Harrell and Perry

The bill amends s. 784.049, F.S., which punishes sexual cyberharassment. The bill modifies legislative findings in this section to indicate:

- A depicted person in a sexually explicit image may retain a reasonable expectation that image will remain private despite sharing the image with another person, such as an intimate partner;
- Conduct prohibited by this section includes dissemination of a sexually explicit image through electronic means in addition to publication of such image on an Internet website;
- Dissemination of a sexually explicit image may occur through electronic means; and
- Publication or dissemination of such sexually explicit images is contrary to the depicted person's reasonable expectation of privacy and without the consent of all parties depicted in such image.

The bill amends the definition of “personal identification information,” which pertains to the personal identification information of the person depicted in a sexually explicit image, to mean any information that identifies an individual, and includes, but is not limited to, any name, postal or electronic mail address, telephone number, social security number, date of birth, or any unique physical representation.

The bill amends the definition of “sexually cyberharass” to mean publishing to an Internet website or disseminating through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

Finally, the bill provides that evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his or her reasonable expectation of privacy for such image.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 38-1; House 113-0