By Senator Posey

24-42-06

1	A bill to be entitled
2	An act relating to the transmission of sexually
3	oriented material to a minor; creating s.
4	847.01385, F.S.; providing definitions relating
5	to the transmission of materials to a minor;
6	prohibiting a person in this state or in any
7	jurisdiction from transmitting sexually
8	oriented material or material that is harmful
9	to a minor by means of unsolicited electronic
10	mail or a computer pop-up; providing that a
11	violation of the act is a felony of the third
12	degree; providing criminal penalties; exempting
13	list servers from application of the act;
14	providing an effective date.
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16	Be It Enacted by the Legislature of the State of Florida:
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18	Section 1. Section 847.01385, Florida Statutes, is
19	created to read:
20	847.01385 Transmission of sexually oriented or other
21	material harmful to a minor by electronic device or equipment
22	<pre>prohibited; penalties</pre>
23	(1) As used in this section, the term:
24	(a) "Known to be a minor" means that a person knew or
25	should have known that the recipient of the communication was
26	a minor.
27	(b) "Transmit" means the act of sending any image,
28	information, or data by use of any electronic equipment or
29	device.
30	(2) Notwithstanding ss. 847.012 and 847.0133, a person
31	in this state may not transmit sexually oriented material or

1	an image, information, or data that is harmful to minors, as
2	defined in s. 847.001, to an individual in this state who is
3	known to be a minor by means of unsolicited electronic mail or
4	a computer pop-up. Any person who knew or reasonably should
5	have known that he or she was transmitting sexually oriented
6	material or an image, information, or data in violation of
7	this subsection commits a felony of the third degree,
8	punishable as provided in s. 775.082, s. 775.083, or s.
9	775.084.
10	(3) Notwithstanding ss. 847.012 and 847.0133, a person
11	in any jurisdiction other than this state may not transmit
12	sexually oriented material or an image, information, or data
13	that is harmful to minors, as defined in s. 847.001, to an
14	individual in this state who is known to be a minor by means
15	of unsolicited electronic mail or a computer pop-up. Any
16	person who knew or reasonably should have known that he or she
17	was transmitting sexually oriented material or an image,
18	information, or data in violation of this subsection commits a
19	felony of the third degree, punishable as provided in s.
20	775.082, s. 775.083, or s. 775.084.
21	(4) This section does not apply to subscription-based
22	transmissions such as list servers.
23	Section 2. This act shall take effect July 1, 2006.
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26	SENATE SUMMARY
27	Provides definitions for terms relating to the transmission of materials to a minor. Prohibits any
28	person from transmitting sexually oriented material or
29	material that is harmful to a minor by means of unsolicited electronic mail or a computer pop-up.  Provides that a violation of the agt is a follow of the
30	Provides that a violation of the act is a felony of the third degree. Provides criminal penalties. Exempts
31	certain subscription-based transmissions from the application of the act.