

1                                   A bill to be entitled  
 2           An act relating to the disclosure of sexually explicit  
 3           images; creating s. 847.0136, F.S.; providing  
 4           definitions; prohibiting an individual from disclosing  
 5           a sexually explicit image of an identifiable person  
 6           with the intent to harass such person if the  
 7           individual knows or should have known such person did  
 8           not consent to the disclosure; providing criminal  
 9           penalties; providing for jurisdiction; providing  
 10          exceptions; amending s. 921.244, F.S.; requiring a  
 11          court to order that a person convicted of such offense  
 12          be prohibited from having contact with the victim;  
 13          providing criminal penalties for a violation of such  
 14          order; providing that criminal penalties for certain  
 15          offenses run consecutively with a sentence imposed for  
 16          a violation of s. 847.0136, F.S.; providing an  
 17          effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

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 21           Section 1. Section 847.0136, Florida Statutes, is created  
 22           to read:

23           847.0136 Prohibited electronic disclosure of sexually  
 24           explicit images; penalties; jurisdiction.-

25           (1) As used in this section, the term:

26           (a) "Disclose" means to publish, post, distribute,  
 27           exhibit, advertise, offer, or transfer, or cause to be  
 28           published, posted, distributed, exhibited, advertised, offered,

HB 475

2014

29 or transferred.

30 (b) "Harass" means to engage in conduct directed at a  
31 specific person which causes substantial emotional distress to  
32 that person and serves no legitimate purpose.

33 (c) "Identifiable person" means an individual in a  
34 sexually explicit image who can be identified through:

35 1. Recognition of his or her face as depicted in the  
36 sexually explicit image; or

37 2. Personal identification information, as defined in s.  
38 817.568, that accompanies or is associated with the sexually  
39 explicit image.

40 (d) "Sexually explicit image" means a private photograph,  
41 film, videotape, recording, or other reproduction of:

42 1. Nudity; or

43 2. Sexual intercourse, including, but not limited to, oral  
44 sexual intercourse or anal sexual intercourse.

45 (2) An individual may not intentionally and knowingly  
46 disclose a sexually explicit image of an identifiable person or  
47 that contains descriptive information in a form that conveys the  
48 personal identification information, as defined in s. 817.568,  
49 of the person to a social networking service or a website, or by  
50 means of any other electronic medium, with the intent to harass  
51 such person, if the individual knows or should have known that  
52 the person depicted in the sexually explicit image did not  
53 consent to such disclosure.

54 (3) (a) Except as provided in paragraph (b), an individual  
55 who violates this section commits a felony of the third degree,  
56 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

57        (b) An individual who is 18 years of age or older at the  
58 time he or she violates this section commits a felony of the  
59 second degree, punishable as provided in s. 775.082, s. 775.083,  
60 or s. 775.084, if the violation involves a sexually explicit  
61 image of an individual who was younger than 16 years of age at  
62 the time the sexually explicit image was created.

63        (4) A violation of this section is committed within this  
64 state if any conduct that is an element of the offense described  
65 in subsection (2), or any harm to the identifiable person  
66 resulting from the offense described in subsection (2), occurs  
67 within this state.

68        (5) This section does not apply to the disclosure of a  
69 sexually explicit image for:

70        (a) The reporting, investigation, and prosecution of an  
71 alleged crime for law enforcement purposes.

72        (b) Voluntary and consensual purposes in public or  
73 commercial settings.

74        Section 2. Section 921.244, Florida Statutes, is amended  
75 to read:

76        921.244 Order of no contact; penalties.—

77        (1) At the time of sentencing an offender convicted of a  
78 violation of s. 794.011, s. 800.04, s. 847.0135(5), s. 847.0136,  
79 or any offense in s. 775.084(1)(b)1.a.-o., the court shall order  
80 that the offender be prohibited from having any contact with the  
81 victim, directly or indirectly, including through a third  
82 person, for the duration of the sentence imposed. The court may  
83 reconsider the order upon the request of the victim if the  
84 request is made at any time after the victim has attained 18

HB 475

2014

85 | years of age. In considering the request, the court shall  
86 | conduct an evidentiary hearing to determine whether a change of  
87 | circumstances has occurred which warrants a change in the court  
88 | order prohibiting contact and whether it is in the best interest  
89 | of the victim that the court order be modified or rescinded.

90 |       (2) An ~~Any~~ offender who violates a court order issued  
91 | under this section commits a felony of the third degree,  
92 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

93 |       (3) The punishment imposed under this section shall run  
94 | consecutive to any former sentence imposed for a conviction for  
95 | any offense under s. 794.011, s. 800.04, s. 847.0135(5), s.  
96 | 847.0136, or any offense in s. 775.084(1)(b)1.a.-o.

97 |       Section 3. This act shall take effect October 1, 2014.