The Committee on Rules (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 58 - 77

and insert:

who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An individual who commits a second or subsequent violation under this section commits a felony of the third degree punishable as provided in s. 775.082, s.775.083, or s.775.084.

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

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

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

(b) Voluntary and consensual purposes that, from all facts and circumstances, were not intended to be nor remain confidential, including in public or commercial settings.

(6) An aggrieved person may initiate a civil action against a person who violates this section to obtain all appropriate relief in order to prevent or remedy a violation of this section, including:

(a) Injunctive relief.

(b) Monetary damages to include $5,000 or actual damages incurred as a result of a violation of this section, whichever is greater.

(c) Reasonable attorney fees and costs.

(7) This section does not impose liability on a provider of jurisdiction; providing exceptions; providing civil remedies; exempting