

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Stevenson offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 20-59 and insert:

5 (a) A person depicted in a sexually explicit image taken
6 with the person's consent may retain ~~has~~ a reasonable
7 expectation that the image will remain private despite sharing
8 the image with another person, such as an intimate partner.

9 (b) It is becoming a common practice for persons to
10 publish a sexually explicit image of another to Internet
11 websites or to disseminate such an image through electronic
12 means without the depicted person's consent, contrary to the
13 depicted person's reasonable expectation of privacy, for no

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14 legitimate purpose, with the intent of causing substantial
15 emotional distress to the depicted person.

16 (c) When such images are published on Internet websites,
17 the images ~~they~~ are able to be viewed indefinitely by persons
18 worldwide and are able to be easily reproduced and shared.

19 (d) The publication or dissemination of such images
20 through the use of an Internet websites or electronic means
21 creates a permanent record of the depicted person's private
22 nudity or private sexually explicit conduct.

23 (e) The existence of such images on Internet websites or
24 the dissemination of such images without the consent of all
25 parties depicted in the images causes those depicted in such
26 images significant psychological harm.

27 (f) Safeguarding the psychological well-being and privacy
28 interests of persons depicted in such images is compelling.

29 (2) As used in this section, the term:

30 (a) "Image" includes, but is not limited to, any
31 photograph, picture, motion picture, film, video, or
32 representation.

33 (b) "Personal identification information" means any
34 information that identifies an individual, and includes, but is
35 not limited to, any name, postal or electronic mail address,
36 telephone number, social security number, date of birth, or any
37 unique physical representation ~~has the same meaning as provided~~
38 ~~in s. 817.568.~~

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39 (c) "Sexually cyberharass" means to publish to an Internet
40 website or disseminate through electronic means to another
41 person a sexually explicit image of a person that contains or
42 conveys the personal identification information of the depicted
43 person ~~to an Internet website~~ without the depicted person's
44 consent, contrary to the depicted person's reasonable
45 expectation that the image would remain private, for no
46 legitimate purpose, with the intent of causing substantial
47 emotional distress to the depicted person. Evidence that the
48 depicted person sent a sexually explicit image to another person
49 does not, on its own, remove his or her reasonable expectation
50 of privacy for that image.

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53 **T I T L E A M E N D M E N T**

54 Remove line 5 and insert:

55 "sexually cyberharass"; requiring that a person have a
56 reasonable expectation of privacy in an image for the
57 publication or dissemination of the image to qualify as sexual
58 cyberharassment; providing that certain actions do not eliminate
59 such an expectation of privacy; providing criminal penalties;

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