

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 245](#)

**TITLE:** Child Pornography Terminology

**SPONSOR(S):** Baker

**COMPANION BILL:** [SB 398](#) (Leek)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Criminal Justice](#)

16 Y, 0 N, As CS



[Health & Human Services](#)



[Judiciary](#)

## SUMMARY

### Effect of the Bill:

CS/HB 245 replaces the term “child pornography” with the term “child sexual abuse material” in each instance where it is used in statute.

### Fiscal or Economic Impact:

None

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## ANALYSIS

### EFFECT OF THE BILL:

CS/HB 245 replaces the term “[child pornography](#)” with the term “child sexual abuse material” in each instance where it is used in statute. The bill does not make any substantive changes to the definition of “child pornography” or the elements of any criminal offenses relating to child pornography. (Multiple sections)

The bill provides an effective date of July 1, 2026. (Section [21](#))

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Child Pornography in Florida Law

“[Child pornography](#)” is defined as:

- Any image depicting a minor engaged in sexual conduct; or
- Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.<sup>1</sup>

The term “child pornography” is also used in the following statutes:

- Section [39.0138, F.S.](#), relating to criminal history and other record checks related to placement of a child;
- Section [92.56, F.S.](#), relating to judicial proceedings and court records involving sexual offenses and human trafficking;
- Section [92.561, F.S.](#), relating to a prohibition on the reproduction of child pornography;
- Section [435.07, F.S.](#), relating to exemptions from disqualification from employment;
- Section [456.074, F.S.](#), relating to the immediate license suspension of certain health care practitioners;
- Section [775.0847, F.S.](#), relating to possession or promotion of certain images of child pornography and reclassification of certain offenses;
- Section [827.071, F.S.](#), relating to sexual performance by a child and child pornography;

<sup>1</sup> Ss. [775.0847\(1\)\(b\), F.S.](#), [827.071\(1\)\(b\), F.S.](#), and [847.001\(3\), F.S.](#)

**STORAGE NAME:** h0245a.CRM

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- Section [827.072, F.S.](#), relating to generated child pornography;
- Section [836.13, F.S.](#), relating to altered sexual depictions;
- Section [836.14, F.S.](#), relating to theft or unauthorized promotion of a sexually explicit image;
- Section [847.001, F.S.](#), relating to definitions pertaining to offenses involving obscenity;
- Section [847.002, F.S.](#), relating to child pornography prosecutions;
- Section [847.01357, F.S.](#), relating to exploited children’s civil remedies;
- Section [847.0137, F.S.](#), relating to the prohibited transmission of pornography by electronic device or equipment;
- Section [847.0139, F.S.](#), relating to immunity from civil liability for reporting child pornography, transmission of child pornography, or any image, information, or data harmful to minors to a minor;
- Section [903.011, F.S.](#), relating to pretrial release;
- Section [921.0022, F.S.](#), relating to the Criminal Punishment Code Offense Severity Ranking Chart;
- Section [948.06, F.S.](#), relating to violations of probation or community control;
- Section [960.03, F.S.](#), relating to definitions pertaining to the Florida Crimes Compensation Act; and
- Section [960.197, F.S.](#), relating to assistance to victims of online sexual exploitation and child pornography.

#### Federal and International Preferred Terminology

The United States Department of Justice acknowledges that although federal statutes still currently use the term “child pornography” in addition to and interchangeably with the term “child sexual abuse material,”<sup>2</sup> the term “child sexual abuse material” is preferred as it “better reflects the abuse that is depicted in the images and videos and the resulting trauma to the child.”<sup>3</sup>

Additionally, the Interagency Working Group on Sexual Exploitation of Children, a group comprised of representatives from various international organizations, found in their Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, issued in January 2016, that the term “child sexual abuse material” is increasingly being used to replace the term “child pornography.” This change in terminology is

based on the argument that sexualised material that depicts or otherwise represents children is indeed a representation, and a form, of child sexual abuse, and should not be described as “pornography.” “Pornography” is a term primarily used for adults engaging in consensual sexual acts distributed (often legally) to the general public for their sexual pleasure. Criticism of this term in relation to children comes from the fact that “pornography” is increasingly normalised and may (inadvertently or not) contribute to diminishing the gravity of, trivialising, or even legitimising what is actually sexual abuse and/or sexual exploitation of children.<sup>4</sup>

Furthermore, the working group argues that the term “‘child pornography’ risks insinuating that the acts are carried out with the consent of the child, and represent legitimate sexual material.”<sup>5</sup>

#### **OTHER RESOURCES:**

[National Center for Missing and Exploited Children- Child Sexual Abuse Material Overview](#)

<sup>2</sup> [34 U.S.C. §20942\(a\)\(1\)](#).

<sup>3</sup> United States Department of Justice, *Child Sexual Abuse Material*, [https://www.justice.gov/d9/2023-06/child\\_sexual\\_abuse\\_material\\_2.pdf](https://www.justice.gov/d9/2023-06/child_sexual_abuse_material_2.pdf) (last visited Nov. 4, 2025).

<sup>4</sup> Interagency Working Group on Sexual Exploitation of Children, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse* (Jan. 28, 2016), <https://www.unicef.org/media/66731/file/Terminology-guidelines.pdf> (last visited Nov. 4, 2025).

<sup>5</sup> *Id.*

**BILL HISTORY**

| <b>COMMITTEE REFERENCE</b>                            | <b>ACTION</b>                                                                                                                                                                                                    | <b>DATE</b> | <b>STAFF<br/>DIRECTOR/<br/>POLICY CHIEF</b> | <b>ANALYSIS<br/>PREPARED BY</b> |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------------------------------|---------------------------------|
| <a href="#">Criminal Justice Subcommittee</a>         | 16 Y, 0 N, As CS                                                                                                                                                                                                 | 11/18/2025  | Hall                                        | Leshko                          |
| THE CHANGES ADOPTED BY THE COMMITTEE:                 | Replaced the term “pornography” with “child sexual abuse material” in the description of the offenses contained in s. 847.0137(2) and (3), F.S., in the Criminal Punishment Code offense severity ranking chart. |             |                                             |                                 |
| <a href="#">Health &amp; Human Services Committee</a> |                                                                                                                                                                                                                  |             |                                             |                                 |
| <a href="#">Judiciary Committee</a>                   |                                                                                                                                                                                                                  |             |                                             |                                 |

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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