

CHAPTER 2025-84

Committee Substitute for Committee Substitute for House Bill No. 1451

An act relating to sexual cyberharassment; amending s. 784.049, F.S.; revising legislative findings; revising definitions; revising requirements for an enhanced penalty for a second or subsequent conviction; prohibiting violations for pecuniary or any other financial gain; providing criminal penalties; providing for award of punitive damages in civil actions; amending s. 775.15, F.S.; providing statute of limitations for prosecution of a sexual cyberharassment offense; amending s. 98.0751, F.S.; revising the definition of “felony sexual offense” for purposes of voting rights restoration to include new offenses created in this act; providing an effective date.

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

Section 1. Section 784.049, Florida Statutes, is amended to read:

784.049 Sexual cyberharassment.—

(1) The Legislature finds that:

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

(b) It is becoming a common practice for persons to publish a sexually explicit image of another to Internet websites or to disseminate such an image through electronic means without the depicted person’s consent, contrary to the depicted person’s reasonable expectation of privacy, ~~for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.~~

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

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

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

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

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

(a) “Image” includes, but is not limited to, any photograph, picture, motion picture, film, video, or representation.

(b) “Personal identification information” means any information that identifies a ~~person~~ ~~an individual~~, and includes, but is not limited to, any name, postal or electronic mail address, telephone number, social security number, date of birth, or any unique physical representation.

(c) “Sexually cyberharass” means to intentionally publish to an Internet website or intentionally disseminate through electronic means to another person a sexually explicit image of a person ~~that contains or conveys the personal identification information of the depicted person~~ without the depicted person’s consent and, contrary to the depicted person’s reasonable expectation that the image would remain private if:

1. The image contains or conveys the personal identification information of the depicted person; or

2. The personal identification information of the depicted person is not contained or conveyed in the image itself, but is contemporaneously published or disseminated in such a manner that a person viewing the personal identification information would reasonably know that such information directly relates to the person depicted in the sexually explicit image, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his or her reasonable expectation of privacy for that image.

(d) “Sexually explicit image” means any image depicting nudity, as defined in s. 847.001, ~~or~~ depicting a person engaging in sexual conduct, as defined in s. 847.001, or depicting the display of semen or vaginal secretion on a person.

(3)(a) Except as provided in paragraph (b) or subsection (4), a person who willfully and maliciously sexually cyberharasses another person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who has one prior conviction for sexual cyberharassment and who commits a second or subsequent sexual cyberharassment commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) Except as provided in paragraph (b), a person who violates this section for the purpose of pecuniary or any other financial gain commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who commits a second or subsequent violation of this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) For purposes of this section, the term “conviction” means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(6)(4)(a) A law enforcement officer may arrest, without a warrant, any person that he or she has probable cause to believe has violated this section.

(b) Upon proper affidavits being made, a search warrant may be issued to further investigate violations of this section, including warrants issued to search a private dwelling.

(7)(5) 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 the following:

(a) Injunctive relief.

(b) Monetary damages to include \$10,000 or actual damages incurred as a result of a violation of this section, whichever is greater.

(c) Punitive damages.

(d)(e) Reasonable attorney fees and costs.

(8)(6) The criminal and civil penalties of this section do not apply to:

(a) A provider of an interactive computer service as defined in 47 U.S.C. s. 230(f), information service as defined in 47 U.S.C. s. 153, or communications service as defined in s. 202.11, that provides the transmission, storage, or caching of electronic communications or messages of others; other related telecommunications or commercial mobile radio service; or content provided by another person; or

(b) A law enforcement officer, as defined in s. 943.10, or any local, state, federal, or military law enforcement agency, that publishes or disseminates a sexually explicit image in connection with the performance of his or her duties as a law enforcement officer, or law enforcement agency.

(9)(7) A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

Section 2. Subsection (22) is added to section 775.15, Florida Statutes, to read:

775.15 Time limitations; general time limitations; exceptions.—

(22)(a) A prosecution for a misdemeanor violation of s. 784.049 must be commenced within 5 years after the commission of the offense or within 3 years after the date the victim discovers the offense, whichever is later.

(b) A prosecution for a felony violation of s. 784.049 must be commenced within 7 years after the commission of the offense or within 3 years after the date the victim discovers the offense, whichever is later.

Section 3. Paragraph (b) of subsection (2) of section 98.0751, Florida Statutes, is amended to read:

98.0751 Restoration of voting rights; termination of ineligibility subsequent to a felony conviction.—

(2) For purposes of this section, the term:

(b) “Felony sexual offense” means any of the following:

1. Any felony offense that serves as a predicate to registration as a sexual offender in accordance with s. 943.0435;

2. Section 491.0112;

3. Section 784.049(3)(b) or (4);

4. Section 794.08;

5. Section 796.08;

6. Section 800.101;

7. Section 826.04;

8. Section 847.012;

9. Section 872.06(2);

10. Section 944.35(3)(b)2.;

11. Section 951.221(1); or

12. Any similar offense committed in another jurisdiction which would be an offense listed in this paragraph if it had been committed in violation of the laws of this state.

Section 4. This act shall take effect October 1, 2025.

Approved by the Governor May 22, 2025.

Filed in Office Secretary of State May 22, 2025.