

By Representative Ball

1 A bill to be entitled
2 An act relating to criminal exposure of sexual
3 organs; amending s. 800.03, F.S.; prohibiting
4 willfully and intentionally being "naked," as
5 defined, in certain lands under concurrent
6 state and federal jurisdiction; providing
7 penalties; reenacting ss. 914.16, 933.18(7)(c),
8 and 943.051(3)(b), F.S., relating to limits on
9 interviews of victims of child abuse and sexual
10 abuse of children under age 16 or persons with
11 mental retardation, issuance of warrant for
12 search of private dwelling, and fingerprinting
13 of minors for criminal justice information
14 purposes, respectively, to incorporate said
15 amendment in references; providing an effective
16 date.

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

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20 Section 1. Section 800.03, Florida Statutes, is
21 amended to read:

22 800.03 Exposure of sexual organs.--

23 (1) It is unlawful to expose or exhibit one's sexual
24 organs in public or on the private premises of another, or so
25 near thereto as to be seen from such private premises, in a
26 vulgar or indecent manner, or to be naked in public except in
27 any place provided or set apart for that purpose.

28 (2)(a) It is unlawful for any person to willfully and
29 intentionally be naked in any lands within the state over
30 which the state maintains concurrent jurisdiction with the
31 Federal Government pursuant to s. 6.075.

1 (b) As used in this subsection, "naked" means exposure
2 of: a male or female person's genitals or pubic area, the
3 entire buttocks, or a female person's breast below the top of
4 the areola. A vulgar, indecent, or lewd or lascivious
5 exhibition is not required for purposes of this subsection.

6 (3) Violation of this section is a misdemeanor of the
7 first degree, punishable as provided in s. 775.082 or s.
8 775.083. A mother's breastfeeding of her baby does not under
9 any circumstance violate this section.

10 Section 2. For the purpose of incorporating the
11 amendment to section 800.03, Florida Statutes, in references
12 thereto, the sections or subdivisions of Florida Statutes set
13 forth below are reenacted to read:

14 914.16 Child abuse and sexual abuse of victims under
15 age 16 or persons with mental retardation; limits on
16 interviews.--The chief judge of each judicial circuit, after
17 consultation with the state attorney and the public defender
18 for the judicial circuit, the appropriate chief law
19 enforcement officer, and any other person deemed appropriate
20 by the chief judge, shall provide by order reasonable limits
21 on the number of interviews that a victim of a violation of s.
22 794.011, s. 800.04, or s. 827.03 who is under 16 years of age
23 or a victim of a violation of s. 794.011, s. 800.02, s.
24 800.03, or s. 825.102 who is a person with mental retardation
25 as defined in s. 393.063(41) must submit to for law
26 enforcement or discovery purposes. The order shall, to the
27 extent possible, protect the victim from the psychological
28 damage of repeated interrogations while preserving the rights
29 of the public, the victim, and the person charged with the
30 violation.

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1 933.18 When warrant may be issued for search of
2 private dwelling.--No search warrant shall issue under this
3 chapter or under any other law of this state to search any
4 private dwelling occupied as such unless:

5 (7) One or more of the following misdemeanor child
6 abuse offenses is being committed there:

7 (c) Exposure of sexual organs to a child, in violation
8 of s. 800.03.

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10 If, during a search pursuant to a warrant issued under this
11 section, a child is discovered and appears to be in imminent
12 danger, the law enforcement officer conducting such search may
13 remove the child from the private dwelling and take the child
14 into protective custody pursuant to s. 415.506. The term
15 "private dwelling" shall be construed to include the room or
16 rooms used and occupied, not transiently but solely as a
17 residence, in an apartment house, hotel, boardinghouse, or
18 lodginghouse. No warrant shall be issued for the search of
19 any private dwelling under any of the conditions hereinabove
20 mentioned except on sworn proof by affidavit of some
21 creditable witness that he has reason to believe that one of
22 said conditions exists, which affidavit shall set forth the
23 facts on which such reason for belief is based.

24 943.051 Criminal justice information; collection and
25 storage; fingerprinting.--

26 (3)

27 (b) A minor who is charged with or found to have
28 committed the following misdemeanors shall be fingerprinted
29 and the fingerprints shall be submitted to the department:

30 1. Assault, as defined in s. 784.011.

31 2. Battery, as defined in s. 784.03.

- 1 3. Carrying a concealed weapon, as defined in s.
- 2 790.01(1).
- 3 4. Unlawful use of destructive devices or bombs, as
- 4 defined in s. 790.1615(1).
- 5 5. Negligent treatment of children, as defined in s.
- 6 827.05.
- 7 6. Assault or battery on a law enforcement officer, a
- 8 firefighter, or other specified officers, as defined in s.
- 9 784.07(2)(a) and (b).
- 10 7. Open carrying of a weapon, as defined in s.
- 11 790.053.
- 12 8. Exposure of sexual organs, as defined in s. 800.03.
- 13 9. Unlawful possession of a firearm, as defined in s.
- 14 790.22(5).
- 15 10. Petit theft, as defined in s. 812.014(3).
- 16 11. Cruelty to animals, as defined in s. 828.12(1).
- 17 12. Arson, as defined in s. 806.031(1).

18 Section 3. This act shall take effect October 1, 1997,
19 and shall apply to offenses committed on or after that date.

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22 HOUSE SUMMARY

23 Prohibits willfully and intentionally being "naked," as
24 defined, in certain lands under concurrent state and
25 federal jurisdiction and provides penalties.
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