

By Senator Aronberg

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A bill to be entitled

An act relating to lewdness and indecent exposure; amending ss. 800.02 and 800.03, F.S.; providing enhanced penalties for offenses involving unnatural and lascivious acts or exposure or exhibition of sexual organs committed within a specified distance of certain locations; amending s. 933.18, F.S.; conforming a provision to the enhancement of penalties; providing an effective date.

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

Section 1. Section 800.02, Florida Statutes, is amended to read:

800.02 Unnatural and lascivious act.--

(1)(a) Except as provided in paragraph (b), a person who commits any unnatural and lascivious act with another person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who commits any unnatural and lascivious act with another person on or within 1,000 feet of the real property comprising:

1. A child care facility, as defined in s. 402.302, which is in compliance with the signage requirements of s. 893.13(1)(c);

2. A public or private elementary, middle, or secondary school during school hours when children are present; or

1 3. A state, county, or municipal park, a community
2 center as defined in s. 893.13(1)(c), or a publicly owned
3 recreational facility at any time
4
5 commits a felony of the third degree, punishable as provided
6 in s. 775.082, s. 775.083, or s. 775.084.

7 (2) A mother's breastfeeding of her baby does not
8 under any circumstance violate this section.

9 Section 2. Section 800.03, Florida Statutes, is
10 amended to read:

11 800.03 Exposure of sexual organs.--

12 (1)(a) Except as provided in paragraph (b), a person
13 who exposes or exhibits his or her ~~It is unlawful to expose or~~
14 ~~exhibit one's~~ sexual organs in public or on the private
15 premises of another, or so near thereto as to be seen from
16 such private premises, in a vulgar or indecent manner, or is
17 ~~to be~~ naked in public except in any place provided or set
18 apart for that purpose commits. ~~Violation of this section is a~~
19 misdemeanor of the first degree, punishable as provided in s.
20 775.082 or s. 775.083.

21 (b) A person who exposes or exhibits his or her sexual
22 organs in violation of paragraph (a) on or within 1,000 feet
23 of the real property comprising:

24 1. A child care facility, as defined in s. 402.302,
25 which is in compliance with the signage requirements of s.
26 893.13(1)(c);

27 2. A public or private elementary, middle, or
28 secondary school during school hours when children are
29 present; or
30
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1 3. A state, county, or municipal park, a community
2 center as defined in s. 893.13(1)(c), or a publicly owned
3 recreational facility at any time
4
5 commits a felony of the third degree, punishable as provided
6 in s. 775.082, s. 775.083, or s. 775.084.

7 (2) A mother's breastfeeding of her baby does not
8 under any circumstance violate this section.

9 Section 3. Subsection (7) of section 933.18, Florida
10 Statutes, is amended to read:

11 933.18 When warrant may be issued for search of
12 private dwelling.--No search warrant shall issue under this
13 chapter or under any other law of this state to search any
14 private dwelling occupied as such unless:

15 (7) One or more of the following ~~misdemeanor~~ child
16 abuse offenses is being committed there:

17 (a) Interference with custody, in violation of s.
18 787.03.

19 (b) Commission of an unnatural and lascivious act with
20 a child, in violation of s. 800.02.

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

23
24 If, during a search pursuant to a warrant issued under this
25 section, a child is discovered and appears to be in imminent
26 danger, the law enforcement officer conducting such search may
27 remove the child from the private dwelling and take the child
28 into protective custody pursuant to chapter 39. The term
29 "private dwelling" shall be construed to include the room or
30 rooms used and occupied, not transiently but solely as a
31 residence, in an apartment house, hotel, boardinghouse, or

1 lodginghouse. No warrant shall be issued for the search of any
2 private dwelling under any of the conditions hereinabove
3 mentioned except on sworn proof by affidavit of some
4 creditable witness that he or she has reason to believe that
5 one of said conditions exists, which affidavit shall set forth
6 the facts on which such reason for belief is based.

7 Section 4. This act shall take effect October 1, 2007.

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10 SENATE SUMMARY

11 Provides enhanced penalties for offenses involving
12 unnatural and lascivious acts or exposure or exhibition
13 of sexual organs committed within a specified distance of
14 certain locations.
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