

By Senator Crist

12-1859-07

1 A bill to be entitled

2 An act relating to lewdness and indecent

3 exposure; amending ss. 800.02 and 800.03, F.S.;

4 providing enhanced penalties for offenses

5 involving unnatural and lascivious acts or

6 exposure or exhibition of sexual organs

7 committed within a specified distance of

8 certain locations; amending s. 933.18, F.S.;

9 conforming a provision to the enhancement of

10 penalties; providing an effective date.

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

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14 Section 1. Section 800.02, Florida Statutes, is

15 amended to read:

16 800.02 Unnatural and lascivious act.--

17 (1)(a) Except as provided in paragraph (b), a person

18 who commits any unnatural and lascivious act with another

19 person commits a misdemeanor of the second degree, punishable

20 as provided in s. 775.082 or s. 775.083.

21 (b) A person who commits any unnatural and lascivious

22 act with another person on or within 1,000 feet of the real

23 property comprising:

24 1. A child care facility, as defined in s. 402.302,

25 that 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 between the hours of 6 a.m. and 12 midnight;

29 or

30 3. A public playground or community center

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1 commits a felony of the second degree, punishable as provided
2 in s. 775.082, s. 775.083, or s. 775.084.

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

5 Section 2. Section 800.03, Florida Statutes, is
6 amended to read:

7 800.03 Exposure of sexual organs.--

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

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

20 1. A child care facility, as defined in s. 402.302,
21 that is in compliance with the signage requirements of s.
22 893.13(1)(c);

23 2. A public or private elementary, middle, or
24 secondary school between the hours of 6 a.m. and 12 midnight;
25 or

26 3. A public playground or community center

27
28 commits a felony of the second degree, punishable as provided
29 in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

9 (a) Interference with custody, in violation of s.
10 787.03.

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

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

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16 If, during a search pursuant to a warrant issued under this
17 section, a child is discovered and appears to be in imminent
18 danger, the law enforcement officer conducting such search may
19 remove the child from the private dwelling and take the child
20 into protective custody pursuant to chapter 39. The term
21 "private dwelling" shall be construed to include the room or
22 rooms used and occupied, not transiently but solely as a
23 residence, in an apartment house, hotel, boardinghouse, or
24 lodginghouse. No warrant shall be issued for the search of any
25 private dwelling under any of the conditions hereinabove
26 mentioned except on sworn proof by affidavit of some
27 creditable witness that he or she has reason to believe that
28 one of said conditions exists, which affidavit shall set forth
29 the facts on which such reason for belief is based.

30 Section 4. This act shall take effect October 1, 2007.
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SENATE SUMMARY

Provides enhanced penalties for offenses involving
unnatural and lascivious acts or exposure or exhibition
of sexual organs.