

1                                   A bill to be entitled  
 2           An act relating to lewdness and indecent exposure;  
 3           amending ss. 800.02 and 800.03, F.S.; providing enhanced  
 4           penalties for offenses involving unnatural and lascivious  
 5           acts or exposure or exhibition of sexual organs committed  
 6           within a specified distance of certain locations; amending  
 7           s. 933.18, F.S.; conforming a provision to the enhancement  
 8           of penalties; amending s. 901.15, F.S.; authorizing  
 9           warrantless arrest for violations of s. 800.03, F.S.;  
 10          providing an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 14           Section 1. Section 800.02, Florida Statutes, is amended to  
 15 read:

16           800.02 Unnatural and lascivious act.--

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

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

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

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

29           3. A state, county, or municipal park, a public beach, a  
 30 community center as defined in s. 893.13(1)(c), or a publicly  
 31 owned recreational facility at any time  
 32  
 33 commits a felony of the second degree, punishable as provided in  
 34 s. 775.082, s. 775.083, or s. 775.084.

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

37           Section 2. Section 800.03, Florida Statutes, is amended to  
 38 read:

39           800.03 Exposure of sexual organs.--

40           (1)(a) Except as provided in paragraph (b), a person who  
 41 exposes or exhibits his or her ~~It is unlawful to expose or~~  
 42 ~~exhibit one's~~ sexual organs in public or on the private premises  
 43 of another, or so near thereto as to be seen from such private  
 44 premises, in a vulgar or indecent manner, or is to be naked in  
 45 public except in any place provided or set apart for that  
 46 purpose commits . ~~Violation of this section is~~ a misdemeanor of  
 47 the first degree, punishable as provided in s. 775.082 or s.  
 48 775.083.

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

52           1. A child care facility, as defined in s. 402.302, that  
 53 is in compliance with the signage requirements of s.  
 54 893.13(1)(c);

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

57           3. A state, county, or municipal park, a public beach, a  
 58 community center as defined in s. 893.13(1)(c), or a publicly  
 59 owned recreational facility at any time  
 60  
 61 commits a felony of the second degree, punishable as provided in  
 62 s. 775.082, s. 775.083, or s. 775.084.

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

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

67           933.18 When warrant may be issued for search of private  
 68 dwelling.--No search warrant shall issue under this chapter or  
 69 under any other law of this state to search any private dwelling  
 70 occupied as such unless:

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

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

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

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

78  
 79 If, during a search pursuant to a warrant issued under this  
 80 section, a child is discovered and appears to be in imminent  
 81 danger, the law enforcement officer conducting such search may  
 82 remove the child from the private dwelling and take the child  
 83 into protective custody pursuant to chapter 39. The term  
 84 "private dwelling" shall be construed to include the room or

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85 rooms used and occupied, not transiently but solely as a  
86 residence, in an apartment house, hotel, boardinghouse, or  
87 lodginghouse. No warrant shall be issued for the search of any  
88 private dwelling under any of the conditions hereinabove  
89 mentioned except on sworn proof by affidavit of some creditable  
90 witness that he or she has reason to believe that one of said  
91 conditions exists, which affidavit shall set forth the facts on  
92 which such reason for belief is based.

93 Section 4. Subsection (16) is added to section 901.15,  
94 Florida Statutes, to read:

95 901.15 When arrest by officer without warrant is  
96 lawful.--A law enforcement officer may arrest a person without a  
97 warrant when:

98 (16) There is probable cause to believe that the person  
99 has unlawfully exposed or exhibited his or her sexual organs in  
100 public in violation of s. 800.03.

101 Section 5. This act shall take effect October 1, 2007.