

By Senator Aronberg

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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; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

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

14 800.02 Unnatural and lascivious act.--

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

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

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

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

27 3. A state, county, or municipal park or beach, a community
28 center as defined in s. 893.13(1) (c), or a publicly owned
29 recreational facility at any time

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31 commits a felony of the third degree, punishable as provided in
32 s. 775.082, s. 775.083, or s. 775.084.

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

35 Section 2. Section 800.03, Florida Statutes, is amended to
36 read:

37 800.03 Exposure of sexual organs.--

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

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

49 1. A child care facility, as defined in s. 402.302, which
50 is in compliance with the signage requirements of s.
51 893.13(1)(c);

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

54 3. A state, county, or municipal park or beach, a community
55 center as defined in s. 893.13(1)(c), or a publicly owned
56 recreational facility at any time

57
58 commits a misdemeanor of the first degree, punishable as provided

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59 in s. 775.082, s. 775.083, or s. 775.084.

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

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

64 933.18 When warrant may be issued for search of private
65 dwelling.--No search warrant shall issue under this chapter or
66 under any other law of this state to search any private dwelling
67 occupied as such unless:

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

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

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

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

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76 If, during a search pursuant to a warrant issued under this
77 section, a child is discovered and appears to be in imminent
78 danger, the law enforcement officer conducting such search may
79 remove the child from the private dwelling and take the child
80 into protective custody pursuant to chapter 39. The term "private
81 dwelling" shall be construed to include the room or rooms used
82 and occupied, not transiently but solely as a residence, in an
83 apartment house, hotel, boardinghouse, or lodginghouse. No
84 warrant shall be issued for the search of any private dwelling
85 under any of the conditions hereinabove mentioned except on sworn
86 proof by affidavit of some creditable witness that he or she has
87 reason to believe that one of said conditions exists, which

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88 | affidavit shall set forth the facts on which such reason for
89 | belief is based.

90 | Section 4. This act shall take effect October 1, 2008.