

By Senator Oelrich

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1 A bill to be entitled
 2 An act relating to lewd or lascivious offenses;
 3 amending and reenacting s. 800.04, F.S.; revising the
 4 definition of the term "sexual activity" for purposes
 5 of provisions relating to certain lewd or lascivious
 6 offenses; providing penalties; providing an effective
 7 date.

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

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 11 Section 1. Paragraph (a) of subsection (1) of section
 12 800.04, Florida Statutes, is amended, and subsection (4) and
 13 paragraph (a) of subsection (7) of that section are reenacted,
 14 to read:

15 800.04 Lewd or lascivious offenses committed upon or in the
 16 presence of persons less than 16 years of age.—

17 (1) DEFINITIONS.—As used in this section:

18 (a) "Sexual activity" means the oral, anal, or vaginal
 19 penetration by, or union with, the sexual organ of another or
 20 ~~the~~ anal or vaginal penetration ~~of another~~ by any ~~other~~ object;
 21 however, sexual activity does not include an act done for a bona
 22 fide medical purpose.

23 (4) LEWD OR LASCIVIOUS BATTERY.—A person who:

24 (a) Engages in sexual activity with a person 12 years of
 25 age or older but less than 16 years of age; or

26 (b) Encourages, forces, or entices any person less than 16
 27 years of age to engage in sadomasochistic abuse, sexual
 28 bestiality, prostitution, or any other act involving sexual
 29 activity

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31 commits lewd or lascivious battery, a felony of the second
32 degree, punishable as provided in s. 775.082, s. 775.083, or s.
33 775.084.

34 (7) LEWD OR LASCIVIOUS EXHIBITION.—

35 (a) A person who:

36 1. Intentionally masturbates;

37 2. Intentionally exposes the genitals in a lewd or
38 lascivious manner; or

39 3. Intentionally commits any other sexual act that does not
40 involve actual physical or sexual contact with the victim,
41 including, but not limited to, sadomasochistic abuse, sexual
42 bestiality, or the simulation of any act involving sexual
43 activity

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45 in the presence of a victim who is less than 16 years of age,
46 commits lewd or lascivious exhibition.

47 Section 2. This act shall take effect July 1, 2011.