

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

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

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

14 800.04 Lewd or lascivious offenses committed upon or in
 15 the presence of persons less than 16 years of age.—

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

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

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

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

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

HB 235

2011

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

33 (7) LEWD OR LASCIVIOUS EXHIBITION.—

34 (a) A person who:

35 1. Intentionally masturbates;

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

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

43
44 in the presence of a victim who is less than 16 years of age,
45 commits lewd or lascivious exhibition.

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