

1 A bill to be entitled
 2 An act relating to lewd or lascivious exhibition;
 3 amending s. 800.09, F.S.; revising the definition of
 4 the term "employee"; prohibiting certain lewd or
 5 lascivious acts in the presence of county or municipal
 6 correctional personnel; providing criminal penalties;
 7 providing an effective date.

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

10
 11 Section 1. Section 800.09, Florida Statutes, is amended to
 12 read:

13 800.09 Lewd or lascivious exhibition in the presence of an
 14 employee.—

15 (1) As used in this section, the term:

16 (a) "Employee" means:

17 1. Any person employed by or performing contractual
 18 services for a public or private entity operating a state
 19 correctional institution or private correctional facility; ~~or~~

20 2. Any person employed by or performing contractual
 21 services for the corporation operating the prison industry
 22 enhancement programs or the correctional work programs under
 23 part II of chapter 946; ~~The term also includes~~

24 3. Any person who is a parole examiner with the Florida
 25 Commission on Offender Review; or

26 4. Any person employed at or performing contractual
 27 services for a county detention facility.

28 (b) "Facility" means a state correctional institution as
 29 defined in s. 944.02, ~~or~~ a private correctional facility as
 30 defined in s. 944.710, or a county detention facility as defined
 31 in s. 951.23.

32 (2) (a) A person who is detained in a facility may not:

33 1. Intentionally masturbate;

34 2. Intentionally expose the genitals in a lewd or
 35 lascivious manner; or

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

41
 42 in the presence of a person he or she knows or reasonably should
 43 know is an employee.

44 (b) A person who violates paragraph (a) commits lewd or
 45 lascivious exhibition in the presence of an employee, a felony
 46 of the third degree, punishable as provided in s. 775.082, s.
 47 775.083, or s. 775.084.

48 Section 2. This act shall take effect July 1, 2019.