

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 correctional  
 6           personnel; providing criminal penalties; providing an  
 7           effective date.

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

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 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 October 1, 2019.