



510758

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/30/2019 04:38 PM

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Senator Book moved the following:

Senate Amendment (with title amendment)

Between lines 2253 and 2254

insert:

Section 36. Subsections (4), (5), (6), and (7) of section 800.04, Florida Statutes, are amended to read

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

(4) LEWD OR LASCIVIOUS BATTERY.—

(a) A person commits lewd or lascivious battery by:

1. Engaging in sexual activity with a person 12 years of



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12 age or older but less than 16 years of age; or

13 2. Encouraging, forcing, or enticing any person less than
14 16 years of age to engage in sadomasochistic abuse, sexual
15 bestiality, prostitution, or any other act involving sexual
16 activity.

17 (b) ~~Except as provided in paragraph (c),~~ An offender who
18 commits lewd or lascivious battery commits a felony of the first
19 ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083,
20 or s. 775.084.

21 (c) ~~A person commits a felony of the first degree,~~
22 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084~~
23 ~~if the person is an offender 18 years of age or older who~~
24 ~~commits lewd or lascivious battery and was previously convicted~~
25 ~~of a violation of:~~

26 1. ~~Section 787.01(2) or s. 787.02(2) when the violation~~
27 ~~involved a victim who was a minor and, in the course of~~
28 ~~committing that violation, the defendant committed against the~~
29 ~~minor a sexual battery under chapter 794 or a lewd act under~~
30 ~~this section or s. 847.0135(5);~~

31 2. ~~Section 787.01(3)(a)2. or 3.;~~

32 3. ~~Section 787.02(3)(a)2. or 3.;~~

33 4. ~~Chapter 794, excluding s. 794.011(10);~~

34 5. ~~Section 825.1025;~~

35 6. ~~Section 847.0135(5); or~~

36 7. ~~This section.~~

37 (5) LEWD OR LASCIVIOUS MOLESTATION.—

38 (a) A person who intentionally touches in a lewd or
39 lascivious manner the breasts, genitals, genital area, or
40 buttocks, or the clothing covering them, of a person less than



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41 16 years of age, or forces or entices a person under 16 years of
42 age to so touch the perpetrator, commits lewd or lascivious
43 molestation.

44 (b) An offender 18 years of age or older who commits lewd
45 or lascivious molestation against a victim less than 12 years of
46 age commits a life felony, punishable as provided in s.
47 775.082(3)(a)4.

48 (c)1. An offender less than 18 years of age who commits
49 lewd or lascivious molestation against a victim less than 12
50 years of age; or

51 2. An offender 18 years of age or older who commits lewd or
52 lascivious molestation against a victim 12 years of age or older
53 but less than 16 years of age

54
55 commits a felony of the first ~~second~~ degree, punishable as
56 provided in s. 775.082, s. 775.083, or s. 775.084.

57 (d) An offender less than 18 years of age who commits lewd
58 or lascivious molestation against a victim 12 years of age or
59 older but less than 16 years of age commits a felony of the
60 first ~~third~~ degree, punishable as provided in s. 775.082, s.
61 775.083, or s. 775.084.

62 (e) A person commits a felony of the first degree,
63 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
64 if the person is 18 years of age or older and commits lewd or
65 lascivious molestation against a victim 12 years of age or older
66 but less than 16 years of age and the person was previously
67 convicted of a violation of:

68 1. Section 787.01(2) or s. 787.02(2) when the violation
69 involved a victim who was a minor and, in the course of



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70 committing the violation, the defendant committed against the
71 minor a sexual battery under chapter 794 or a lewd act under
72 this section or s. 847.0135(5);
73 2. Section 787.01(3)(a)2. or 3.;
74 3. Section 787.02(3)(a)2. or 3.;
75 4. Chapter 794, excluding s. 794.011(10);
76 5. Section 825.1025;
77 6. Section 847.0135(5); or
78 7. This section.
79 (6) LEWD OR LASCIVIOUS CONDUCT.—
80 (a) A person who:
81 1. Intentionally touches a person under 16 years of age in
82 a lewd or lascivious manner; or
83 2. Solicits a person under 16 years of age to commit a lewd
84 or lascivious act
85
86 commits lewd or lascivious conduct.
87 (b) An offender 18 years of age or older who commits lewd
88 or lascivious conduct commits a felony of the first ~~second~~
89 degree, punishable as provided in s. 775.082, s. 775.083, or s.
90 775.084.
91 (c) An offender less than 18 years of age who commits lewd
92 or lascivious conduct commits a felony of the first ~~third~~
93 degree, punishable as provided in s. 775.082, s. 775.083, or s.
94 775.084.
95 (7) LEWD OR LASCIVIOUS EXHIBITION.—
96 (a) A person who:
97 1. Intentionally masturbates;
98 2. Intentionally exposes the genitals in a lewd or



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99 lascivious manner; or

100 3. Intentionally commits any other sexual act that does not
101 involve actual physical or sexual contact with the victim,
102 including, but not limited to, sadomasochistic abuse, sexual
103 bestiality, or the simulation of any act involving sexual
104 activity

105
106 in the presence of a victim who is less than 16 years of age,
107 commits lewd or lascivious exhibition.

108 (b) An offender 18 years of age or older who commits a lewd
109 or lascivious exhibition commits a felony of the first ~~second~~
110 degree, punishable as provided in s. 775.082, s. 775.083, or s.
111 775.084.

112 (c) An offender less than 18 years of age who commits a
113 lewd or lascivious exhibition commits a felony of the first
114 ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083,
115 or s. 775.084.

116
117 ===== T I T L E A M E N D M E N T =====

118 And the title is amended as follows:

119 Delete line 200

120 and insert:

121 s. 800.04, F.S.; increasing the penalty of certain
122 lewd and lascivious offenses; s. 800.09, F.S.;
123 revising the definitions of the terms