

By the Committee on Criminal Justice; and Senator Rader

591-02644-19

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1 A bill to be entitled
 2 An act relating to lewd or lascivious exhibition;
 3 amending s. 800.09, F.S.; prohibiting certain lewd or
 4 lascivious acts in the presence of county correctional
 5 personnel; providing criminal penalties; providing an
 6 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. Section 800.09, Florida Statutes, is amended to
 11 read:

12 800.09 Lewd or lascivious exhibition in the presence of an
 13 employee.—

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

15 (a) "Employee" means:

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

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

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

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

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

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30 in s. 951.23.

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

32 1. Intentionally masturbate;

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

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

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

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

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