

By the Committee on Criminal Justice; and Senator Stewart

591-03076-20

20201018c1

1 A bill to be entitled
 2 An act relating to exposure of sexual organs; amending
 3 s. 800.03; increasing criminal penalties for exposure
 4 of sexual organs for a second or subsequent offense;
 5 providing exceptions; amending s. 901.15, F.S.;
 6 authorizing warrantless arrests when a law enforcement
 7 officer has probable cause to believe that a person
 8 has violated s. 800.03, F.S.; providing an effective
 9 date.

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

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 13 Section 1. Section 800.03, Florida Statutes, is amended to
 14 read:

15 800.03 Exposure of sexual organs.—

16 (1) It is unlawful to expose or exhibit one's sexual organs
 17 in public or on the private premises of another, or so near
 18 thereto as to be seen from such private premises, in a vulgar or
 19 indecent manner, ~~or to be naked in public except in any place~~
 20 ~~provided or set apart for that purpose.~~

21 (2) (a) Except as provided in paragraph (b), a violation of
 22 this section is a misdemeanor of the first degree, punishable as
 23 provided in s. 775.082 or s. 775.083.

24 (b) A second or subsequent violation of this section is a
 25 felony of the third degree, punishable as provided in s.
 26 775.082, s. 775.083, or s. 775.084.

27 (3) The exposure of sexual organs by any of the following
 28 does not violate subsection (1):

29 (a) A mother's breastfeeding of her baby;

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30 (b) An individual who is merely naked at any place provided
31 or set apart for that purpose, including, but not limited to, a
32 clothing-optional beach; or

33 (c) An inmate incarcerated at a state correctional
34 institution or local detention facility ~~does not under any~~
35 ~~circumstance violate this section.~~

36 Section 2. Subsection (9) of section 901.15, Florida
37 Statutes, is amended to read

38 901.15 When arrest by officer without warrant is lawful.—A
39 law enforcement officer may arrest a person without a warrant
40 when:

41 (9) There is probable cause to believe that the person has
42 committed:

43 (a) Any battery upon another person, as defined in s.
44 784.03.

45 (b) An act of criminal mischief or a graffiti-related
46 offense as described in s. 806.13.

47 (c) A violation of a safety zone, security zone, regulated
48 navigation area, or naval vessel protection zone as described in
49 s. 327.461.

50 (d) A racing violation as described in s. 316.191(2).

51 (e) An exposure of sexual organs in violation of s. 800.03.

52 Section 3. This act shall take effect October 1, 2020.