

20201018e1

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

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

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

16          800.03 Exposure of sexual organs.—

17          (1) A person commits unlawful exposure of sexual organs by:

18          (a) Exposing or exhibiting his or her ~~It is unlawful to~~  
19 ~~expose or exhibit one's~~ sexual organs in public or on the  
20 private premises of another, or so near thereto as to be seen  
21 from such private premises, in a vulgar or indecent manner;; ~~or~~  
22 ~~to be~~

23          (b) Being naked in public in a vulgar or indecent manner  
24 ~~except in any place provided or set apart for that purpose.~~

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

28          (b) A second or subsequent violation of this section is a  
29 felony of the third degree, punishable as provided in s.

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30 775.082, s. 775.083, or s. 775.084.

31 (3) The exposure of sexual organs by any of the following  
32 does not violate this section:

33 (a) A mother ~~mother's~~ breastfeeding of her baby; or does  
34 ~~not under any circumstance violate this section~~

35 (b) An individual who is merely naked at any place provided  
36 or set apart for that purpose.

37 Section 2. Paragraph (e) is added to subsection (9) of  
38 section 901.15, Florida Statutes, to read:

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

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

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

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