

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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|-----------------------|-------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Mercado offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:
6 Section 1. Section 800.03, Florida Statutes, is amended to
7 read:

8 800.03 Exposure of sexual organs.—

9 (1) A person commits unlawful exposure of sexual organs

10 by:

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

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

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

20 (b) A second or subsequent violation of this section is a
21 felony of the third degree, punishable as provided in s.
22 775.082, s. 775.083, or s. 775.084.

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

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

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

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

31 901.15 When arrest by officer without warrant is lawful.—A
32 law enforcement officer may arrest a person without a warrant
33 when:

34 (9) There is probable cause to believe that the person has
35 committed:

36 (a) Any battery upon another person, as defined in s.
37 784.03.

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

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

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

44 (e) An exposure of sexual organs in violation of s.
45 800.03.

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

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48
49 **T I T L E A M E N D M E N T**

50 Remove everything before the enacting clause and insert:
51 An act relating to exposure of sexual organs; amending s.
52 800.03; increasing criminal penalties for exposure of sexual
53 organs for a second or subsequent offense; amending s. 901.15,
54 F.S.; authorizing warrantless arrests when a law enforcement
55 officer has probable cause to believe that a person has violated
56 s. 800.03, F.S.; providing an effective date.