

By Senator Stewart

13-00125-21

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1 A bill to be entitled
2 An act relating to lewd or lascivious exhibition;
3 amending s. 800.04, F.S.; revising the elements that
4 constitute the offense of lewd or lascivious
5 exhibition; providing an effective date.

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

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9 Section 1. Subsection (7) of section 800.04, Florida
10 Statutes, is amended to read:

11 800.04 Lewd or lascivious offenses committed upon or in the
12 presence of persons less than 16 years of age.—

13 (7) LEWD OR LASCIVIOUS EXHIBITION.—

14 (a) A person who does any of the following in the victim's
15 immediate vicinity, irrespective of whether the victim is aware
16 of the conduct, if the victim is less than 16 years of age,
17 commits lewd or lascivious exhibition:

18 1. Intentionally masturbates;

19 2. Intentionally exposes the genitals in a lewd or
20 lascivious manner; or

21 3. Intentionally commits any other sexual act that does not
22 involve actual physical or sexual contact with the victim,
23 including, but not limited to, sadomasochistic abuse, sexual
24 bestiality, or the simulation of any act involving sexual
25 activity

26
27 ~~in the presence of a victim who is less than 16 years of age,~~
28 ~~commits lewd or lascivious exhibition.~~

29 (b) An offender 18 years of age or older who commits a lewd

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30 or lascivious exhibition commits a felony of the second degree,
31 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

32 (c) An offender less than 18 years of age who commits a
33 lewd or lascivious exhibition commits a felony of the third
34 degree, punishable as provided in s. 775.082, s. 775.083, or s.
35 775.084.

36 Section 2. This act shall take effect October 1, 2021.