

1 A bill to be entitled
2 An act relating to lewd or lascivious exhibition;
3 amending s. 800.04, F.S.; defining the term
4 "presence"; providing that a person commits lewd or
5 lascivious exhibition when the person commits certain
6 acts in the presence of a victim who is less than 16
7 years of age and the person knows or has reason to
8 know such victim is present; providing penalties;
9 providing an effective date.

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

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13 **Section 1. Paragraphs (d) and (e) of subsection (1) of**
14 **section 800.04, Florida Statutes, are redesignated as paragraphs**
15 **(e) and (f), respectively, paragraph (a) of subsection (7) is**
16 **amended, a new paragraph (d) is added to subsection (1), and**
17 **paragraphs (b) and (c) of subsection (7) of that section are**
18 **republished, to read:**

19 800.04 Lewd or lascivious offenses committed upon or in
20 the presence of persons less than 16 years of age.—

21 (1) DEFINITIONS.—As used in this section:

22 (d) "Presence" means a state in which the victim is
23 reasonably capable of viewing the specified conduct. The term
24 does not require that a victim is aware of any specific conduct
25 and does not require that a victim sees or perceives the

26 person's genitals.

27 (7) LEWD OR LASCIVIOUS EXHIBITION.—

28 (a) A person who:

29 1. Intentionally masturbates;

30 2. Intentionally exposes the genitals in a lewd or
31 lascivious manner; or

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

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38 in the presence of a victim who is less than 16 years of age,
39 and such person knows or has reason to know that such victim is
40 present, commits lewd or lascivious exhibition.

41 (b) An offender 18 years of age or older who commits a
42 lewd or lascivious exhibition commits a felony of the second
43 degree, punishable as provided in s. 775.082, s. 775.083, or s.
44 775.084.

45 (c) An offender less than 18 years of age who commits a
46 lewd or lascivious exhibition commits a felony of the third
47 degree, punishable as provided in s. 775.082, s. 775.083, or s.
48 775.084.

49 **Section 2.** This act shall take effect October 1, 2026.