

1                   A bill to be entitled  
2       An act relating to lewd or lascivious exhibition;  
3       creating s. 800.035, F.S.; prohibiting a person from  
4       intentionally exposing or exhibiting his or her sexual  
5       organ in a lewd or lascivious manner while observing a  
6       child under 16 years of age or performing specified  
7       sexual acts while observing a child under 16 years of  
8       age for a specified purpose; defining the term  
9       "observing"; providing a criminal penalty; prohibiting  
10      a certain defense from being raised; providing  
11      exceptions; providing an effective date.

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

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15       **Section 1.   Section 800.035, Florida Statutes, is created**  
16   **to read:**

17       800.035   Lewd or lascivious exhibition while observing a  
18   child.—

19       (1)   A person commits the offense of lewd or lascivious  
20   exhibition while observing a child, if that person, while  
21   observing a child under 16 years of age for the purpose of his  
22   or her own sexual arousal or gratification:

23       (a)   Intentionally exposes his or her sexual organ in a  
24   lewd or lascivious manner; or

25       (b)   Intentionally performs any sexual act that does not

26 involve actual physical or sexual contact with the child,  
27 including, but not limited to, sadomasochistic abuse, sexual  
28 bestiality, masturbation, or the simulation of any act involving  
29 sexual activity.

30 (2) For the purposes of this section, the term "observing"  
31 means intentionally viewing another person under circumstances  
32 in which the offender is reasonably capable of being seen by the  
33 person being viewed.

34 (3) A person who commits lewd or lascivious exhibition  
35 while observing a child commits a felony of the third degree,  
36 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

37 (4) It is not a defense under this section that the person  
38 being observed was not aware of any specific conduct on the part  
39 of the offender or did not see the offender's sexual organs.

40 (5) A person does not commit the offense of lewd or  
41 lascivious exhibition while observing a child if the person is  
42 either of the following:

43 (a) A mother who is breastfeeding her baby.

44 (b) An individual who is merely nude in a place provided  
45 or set apart for that purpose.

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