

1 A bill to be entitled
2 An act relating to lewd or lascivious acts; repealing
3 s. 800.02, F.S., relating to unnatural and lascivious
4 acts; creating s. 800.035, F.S.; prohibiting a person
5 from intentionally exposing or exhibiting his or her
6 sexual organs in a lewd or lascivious manner while
7 observing a child under 16 years of age or performing
8 specified sexual acts while observing a child under 16
9 years of age for a specified purpose; defining the
10 term "observing"; providing a criminal penalty;
11 prohibiting a certain defense from being raised;
12 providing exceptions; amending ss. 914.16 and 933.18,
13 F.S.; conforming cross-references; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 **Section 1.** Section 800.02, Florida Statutes, is repealed.

19 **Section 2.** **Section 800.035, Florida Statutes, is created**
20 **to read:**

21 800.035 Indecent exposure of sexual organs while observing
22 a child.—

23 (1) A person commits the offense of indecent exposure of
24 sexual organs while observing a child if that person, while
25 observing a child under 16 years of age for the purpose of his

26 or her own sexual arousal or gratification:

27 (a) Intentionally exposes his or her sexual organs in a
28 lewd or lascivious manner; or

29 (b) Intentionally performs any sexual act that does not
30 involve actual physical or sexual contact with the child,
31 including, but not limited to, sadomasochistic abuse, sexual
32 bestiality, masturbation, or the simulation of any act involving
33 sexual activity.

34 (2) For the purposes of this section, the term "observing"
35 means intentionally viewing another person under circumstances
36 in which the offender is reasonably capable of being seen by the
37 person being viewed.

38 (3) A person who commits indecent exposure of sexual
39 organs while observing a child commits a felony of the third
40 degree, punishable as provided in s. 775.082, s. 775.083, or s.
41 775.084.

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

45 (5) A person does not commit the offense of indecent
46 exposure of sexual organs while observing a child if the person
47 is either of the following:

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

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

51 **Section 3. Section 914.16, Florida Statutes, is amended to**
52 **read:**

53 914.16 Child abuse and sexual abuse of victims under age
54 16 or who have an intellectual disability; limits on
55 interviews.—The chief judge of each judicial circuit, after
56 consultation with the state attorney and the public defender for
57 the judicial circuit, the appropriate chief law enforcement
58 officer, and any other person deemed appropriate by the chief
59 judge, shall order reasonable limits on the number of interviews
60 which a victim of a violation of s. 794.011, s. 800.04, s.
61 827.03, or s. 847.0135(5) who is under 16 years of age or a
62 victim of a violation of s. 794.011, ~~s. 800.02~~, s. 800.03, or s.
63 825.102 who has an intellectual disability as defined in s.
64 393.063 must submit to for law enforcement or discovery
65 purposes. To the extent possible, the order must protect the
66 victim from the psychological damage of repeated interrogations
67 while preserving the rights of the public, the victim, and the
68 person charged with the violation.

69 **Section 4. Paragraph (b) of subsection (7) of section**
70 **933.18, Florida Statutes, is amended to read:**

71 933.18 When warrant may be issued for search of private
72 dwelling.—No search warrant shall issue under this chapter or
73 under any other law of this state to search any private dwelling
74 occupied as such unless:

75 (7) One or more of the following child abuse offenses is

76 being committed there:

77 ~~(b) Commission of an unnatural and lascivious act with a~~
78 ~~child, in violation of s. 800.02.~~

79
80 If, during a search pursuant to a warrant issued under this
81 section, a child is discovered and appears to be in imminent
82 danger, the law enforcement officer conducting such search may
83 remove the child from the private dwelling and take the child
84 into protective custody pursuant to chapter 39. The term
85 "private dwelling" shall be construed to include the room or
86 rooms used and occupied, not transiently but solely as a
87 residence, in an apartment house, hotel, boardinghouse, or
88 lodginghouse. No warrant shall be issued for the search of any
89 private dwelling under any of the conditions hereinabove
90 mentioned except on sworn proof by affidavit of some creditable
91 witness that he or she has reason to believe that one of said
92 conditions exists, which affidavit shall set forth the facts on
93 which such reason for belief is based.

94 **Section 5.** This act shall take effect October 1, 2026.