

By Senator Martin

33-00627-26

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A bill to be entitled
An act relating to lewd or lascivious exhibition;
amending s. 800.04, F.S.; defining the term
"presence"; adding an offender knowing or having
reason to know a minor is present as an element of the
criminal offense of lewd or lascivious exhibition;
providing criminal penalties; providing an effective
date.

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

Section 1. Present paragraphs (d) and (e) of subsection (1) of section 800.04, Florida Statutes, are redesignated as paragraphs (e) and (f), respectively, a new paragraph (d) is added to that subsection, and subsection (7) of that section is amended, to read:

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

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

(d) "Presence" means reasonably capable of being viewed by the victim. The term does not require that a victim be aware of, see, or perceive any specific conduct.

(7) LEWD OR LASCIVIOUS EXHIBITION.—

(a) A person who:

1. Intentionally masturbates;

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

3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim,

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30 including, but not limited to, sadomasochistic abuse, sexual
31 bestiality, or the simulation of any act involving sexual
32 activity,

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34 in the presence of a victim who is younger less than 16 years of
35 age, knowing or having reason to know the victim is present,
36 commits lewd or lascivious exhibition.

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

40 (c) An offender younger less than 18 years of age who
41 commits a lewd or lascivious exhibition commits a felony of the
42 third degree, punishable as provided in s. 775.082, s. 775.083,
43 or s. 775.084.

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