

By the Committee on Criminal Justice; and Senator Martin

591-02208-26

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A bill to be entitled

An act relating to indecent exposure of sexual organs to minors; repealing s. 800.02, F.S., relating to unnatural and lascivious acts; creating s. 800.035, F.S.; prohibiting a person from intentionally exposing or exhibiting his or her sexual organs in a lewd or lascivious manner for a specified purpose while viewing a person who is younger than 16 years of age or performing specified sexual acts for a specified purpose while viewing a person who is younger than 16 years of age; defining the term "viewing"; providing a criminal penalty; providing exceptions; amending ss. 914.16 and 933.18, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 800.02, Florida Statutes, is repealed.

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

800.035 Indecent exposure of sexual organs to a minor.—

(1) A person may not:

(a) Intentionally expose his or her sexual organs in a lewd or lascivious manner while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification; or

(b) Intentionally perform any sexual act that does not involve actual physical or sexual contact with the minor, including, but not limited to, sadomasochistic abuse, sexual

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30 bestiality, masturbation, or the simulation of any act involving
31 sexual activity, while viewing a person who is younger than 16
32 years of age for the purpose of attaining sexual arousal or
33 gratification.

34 (2) For the purposes of this section, the term "viewing"
35 means that the offender knows that a person younger than 16
36 years of age is present, and the offender is reasonably capable
37 of being seen by such person. The term does not require such
38 person to be aware of any specific conduct or to see the
39 offender's sexual organs.

40 (3) A person who violates subsection (1) commits the
41 offense of indecent exposure of sexual organs to a minor, a
42 felony of the third degree, punishable as provided in s.
43 775.082, s. 775.083, or s. 775.084.

44 (4) A person does not commit the offense of indecent
45 exposure of sexual organs to a minor if the person is either of
46 the following:

47 (a) A mother who is breastfeeding her baby.
48 (b) An individual who is nude in a place provided or set
49 apart for that purpose.

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

52 914.16 Child abuse and sexual abuse of victims under age 16
53 or who have an intellectual disability; limits on interviews.—
54 The chief judge of each judicial circuit, after consultation
55 with the state attorney and the public defender for the judicial
56 circuit, the appropriate chief law enforcement officer, and any
57 other person deemed appropriate by the chief judge, shall order
58 reasonable limits on the number of interviews which a victim of

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59 a violation of s. 794.011, s. 800.04, s. 827.03, or s.
60 847.0135(5) who is under 16 years of age or a victim of a
61 violation of s. 794.011, ~~s. 800.02~~, s. 800.03, or s. 825.102 who
62 has an intellectual disability as defined in s. 393.063 must
63 submit to for law enforcement or discovery purposes. To the
64 extent possible, the order must protect the victim from the
65 psychological damage of repeated interrogations while preserving
66 the rights of the public, the victim, and the person charged
67 with the violation.

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

70 933.18 When warrant may be issued for search of private
71 dwelling.—No search warrant shall issue under this chapter or
72 under any other law of this state to search any private dwelling
73 occupied as such unless:

74 (7) One or more of the following child abuse offenses is
75 being committed there:

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

78
79 If, during a search pursuant to a warrant issued under this
80 section, a child is discovered and appears to be in imminent
81 danger, the law enforcement officer conducting such search may
82 remove the child from the private dwelling and take the child
83 into protective custody pursuant to chapter 39. The term
84 "private dwelling" shall be construed to include the room or
85 rooms used and occupied, not transiently but solely as a
86 residence, in an apartment house, hotel, boardinghouse, or
87 lodginghouse. No warrant shall be issued for the search of any

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88 private dwelling under any of the conditions hereinabove
89 mentioned except on sworn proof by affidavit of some creditable
90 witness that he or she has reason to believe that one of said
91 conditions exists, which affidavit shall set forth the facts on
92 which such reason for belief is based.

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