

By the Appropriations Committee on Criminal and Civil Justice;  
the Committee on Criminal Justice; and Senator Martin

604-03224-26

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1 A bill to be entitled  
2 An act relating to indecent exposure of sexual organs  
3 while observing a child; repealing s. 800.02, F.S.,  
4 relating to unnatural and lascivious acts; creating s.  
5 800.035, F.S.; defining the term "observing";  
6 prohibiting a person from, for a specified purpose,  
7 intentionally exposing his or her sexual organs in a  
8 lewd or lascivious manner or intentionally performing  
9 specified sexual acts while observing a child under 16  
10 years of age; providing criminal penalties; specifying  
11 what does not constitute a defense to committing such  
12 offense; providing exceptions; amending ss. 914.16 and  
13 933.18, F.S.; conforming provisions to changes made by  
14 the act; providing an 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 Section 800.02, Florida Statutes, is repealed.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 to  
20 read:

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

23 (1) As used in this section, the term "observing" means  
24 intentionally viewing another person under circumstances in  
25 which the offender is reasonably capable of being seen by the  
26 person being viewed.

27 (2) A person commits the offense of indecent exposure while  
28 observing a child if that person, while observing a child under  
29 16 years of age, for the purpose of his or her own sexual

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30 arousal or gratification:

31 (a) Intentionally exposes a sexual organ in a lewd or  
32 lascivious manner; or

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

38 (3) A person who violates subsection (2) commits a felony  
39 of the third degree, punishable as provided in s. 775.082, s.  
40 775.083, or s. 775.084.

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

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

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

48 (b) An individual who is merely nude in a place provided or  
49 set 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.