

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Daniels offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 80 and 81, insert:

6 Section 3. Subsection (4) of section 800.04, Florida
7 Statutes, is amended to read:

8 800.04 Lewd or lascivious offenses committed upon or in
9 the presence of persons less than 16 years of age.—

10 (4) LEWD OR LASCIVIOUS BATTERY.—

11 (a) A person commits lewd or lascivious battery by:

12 1. Engaging in sexual activity with a person 12 years of
13 age or older but less than 16 years of age; or

14 2. Encouraging, forcing, or enticing any person less than
15 16 years of age to engage in sadomasochistic abuse, sexual

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16 bestiality, prostitution, or any other act involving sexual
17 activity.

18 (b) Except as provided in paragraph (c), an offender who
19 commits lewd or lascivious battery commits a felony of the
20 second degree, punishable as provided in s. 775.082, s. 775.083,
21 or s. 775.084.

22 (c) A person commits a felony of the first degree,
23 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
24 if the person is an offender 18 years of age or older who
25 commits lewd or lascivious battery and was previously convicted
26 of a violation of:

27 1. Section 787.01(2) or s. 787.02(2) when the violation
28 involved a victim who was a minor and, in the course of
29 committing that violation, the defendant committed against the
30 minor a sexual battery under chapter 794 or a lewd act under
31 this section or s. 847.0135(5);

32 2. Section 787.01(3)(a)2. or 3.;

33 3. Section 787.02(3)(a)2. or 3.;

34 4. Chapter 794, excluding s. 794.011(10);

35 5. Section 825.1025;

36 6. Section 847.0135(5); or

37 7. This section.

38 (d)1. Except as provided in paragraph (c), a person that
39 is 18 or 19 years of age engaged in a consensual sexual
40 relationship with a person 14 years of age or older but less

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41 than 16 years of age commits a noncriminal violation if charged
42 with committing lewd or lascivious battery. The person must sign
43 and accept a citation indicating a promise to appear before the
44 juvenile court. The person must satisfy any penalty within 30
45 days after receipt of the citation.

46 2. A person who fails to comply with the citation waives
47 his or her right to contest it and may be charged with a
48 misdemeanor of the second degree, punishable as provided in s.
49 775.082 or s. 775.083.

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52 **T I T L E A M E N D M E N T**

53 Remove lines 2-6 and insert:

54 An act relating to relationships of minors; amending
55 s. 741.0405, F.S.; prohibiting the issuance of a
56 marriage license to any person under the age of 18
57 years; amending s. 741.04, F.S.; conforming a
58 provision to changes made by the act; amending s.
59 800.04, F.S.; providing criminal penalties; providing
60 an effective date.