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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Stewart) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 800.03, Florida Statutes, is amended to
read:

800.03 Exposure of sexual organs.—

(1) It is unlawful to expose or exhibit one's sexual organs
in public or on the private premises of another, or so near
thereto as to be seen from such private premises, in a vulgar or



591108

indecent manner, ~~or to be naked in public except in any place provided or set apart for that purpose.~~

(2) (a) Except as provided in paragraph (b), a violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second or subsequent violation of this section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) The exposure of sexual organs by any of the following does not violate subsection (1):

(a) A mother's breastfeeding of her baby;

(b) An individual who is merely naked at any place provided or set apart for that purpose, including, but not limited to, a clothing-optional beach; or

(c) An inmate incarcerated at a state correctional institution or local detention facility ~~does not under any circumstance violate this section.~~

Section 2. Subsection (9) of section 901.15, Florida Statutes, is amended to read

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(9) There is probable cause to believe that the person has committed:

(a) Any battery upon another person, as defined in s. 784.03.

(b) An act of criminal mischief or a graffiti-related offense as described in s. 806.13.

(c) A violation of a safety zone, security zone, regulated



591108

navigation area, or naval vessel protection zone as described in
s. 327.461.

(d) A racing violation as described in s. 316.191(2).

(e) An exposure of sexual organs in violation of s. 800.03.

Section 3. This act shall take effect October 1, 2020.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to exposure of sexual organs; amending
s. 800.03; increasing criminal penalties for exposure
of sexual organs for a second or subsequent offense;
providing exceptions; amending s. 901.15, F.S.;
authorizing warrantless arrests when a law enforcement
officer has probable cause to believe that a person
has violated s. 800.03, F.S.; providing an effective
date.