

By Senator Rader

29-01207-19

2019828__

1 A bill to be entitled
 2 An act relating to lewd or lascivious exhibition;
 3 amending s. 800.09, F.S.; prohibiting certain lewd or
 4 lascivious acts in the presence of county or municipal
 5 correctional personnel; providing criminal penalties;
 6 providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:
 9

10 Section 1. Section 800.09, Florida Statutes, is amended to
 11 read:

12 800.09 Lewd or lascivious exhibition in the presence of an
 13 employee.—

14 (1) As used in this section, the term:

15 (a) "Employee" means any person employed by or performing
 16 contractual services for a public or private entity operating a
 17 facility or any person employed by or performing contractual
 18 services for the corporation operating the prison industry
 19 enhancement programs or the correctional work programs under
 20 part II of chapter 946. The term also includes any person who is
 21 a parole examiner with the Florida Commission on Offender Review
 22 and any person employed pursuant to s. 951.06 or s. 951.061.

23 (b) "Facility" means a state correctional institution as
 24 defined in s. 944.02, ~~or~~ a private correctional facility as
 25 defined in s. 944.710, or a county detention facility as defined
 26 in s. 951.23.

27 (2) (a) A person who is detained in a facility may not:

- 28 1. Intentionally masturbate;
 29 2. Intentionally expose the genitals in a lewd or

29-01207-19

2019828__

30 lascivious manner; or

31 3. Intentionally commit any other sexual act that does not
32 involve actual physical or sexual contact with the victim,
33 including, but not limited to, sadomasochistic abuse, sexual
34 bestiality, or the simulation of any act involving sexual
35 activity,

36

37 in the presence of a person he or she knows or reasonably should
38 know is an employee.

39 (b) A person who violates paragraph (a) commits lewd or
40 lascivious exhibition in the presence of an employee, a felony
41 of the third degree, punishable as provided in s. 775.082, s.
42 775.083, or s. 775.084.

43 Section 2. This act shall take effect July 1, 2019.