



457242

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/26/2026	.	
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The Appropriations Committee on Criminal and Civil Justice
(Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 21 - 48

and insert:

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

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



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11 (2) A person commits the offense of indecent exposure while
12 observing a child if that person, while observing a child under
13 16 years of age, for the purpose of his or her own sexual
14 arousal or gratification:

15 (a) Intentionally exposes a sexual organ in a lewd or
16 lascivious manner; or

17 (b) Intentionally performs any sexual act that does not
18 involve actual physical or sexual contact with the child,
19 including, but not limited to, sadomasochistic abuse, sexual
20 bestiality, masturbation, or the simulation of any act involving
21 sexual activity.

22 (3) A person who violates subsection (2) commits a felony
23 of the third degree, punishable as provided in s. 775.082, s.
24 775.083, or s. 775.084.

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

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

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

32 (b) An individual who is merely nude in a place provided or
33 set

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete lines 3 - 12

38 and insert:

39 while observing a child; repealing s. 800.02, F.S.,



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40 relating to unnatural and lascivious acts; creating s.
41 800.035, F.S.; defining the term "observing";
42 prohibiting a person from, for a specified purpose,
43 intentionally exposing his or her sexual organs in a
44 lewd or lascivious manner or intentionally performing
45 specified sexual acts while observing a child under 16
46 years of age; providing criminal penalties; specifying
47 what does not constitute a defense to committing such
48 offense; providing exceptions; amending ss.