

CHAPTER 2019-50

Committee Substitute for Senate Bill No. 828

An act relating to lewd or lascivious exhibition; amending s. 800.09, F.S.; prohibiting certain lewd or lascivious acts in the presence of county correctional personnel; providing criminal penalties; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

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

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

(a) “Employee” means:

1. Any person employed by or performing contractual services for a public or private entity operating a state correctional institution or private correctional facility; or

2. Any person employed by or performing contractual services for the corporation operating the prison industry enhancement programs or the correctional work programs under part II of chapter 946; ~~The term also includes~~

3. Any person who is a parole examiner with the Florida Commission on Offender Review; or

4. Any person employed at or performing contractual services for a county detention facility.

(b) “Facility” means a state correctional institution as defined in s. 944.02, ~~or a private correctional facility as defined in s. 944.710, or a county detention facility as defined in s. 951.23.~~

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

1. Intentionally masturbate;

2. Intentionally expose the genitals in a lewd or lascivious manner; or

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

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

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

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

Approved by the Governor May 23, 2019.

Filed in Office Secretary of State May 23, 2019.