

CHAPTER 2026-159

Committee Substitute for Committee Substitute for House Bill No. 1525

An act relating to lewd or lascivious acts; repealing s. 800.02, F.S., relating to unnatural and lascivious acts; creating s. 800.035, F.S.; prohibiting a person from intentionally exposing or exhibiting his or her sexual organs in a lewd or lascivious manner while observing a child under 16 years of age or performing specified sexual acts while observing a child under 16 years of age for a specified purpose; defining the term “observing”; providing a criminal penalty; prohibiting a certain defense from being raised; providing exceptions; amending ss. 914.16 and 933.18, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 800.02, Florida Statutes, is repealed.

Section 2. Section 800.035, Florida Statutes, is created to read:

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

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

(a) Intentionally exposes his or her sexual organs in a lewd or lascivious manner; or

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

(2) For the purposes of 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.

(3) A person who commits indecent exposure of sexual organs while observing a child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

(a) A mother who is breastfeeding her baby.

(b) An individual who is merely nude in a place provided or set apart for that purpose.

Section 3. Section 914.16, Florida Statutes, is amended to read:

914.16 Child abuse and sexual abuse of victims under age 16 or who have an intellectual disability; limits on interviews.—The chief judge of each judicial circuit, after consultation with the state attorney and the public defender for the judicial circuit, the appropriate chief law enforcement officer, and any other person deemed appropriate by the chief judge, shall order reasonable limits on the number of interviews which a victim of a violation of s. 794.011, s. 800.04, s. 827.03, or s. 847.0135(5) who is under 16 years of age or a victim of a violation of s. 794.011, ~~s. 800.02~~, s. 800.03, or s. 825.102 who has an intellectual disability as defined in s. 393.063 must submit to for law enforcement or discovery purposes. To the extent possible, the order must protect the victim from the psychological damage of repeated interrogations while preserving the rights of the public, the victim, and the person charged with the violation.

Section 4. Paragraph (b) of subsection (7) of section 933.18, Florida Statutes, is amended to read:

933.18 When warrant may be issued for search of private dwelling.—No search warrant shall issue under this chapter or under any other law of this state to search any private dwelling occupied as such unless:

(7) One or more of the following child abuse offenses is being committed there:

~~(b) Commission of an unnatural and lascivious act with a child, in violation of s. 800.02.~~

If, during a search pursuant to a warrant issued under this section, a child is discovered and appears to be in imminent danger, the law enforcement officer conducting such search may remove the child from the private dwelling and take the child into protective custody pursuant to chapter 39. The term “private dwelling” shall be construed to include the room or rooms used and occupied, not transiently but solely as a residence, in an apartment house, hotel, boardinghouse, or lodginghouse. No warrant shall be issued for the search of any private dwelling under any of the conditions hereinabove mentioned except on sworn proof by affidavit of some creditable witness that he or she has reason to believe that one of said conditions exists, which affidavit shall set forth the facts on which such reason for belief is based.

Section 5. This act shall take effect October 1, 2026.

Approved by the Governor June 16, 2026.

Filed in Office Secretary of State June 16, 2026.