

CS/SB 1742 – Indecent Exposure of Sexual Organs to Minors (Similar CS/CS/HB 1525)

This amendment first repeals s. 800.02, F.S., which under current language involves a 2nd degree misdemeanor for committing “any unnatural and lascivious act with another person.” It then creates s. 800.035, F.S., adding an **unranked, 3rd degree felony (Level 1 by default)** for a person to “intentionally expose his or her sexual organ in a lewd or lascivious manner while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification...or...intentionally perform any sexual act that does not involve actual physical or sexual contact with the minor, including, but not limited to, sadomasochistic abuse, sexual bestiality, masturbation, or the simulation of any act involving sexual activity, while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification.”

Per FDLE, in FY 24-25, there were 28 arrests, with 8 guilty/convicted charges and two adjudication withheld charges for the current 2nd degree misdemeanor under s. 800.02, F.S. Current language under s. 800.04(7), F.S. has a Level 5, 2nd degree felony for someone older than 18 years of age committing lewd or lascivious exhibition in front of a victim less than 16 years of age, and a Level 4, 3rd degree felony for when that person is less than 18 years of age. Per FDLE, there were 215 arrests under s. 800.04(7), F.S., with 64 guilty/convicted charges and three adjudication withheld charges. Per DOC, in FY 24-25, there were 34 new commitments to prison for such acts. The new language expands on similar acts, creating a situation where it “does not require such person to be aware of any specific conduct or to see the offender’s sexual organs.” It is not known how many additional offenders there would be under this new language.

Per DOC, in FY 24-25, the incarceration rate for a Level 1, 3rd degree felony was 9.7%.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate