

MEMORANDUM

107.07-17A METRO DADE/GSA-MAT MGT

TO: DISTRIBUTION B+

DATE: April 15, 1992

FROM: *Laurie Collins*
Laurie Collins
Police Legal Advisor
Police Legal BureauSUBJECT: Section 800.03,
Exposure of Sexual
Organs

LEGAL NOTE 92-4

Florida Statutes Section 800.03 makes it a first degree misdemeanor for any person to expose or exhibit his or her sexual organs in any public place. However, the mere act of being nude in public is not a violation of Section 800.03. In order for there to be a Section 800.03 violation, the Florida Supreme Court requires the nudity to be a lewd or lascivious exhibition or exposure of the sexual organs. Hoffman v. Carson, 250 So.2d 891 (Fla. 1971). "Lewd" or "lascivious" means the exposure or exhibition of sexual organs involves "an unlawful indulgence in lust, eager for sexual indulgence." Goodmakers v. State, 450 So.2d 888 (Fla. 2d DCA 1984). Thus, the act of merely being nude is not a violation of Section 800.03. Additionally, urinating in public is also not a violation of Section 800.03. Payne v. State, 463 So.2d 271 (Fla. 2d DCA 1984). Although neither the mere act of public nudity nor urinating in public may be violations of Section 800.03, these acts could be violative of Section 877.03, disorderly conduct, if all the elements of that crime are present.

Questions concerning this legal note should be directed to the Police Legal Bureau at 471-2550.

LC/vb