

**11.9 EXPOSURE OF SEXUAL ORGANS  
(IN A VULGAR OR INDECENT MANNER)**

§ 800.03, Fla.Stat.

To prove the crime of [Indecent Exposure] [or] [Nakedness], the State must prove the following four elements beyond a reasonable doubt:

1. (Defendant)  
  
[exposed or exhibited [his] [her] sexual organs].  
[was naked].
2. [He] [She] [did so] [was naked]  
  
[in a public place].  
[on the private premises of another].  
[so near the private premises of another as to be seen from those private premises].
3. (Defendant) intended the [exposure or exhibition of [his] [her] sexual organs] [or] [nakedness] to be in a vulgar, indecent, lewd, or lascivious manner.
4. The [exposure or exhibition of the sexual organs] [or] [nakedness] was in a vulgar, indecent, lewd, or lascivious manner.

**Proof of mere nudity or exposure is not sufficient to sustain a conviction.**

*Definitions.*

As used in regard to this offense the words "vulgar," "indecent," "lewd," and "lascivious" mean the same thing. They mean a wicked, lustful, unchaste, licentious, or sensual intent on the part of the person doing an act.

Acts are not vulgar, indecent, lewd, or lascivious unless such acts cause offense to one or more persons viewing those acts or unless the acts substantially intrude upon the rights of others.

A "public place" is any place intended or designed to be frequented or resorted to by the public.

**Lesser Included Offenses**

<b>EXPOSURE OF SEXUAL ORGANS — 800.03</b>			
<b>CATEGORY ONE</b>	<b>CATEGORY TWO</b>	<b>FLA. STAT.</b>	<b>INS. NO.</b>
None			
	Unnatural and lascivious act	800.02	11.8

**Comment**

This instruction was adopted in 1981 and amended in 1997 [697 So. 2d 84] and 2010.