

Stop Street Harassment

Florida

A variety of forms of street harassment are illegal in Florida, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

Note: Florida has [a specific statute](#) stipulating that voluntary intoxication or use of alcohol or another controlled or nonprescription substance is not a defense for committing a crime. In other words, a harasser cannot use intoxication as a defense for saying s/he did not intend to do something like grope you or expose him or herself. S/he is still liable.

Verbal Harassment

There are four laws that prohibit some type of verbal harassment in Florida.

Breach of the Peace and Disorderly Conduct

[Title XLVI, Chap. 877 §3](#)

Florida's breach of peace and disorderly conduct law is quite broad and it includes acts that "outrage the sense of public decency," affect the peace and quiet of persons who may witness them, and constitute a breach of the peace or disorderly conduct.

Many examples of street harassment could fall into these categories, such as shouting, homophobic or transphobic slurs, or lewd or sexually explicit comments, and you can report that person.

Penalty: Disorderly conduct or a breach of the peace is a second-degree misdemeanor, punishable by a fine of \$500 and/or up to 60 days in jail.

Loitering and Prowling

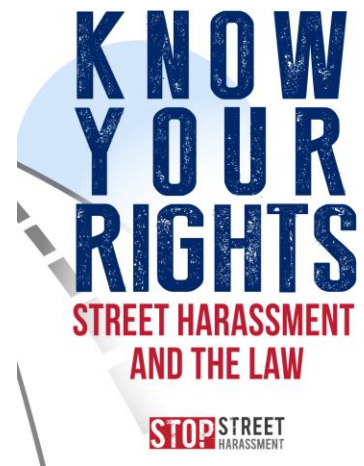
[Title XLVI, Chap. 856 §21](#)

It is unlawful in Florida for individuals to loiter or "prowl" in a public place at a time or in a manner unusual for law abiding citizens or that causes reasonable alarm or concern for the safety of those nearby.

If a person is standing around, harassing people going by or makes you worried for your safety or the safety of others, you can report him/her.

The law instructs law enforcement officers to ask the person loitering "to identify himself or herself and explain his or her presence and conduct."

- Unless the person flees, no one can be convicted of loitering unless the officer present gave the individual this opportunity to explain.
- Similarly, the individual(s) cannot be convicted if it is found in court that his or her explanation "would have dispelled the alarm or immediate concern."



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Some officers may not find street harassment behavior to be grounds for arrest. However, involving a police office may be enough to clear a harasser from the street or sidewalk and/or deter harassers in the future.

Penalty: Any person convicted of loitering or prowling is guilty of a second-degree misdemeanor and may face a fine of \$500 and/or up to 60 days in jail.

Additionally, anyone required to register as a sex offender or who has been convicted of certain crimes against children can face more serious penalties for loitering, especially if minors are present (see [§ 856.022](#)). This is not something you will know about a harasser ahead of time, but if someone is doing something clearly inappropriate and threatening, and there are children present, you may want to report it in the interest of preventing a more serious incident.

Nuisances

[Title XLVI, Chap. 823 §1](#)

Florida has a general law against “nuisances” that “tend to annoy the community, injure the health of the citizens in general, or corrupt the public morals.”

Nuisance laws typically apply to one entity – either a person or organization – that causes a problem for a large part of the community. If you find that one individual or organization is consistently causing many people to be harassed, you may be able to report it under this law. For example:

- A person who routinely harasses many passersby on the same street corner every day, or who causes some other significant disruption that affects many people at once.
- A company whose employees regularly harass people while on the job, such as construction workers or delivery truck drivers. You might try going directly to the business owner first to file a complaint. But if the harassment doesn't stop, you could report the business as a nuisance.

Lawmakers, law enforcement officials, or judges may try to trivialize street harassment, but it is okay to make the case for why it IS a public nuisance.

Penalty: A nuisance is a misdemeanor of the second degree, punishable by a fine of \$500.

Soliciting Prostitution

[Title XLVI, Chapter 796, §7](#)

In Florida, it is unlawful to ask someone to engage in prostitution or to offer to engage in prostitution. If a street harasser solicits sexual activity from you, you can report him/her.

You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn't oppose consensual sex work, but we do think it's inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Soliciting or enticing someone to engage in prostitution is a second-degree misdemeanor in Florida, punishable by a fine of \$500 and/or up to 60 days in jail.

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Unlawful Filming/Photographing

Video Voyeurism

[Title XLVI, Chap. 810 § 145](#)

In Florida, it is illegal for someone:

1. To photograph or film a non-consenting person with the intent of degrading or abusing the person or for his or her own amusement, sexual arousal or gratification if that person is dressing, undressing, or privately exposing his or her body in a place where s/he has a reasonable expectation of privacy.

If someone films or photographs you in public restrooms, dressing rooms, locker rooms, hotel rooms, and other locations, you can report him/her.

2. To take a photo or video of a non-consenting person under or through that person's clothing for the purpose of viewing that person's body or underwear and for the purpose of amusement, entertainment, or sexual arousal or gratification.

If a street harasser takes an up-skirt or down-blouse photo of you, or otherwise observes or photographs you in an inappropriate way, you can report him/her.

Penalty: Video voyeurism is a first degree misdemeanor, punishable by a fine of \$1,000 and/or up to a year in jail.

Indecent Exposure

Exposure of Sexual Organs

[Title XLVI, Chap. 800 §3](#)

In Florida, it is illegal for a harasser to expose his or her sexual organs in a vulgar or indecent manner in public, in the private premises of another person, or near enough to the private premises of another person that the harasser may be seen. It is also illegal to be naked in public unless in a place specifically dedicated for nudity.

If a harasser flashes or otherwise exposes him or herself to you in a public place, such as a park, on public transportation, or in a store, you can report that person for indecent exposure.

Penalty: Exposure of sexual organs is a first degree misdemeanor, punishable by a fine of \$1,000 and/or up to a year in jail.

Lewd or Lascivious Exhibition

[Title XLVI, Chap. 800 § 4\(7\)](#)

In Florida, any act of indecent exposure in front of a person under 16 years of age is considered "lewd and lascivious exhibition." The statute prohibiting lewd and lascivious exhibition includes masturbation, exposure of the genitals in a lewd or lascivious manner, or any other sexual act, including simulation of a sexual act that does not involve actual physical or sexual contact.

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While Florida law does not specifically define “a lewd or lascivious manner,” in other states, it refers to something that is of an explicit and offensive sexual nature.

If a harasser exposes him or herself to you or masturbates in front of you and you are under 16 years of age, or someone else involved in the incident is under 16 years of age, you can report that person.

Penalty: Lewd and lascivious exhibition is a second-degree felony if committed by an adult, and is punishable by a fine of \$10,000 and/or up to 15 years in prison. If committed by someone under 18 years of age, it’s a third-degree felony, and punishable by a fine of \$5,000 and/or up to 5 years imprisonment.

Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

Assault

[Title XLVI, Chap. 784 § 11](#)

In Florida, a threat of violence, either by word or action, that makes you fear immediate violence is an assault. In order for a threat to be considered assault, there must be some reason to believe that the harasser has the ability and plans to commit an act of violence.

For example, if a harasser yells something at you as you walk away from them but doesn’t follow you, this is unlikely to be considered an assault, but if the harasser yells a threat at you, follows you down the sidewalk or corners you on the bus, and seems likely to commit an immediate act of violence, this is assault and you can report it.

Penalty: Assault is a second-degree misdemeanor in Florida, punishable by a fine of \$500 and/or up to 60 days in jail.

Stalking

[Title XLVI, Chap. 748 § 48](#)

If someone repeatedly and maliciously follows or harasses you, this is stalking. In Florida, “harass” means to commit a series of acts over time that serve no legitimate purpose and cause you substantial emotional distress. The statute does not specify that “repeatedly” or “over time” means on more than one day.

In Florida, a law enforcement officer can make an arrest immediately without a warrant if there is reason to believe that a person has committed stalking.

If the same person follows you or otherwise harasses you at least twice and makes you fearful or very distressed, you can report that person for stalking.

Penalty: Stalking is a first-degree misdemeanor in Florida, punishable by a fine of \$1,000 and/or up to a year in jail.

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Groping

Battery

[Title XLVI, Chap. 784 §3](#)

In Florida, a harasser commits battery if s/he intentionally touches or strikes you against your will or intentionally causes you bodily harm.

If a harasser puts his or her hands on you, including groping your butt, groin, or breasts, you can report him/her.

Penalty: Battery is a first-degree misdemeanor in Florida, punishable by a fine of \$1,000 and/or up to a year in jail.

Battery of Child by Certain Fluids or Materials

[Title XLVI, Chap. 784 §85](#)

In Florida, it is unlawful for any adult who are 18 years or older to knowingly cause or attempt to cause a child to come into contact with bodily fluids - blood, seminal fluid, urine, or feces – by throwing, tossing, projecting, or expelling any bodily fluids or materials at or onto a child.

If this happens to you and you are under 18 years old, or someone you know or care for is, you can report the harasser.

Penalty: Battery of a child by fluids or materials is a third-degree felony, punishable by a fine of \$5,000 and/or up to 5 years imprisonment.

Lewd or Lascivious Molestation

[Title XLVI, Chap. 800 §4\(5\)](#)

It is illegal for someone to intentionally touch in a lewd or lascivious manner the breasts, genitals, genital area or buttock or a person who is younger than 16 years old, or to force or entice someone younger than 16 years old to touch him/her. Florida law does not specifically define the term “lewd or lascivious,” but in other states, it refers to something that is of an explicit and offensive sexual nature.

If you are under 16 years of age, or someone you care for or know is, and a harasser intentionally touches you or that person in a lewd or lascivious manner, you can report the harasser.

Penalty: The possible penalties vary based on your age and the age of the harasser and can range from third-degree felonies, punishable by a fine of \$5,000 and/or up to 5 years imprisonment, to second-degree felonies, punishable by a fine of \$10,000 and/or up to 15 years in prison.

Reporting Crimes to the Police

- Call 911 for help if:
 - The crime is in progress
 - You or someone else is physically hurt or have been threatened with physical violence
 - You can provide information about who may have committed a crime.

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- Call the local police office's non-emergency number to submit a report afterward. For example, in Miami, this number is (305) 579-6111 and in Tampa it is (813) 231-6130. Be prepared to provide them with:
 - When it happened (date and time).
 - Where it happened (street location, store location, bus line or bus stop, park name, etc).
 - Who is reporting (your name, contact information).
 - A description of what happened.
 - The name and contact information of any witnesses, if you spoke to any.
 - It can be helpful to include the law the crime falls under, such as Lewd or Lascivious Conduct, [Title XLVI, Chap. 800 §6](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
 - A description of the harasser/s.
- Many police departments also have online reporting forms, for example, the Miami/Dade County Police Department has a thorough [Crime Stoppers reporting form](#) (available in English, [Español](#), and [Français](#)).
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
 - In Clearwater, you can text your tip to 847411 using the keyword CWPD with your tip. They also have a tips app you can download from [iTunes](#) or the [Google Play Store](#).
- Once you have reported a crime, if you provided your contact information, you should receive a call with a police report or case number within a few days and you may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.