

**11.7(b) WRITTEN SOLICITATION OF CERTAIN MINORS TO COMMIT A
LEWD OR LASCIVIOUS ACT**

§ 794.053, Fla. Stat.

To prove the crime of Written Solicitation of Certain Minors to Commit a Lewd or Lascivious Act, the State must prove the following three elements beyond a reasonable doubt:

- 1. (Defendant), in writing, solicited (victim) to commit a lewd or lascivious act.**
- 2. At the time, (defendant) was 24 years of age or older.**
- 3. At the time, (victim) was 16 or 17 years of age.**

The words “lewd” and “lascivious” mean the same thing: a wicked, lustful, unchaste, licentious, or sensual intent on the part of the person doing an act.

Give if requested. § 794.021, Fla. Stat; Feliciano v. State, 937 So. 2d 818 (Fla. 1st DCA 2006).

The defendant’s ignorance of (victim’s) age, (victim’s) misrepresentation of his or her age, or the defendant’s bona fide belief of (victim’s) age is not a defense to the crime charged.

“Bona fide” means genuine.

It is not necessary that a lewd or lascivious act actually take place for the crime of Solicitation to be completed.

§ 777.04(2), Fla. Stat.

To “solicit” means to command, encourage, hire, or request another person to engage in specific conduct.

Lesser Included Offense

**WRITTEN SOLICITATION OF CERTAIN MINORS TO COMMIT A LEWD OR
LASCIVIOUS ACT — 794.053**

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted on March 8, 2024.