

THE FLORIDA SENATE
2016 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 545 — Human Trafficking

by Justice Appropriations Subcommittee; Criminal Justice Subcommittee; and Rep. Spano and others (CS/SB 784 by Criminal Justice Committee and Senators Flores, Sachs, and Evers)

The bill (Chapter 2016-24, L.O.F.) reclassifies human trafficking offenses under s. 787.06, F.S., if a person causes great bodily harm, permanent disability, or permanent disfigurement to another person and clarifies that a person can be convicted of branding a victim of human trafficking if the branding is for the purpose of committing or facilitating the offense of human trafficking.

The bill also adds human trafficking as a qualifying felony offense for first degree felony murder.

The penalties for a first-time violation of s. 796.06(2), F.S. (renting a space to be used for lewdness, assignation, or prostitution), are increased from a second degree misdemeanor to a first degree misdemeanor. The penalties for a second or subsequent violation are increased from a first degree misdemeanor to a third degree felony.

The bill addresses prostitution and related acts by:

- Removing minors from being prosecuted for prostitution, lewdness, or assignation under s. 796.07, F.S.;
- Revising the definition of the term “sexual abuse of a child” in s. 39.01, F.S. (a definition relevant to dependency proceedings), to delete reference to a child being arrested or prosecuted for a violation of any offense in ch. 796, F.S. (prostitution);
- Specifying that programs offered by faith-based providers may be included in required educational programs on the negative effects of prostitution and human trafficking;
- Reclassifying a violation of s. 796.07, F.S., to the next degree higher if the place, structure, building, or conveyance that is owned, established, maintained, or operated in violation of the statute is a massage establishment that is or should be licensed under s. 480.043, F.S.; and
- Adding s. 796.07, F.S., to the list of offenses which requires an emergency order suspending a massage therapist or establishment license and denying an application for a new or renewal massage therapist or establishment license.

Finally, the bill adds the offense of racketeering to the list of qualifying offenses for classification as a sexual predator or sexual offender only if the court makes a written finding that the racketeering activity involved at least one registration-qualifying sexual offense or one registration-qualifying offense with sexual intent or motive.

These provisions were approved by the Governor and take effect October 1, 2016.

Vote: Senate 39-0; House 117-0