

By Senator Fasano

11-00390-10

2010238

1 A bill to be entitled

2 An act relating to the offense of procuring a person  
3 for prostitution; amending s. 796.03, F.S.; providing  
4 that a person who is 18 years of age or older commits  
5 a felony of the first degree if the victim of such  
6 offense is 16 years of age or younger and is 5 or more  
7 years younger than the person committing the  
8 violation; providing criminal penalties; amending s.  
9 921.0022, F.S.; conforming a cross-reference;  
10 providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 796.03, Florida Statutes, is amended to  
15 read:

16 796.03 Procuring person under age of 18 for prostitution.—

17 (1) Except as provided in subsection (2), a person who  
18 procures for prostitution, or causes to be prostituted, any  
19 person who is under the age of 18 years commits a felony of the  
20 second degree, punishable as provided in s. 775.082, s. 775.083,  
21 or s. 775.084.

22 (2) A person 18 years of age or older who procures for  
23 prostitution, or causes to be prostituted, any person who is 16  
24 years of age or younger and who is 5 or more years younger than  
25 the person committing the violation commits a felony of the  
26 first degree, punishable as provided in s. 775.082, s. 775.083,  
27 or s. 775.084.

28 Section 2. Paragraph (g) of subsection (3) of section  
29 921.0022, Florida Statutes, is amended to read:

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30 921.0022 Criminal Punishment Code; offense severity ranking  
31 chart.-

32 (3) OFFENSE SEVERITY RANKING CHART

33 (g) LEVEL 7

Florida Felony

Statute Degree

Description

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316.027(1)(b) 1st Accident involving death, failure to  
stop; leaving scene.

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316.193(3)(c)2. 3rd DUI resulting in serious bodily injury.

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316.1935(3)(b) 1st Causing serious bodily injury or death  
to another person; driving at high speed  
or with wanton disregard for safety  
while fleeing or attempting to elude law  
enforcement officer who is in a patrol  
vehicle with siren and lights activated.

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327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily  
injury.

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402.319(2) 2nd Misrepresentation and negligence or  
intentional act resulting in great  
bodily harm, permanent disfigurement,  
permanent disability, or death.

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409.920(2)(b)1.a. 3rd Medicaid provider fraud; \$10,000 or  
less.

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409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
456.065 (2)	3rd	Practicing a health care profession without a license.
456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327 (1)	3rd	Practicing medicine without a license.
459.013 (1)	3rd	Practicing osteopathic medicine without a license.
460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.

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51	465.015 (2)	3rd	Practicing pharmacy without a license.
52	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
53	467.201	3rd	Practicing midwifery without a license.
54	468.366	3rd	Delivering respiratory care services without a license.
55	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
56	483.901 (9)	3rd	Practicing medical physics without a license.
57	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
58	484.053	3rd	Dispensing hearing aids without a license.
59	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
	560.123 (8) (b)1.	3rd	Failure to report currency or payment

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instruments exceeding \$300 but less than \$20,000 by a money services business.

560.125 (5) (a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

775.21 (10) (a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

775.21 (10) (b) 3rd Sexual predator working where children regularly congregate.

775.21 (10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

782.051 (3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

782.07 (1) 2nd Killing of a human being by the act, procurement, or culpable negligence of

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another (manslaughter).

782.071            2nd            Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

782.072            2nd            Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

784.045 (1) (a) 1.   2nd            Aggravated battery; intentionally causing great bodily harm or disfigurement.

784.045 (1) (a) 2.   2nd            Aggravated battery; using deadly weapon.

784.045 (1) (b)    2nd            Aggravated battery; perpetrator aware victim pregnant.

784.048 (4)        3rd            Aggravated stalking; violation of injunction or court order.

784.048 (7)        3rd            Aggravated stalking; violation of court order.

784.07 (2) (d)     1st            Aggravated battery on law enforcement officer.

784.074 (1) (a)    1st            Aggravated battery on sexually violent

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predators facility staff.

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784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

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784.081 (1) 1st Aggravated battery on specified official or employee.

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784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

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784.083 (1) 1st Aggravated battery on code inspector.

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790.07 (4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).

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790.16 (1) 1st Discharge of a machine gun under specified circumstances.

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790.165 (2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

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790.165 (3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

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790.166 (3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass

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destruction.

790.166 (4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

790.23 1st, PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

794.08 (4) 3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

796.03 (1) 2nd Procuring any person under 18 ~~16~~ years for prostitution.

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.

806.01 (2) 2nd Maliciously damage structure by fire or explosive.



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810.02 (3) (a) 2nd Burglary of occupied dwelling; unarmed;  
no assault or battery.

810.02 (3) (b) 2nd Burglary of unoccupied dwelling;  
unarmed; no assault or battery.

810.02 (3) (d) 2nd Burglary of occupied conveyance;  
unarmed; no assault or battery.

810.02 (3) (e) 2nd Burglary of authorized emergency  
vehicle.

812.014 (2) (a) 1. 1st Property stolen, valued at \$100,000 or  
more or a semitrailer deployed by a law  
enforcement officer; property stolen  
while causing other property damage; 1st  
degree grand theft.

812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less  
than \$50,000, grand theft in 2nd degree.

812.014 (2) (b) 3. 2nd Property stolen, emergency medical  
equipment; 2nd degree grand theft.

812.014 (2) (b) 4. 2nd Property stolen, law enforcement  
equipment from authorized emergency  
vehicle.

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101	812.0145(2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
102	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
103	812.131(2) (a)	2nd	Robbery by sudden snatching.
104	812.133(2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
105	817.234(8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
106	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
107	817.234(11) (c)	1st	Insurance fraud; property value \$100,000 or more.
108	817.2341(2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
	825.102(3) (b)	2nd	Neglecting an elderly person or disabled

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adult causing great bodily harm,  
disability, or disfigurement.

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825.103(2)(b) 2nd Exploiting an elderly person or disabled  
adult and property is valued at \$20,000  
or more, but less than \$100,000.

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827.03(3)(b) 2nd Neglect of a child causing great bodily  
harm, disability, or disfigurement.

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827.04(3) 3rd Impregnation of a child under 16 years  
of age by person 21 years of age or  
older.

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837.05(2) 3rd Giving false information about alleged  
capital felony to a law enforcement  
officer.

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838.015 2nd Bribery.

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838.016 2nd Unlawful compensation or reward for  
official behavior.

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838.021(3)(a) 2nd Unlawful harm to a public servant.

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838.22 2nd Bid tampering.

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847.0135(3) 3rd Solicitation of a child, via a computer  
service, to commit an unlawful sex act.

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847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

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872.06 2nd Abuse of a dead human body.

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874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

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893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

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893.13(4)(a) 1st Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a),

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(2) (b), or (2) (c) 4. drugs).

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893.135 (1) (a) 1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

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893.135 (1) (b) 1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

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893.135 (1) (c) 1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

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893.135 (1) (d) 1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

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893.135 (1) (e) 1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

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893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

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893.135 (1) (g) 1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

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893.135 (1) (h) 1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

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893.135 (1) (j) 1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5

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kilograms.

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893.135 (1) (k) 2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

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893.1351 (2) 2nd Possession of place for trafficking in or manufacturing of controlled substance.

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896.101 (5) (a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

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896.104 (4) (a) 1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

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943.0435 (4) (c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

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943.0435 (8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

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943.0435 (9) (a) 3rd Sexual offender; failure to comply with reporting requirements.

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943.0435 (13) 3rd Failure to report or providing false

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information about a sexual offender;  
harbor or conceal a sexual offender.

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943.0435(14) 3rd Sexual offender; failure to report and  
reregister; failure to respond to  
address verification.

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944.607(9) 3rd Sexual offender; failure to comply with  
reporting requirements.

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944.607(10)(a) 3rd Sexual offender; failure to submit to  
the taking of a digitized photograph.

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944.607(12) 3rd Failure to report or providing false  
information about a sexual offender;  
harbor or conceal a sexual offender.

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944.607(13) 3rd Sexual offender; failure to report and  
reregister; failure to respond to  
address verification.

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985.4815(10) 3rd Sexual offender; failure to submit to  
the taking of a digitized photograph.

147

985.4815(12) 3rd Failure to report or providing false  
information about a sexual offender;  
harbor or conceal a sexual offender.

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985.4815(13) 3rd Sexual offender; failure to report and

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reregister; failure to respond to  
address verification.

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Section 3. This act shall take effect July 1, 2010.