

HB 521

2022

1 A bill to be entitled  
2 An act relating to human trafficking and prostitution;  
3 amending s. 787.06, F.S.; revising the definition of  
4 the term "coercion"; providing criminal penalties for  
5 engaging in human trafficking or benefiting  
6 financially by receiving value from human trafficking  
7 using the labor or services or commercial sexual  
8 activity of an adult; amending s. 796.07, F.S.;  
9 prohibiting facilitating or enabling the receiving of  
10 persons in any place, structure, building, or  
11 conveyance for the purpose of prostitution, lewdness,  
12 or assignation, or facilitating or enabling any person  
13 to remain there for such purposes; providing increased  
14 criminal penalties for specified prohibited acts  
15 relating to prostitution, lewdness, or assignation;  
16 amending ss. 456.074, 480.041, and 943.0433, F.S.;  
17 conforming cross-references; providing an effective  
18 date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsections (2) and (3) of section 787.06,  
23 Florida Statutes, are amended to read:

24 787.06 Human trafficking.—

25 (2) As used in this section, the term:

- 26 (a) "Coercion" includes, but is not limited to ~~means~~:
- 27 1. Using or threatening to use physical force against any
- 28 person;
- 29 2. Restraining, isolating, or confining, or threatening to
- 30 restrain, isolate, or confine, any person without lawful
- 31 authority and against her or his will;
- 32 3. Using lending or other credit methods to establish a
- 33 debt by any person when labor or services are pledged as a
- 34 security for the debt, if the value of the labor or services as
- 35 reasonably assessed is not applied toward the liquidation of the
- 36 debt, the length and nature of the labor or services are not
- 37 respectively limited and defined;
- 38 4. Destroying, concealing, removing, confiscating,
- 39 withholding, or possessing any actual or purported passport,
- 40 visa, or other immigration document, or any other actual or
- 41 purported government identification document, of any person;
- 42 5. Causing or threatening to cause financial harm to any
- 43 person or withholding income from a person which he or she
- 44 earned;
- 45 6. Enticing or luring any person by fraud or deceit; or
- 46 7. Providing a controlled substance ~~as~~ outlined in
- 47 Schedule I or Schedule II of s. 893.03, alcohol, or any other
- 48 drug to any person for the purpose of exploitation of that
- 49 person.
- 50 (b) "Commercial sexual activity" means any violation of

51 chapter 796 or an attempt to commit any such offense, and  
52 includes sexually explicit performances and the production of  
53 pornography.

54 (c) "Financial harm" includes extortionate extension of  
55 credit, loan sharking as defined in s. 687.071, or employment  
56 contracts that violate the statute of frauds as provided in s.  
57 725.01.

58 (d) "Human trafficking" means transporting, soliciting,  
59 recruiting, harboring, providing, enticing, maintaining,  
60 purchasing, patronizing, procuring, or obtaining another person  
61 for the purpose of exploitation of that person.

62 (e) "Labor" means work of economic or financial value.

63 (f) "Maintain" means, in relation to labor or services, to  
64 secure or make possible continued performance thereof,  
65 regardless of any initial agreement on the part of the victim to  
66 perform such type service.

67 (g) "Obtain" means, in relation to labor, commercial  
68 sexual activity, or services, to receive, take possession of, or  
69 take custody of another person or secure performance thereof.

70 (h) "Services" means any act committed at the behest of,  
71 under the supervision of, or for the benefit of another. The  
72 term includes, but is not limited to, forced marriage,  
73 servitude, or the removal of organs.

74 (i) "Sexually explicit performance" means an act or show,  
75 whether public or private, that is live, photographed, recorded,

76 or videotaped and intended to arouse or satisfy ~~the~~ sexual  
 77 desires or appeal to a ~~the~~ prurient interest.

78 (j) "Unauthorized alien" means an alien who is not  
 79 authorized under federal law to be employed in the United  
 80 States, as provided in 8 U.S.C. s. 1324a(h)(3). The term shall  
 81 be interpreted consistently with that section and any applicable  
 82 federal rules or regulations.

83 (k) "Venture" means any group of two or more individuals  
 84 associated in fact, whether or not a legal entity.

85 (3) Any person who knowingly, or in reckless disregard of  
 86 the facts, engages in human trafficking, or attempts to engage  
 87 in human trafficking, or benefits financially by receiving  
 88 anything of value from participation in a venture that has  
 89 subjected a person to human trafficking:

90 (a)1. For labor or services of any child younger than 18  
 91 years of age or an adult believed by the person to be a child  
 92 younger than 18 years of age commits a felony of the first  
 93 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 94 775.084.

95 2. Using coercion for labor or services of an adult  
 96 commits a felony of the first degree, punishable as provided in  
 97 s. 775.082, s. 775.083, or s. 775.084.

98 3. For labor or services of an adult commits a felony of  
 99 the second degree, punishable as provided in s. 775.082, s.  
 100 775.083, or s. 775.084.

101 (b)1. Using coercion for commercial sexual activity of an  
102 adult commits a felony of the first degree, punishable as  
103 provided in s. 775.082, s. 775.083, or s. 775.084.

104 2. For commercial sexual activity of an adult commits a  
105 felony of the second degree, punishable as provided in s.  
106 775.082, s. 775.083, or s. 775.084.

107 (c)1. For labor or services of any child younger than 18  
108 years of age or an adult believed by the person to be a child  
109 younger than 18 years of age who is an unauthorized alien  
110 commits a felony of the first degree, punishable as provided in  
111 s. 775.082, s. 775.083, or s. 775.084.

112 2. Using coercion for labor or services of an adult who is  
113 an unauthorized alien commits a felony of the first degree,  
114 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

115 (d) Using coercion for commercial sexual activity of an  
116 adult who is an unauthorized alien commits a felony of the first  
117 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
118 775.084.

119 (e)1. For labor or services who does so by the transfer or  
120 transport of any child younger than 18 years of age or an adult  
121 believed by the person to be a child younger than 18 years of  
122 age from outside this state to within this state commits a  
123 felony of the first degree, punishable as provided in s.  
124 775.082, s. 775.083, or s. 775.084.

125 2. Using coercion for labor or services who does so by the

126 transfer or transport of an adult from outside this state to  
 127 within this state commits a felony of the first degree,  
 128 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

129 (f)1. For commercial sexual activity who does so by the  
 130 transfer or transport of any child younger than 18 years of age  
 131 or an adult believed by the person to be a child younger than 18  
 132 years of age from outside this state to within this state  
 133 commits a felony of the first degree, punishable by imprisonment  
 134 for a term of years not exceeding life, or as provided in s.  
 135 775.082, s. 775.083, or s. 775.084.

136 2. Using coercion for commercial sexual activity who does  
 137 so by the transfer or transport of an adult from outside this  
 138 state to within this state commits a felony of the first degree,  
 139 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

140 (g) For commercial sexual activity in which any child  
 141 younger than 18 years of age or an adult believed by the person  
 142 to be a child younger than 18 years of age, or in which any  
 143 person who is mentally defective or mentally incapacitated as  
 144 those terms are defined in s. 794.011(1), is involved commits a  
 145 life felony, punishable as provided in s. 775.082(3)(a)6., s.  
 146 775.083, or s. 775.084.

147  
 148 For each instance of human trafficking of any individual under  
 149 this subsection, a separate crime is committed and a separate  
 150 punishment is authorized.

151           Section 2. Present subsections (5), (6), and (7) of  
152 section 796.07, Florida Statutes, are redesignated as  
153 subsections (6), (7), and (8), respectively, a new subsection  
154 (5) is added to that section, and subsections (2) and (4) of  
155 that section are amended, to read:

156           796.07 Prohibiting prostitution and related acts.—

157           (2) It is unlawful:

158           (a) To own, establish, maintain, or operate any place,  
159 structure, building, or conveyance for the purpose of lewdness,  
160 assignation, or prostitution.

161           (b) To offer, or to offer or agree to secure, another for  
162 the purpose of prostitution or for any other lewd or indecent  
163 act.

164           (c) To receive, or to offer or agree to receive, or  
165 facilitate or enable the receiving of any person into any place,  
166 structure, building, or conveyance for the purpose of  
167 prostitution, lewdness, or assignation, or to facilitate,  
168 enable, or permit any person to remain there for such purpose.

169           (d) To direct, take, or transport, or to offer or agree to  
170 direct, take, or transport, any person to any place, structure,  
171 or building, or to any other person, with knowledge or  
172 reasonable cause to believe that the purpose of such directing,  
173 taking, or transporting is prostitution, lewdness, or  
174 assignation.

175           (e) For a person 18 years of age or older to offer to

HB 521

2022

176 | commit, or to commit, or to engage in, prostitution, lewdness,  
177 | or assignation.

178 |       (f) To solicit, induce, entice, or procure another to  
179 | commit prostitution, lewdness, or assignation.

180 |       (g) To reside in, enter, or remain in, any place,  
181 | structure, or building, or to enter or remain in any conveyance,  
182 | for the purpose of prostitution, lewdness, or assignation.

183 |       (h) To aid, abet, or participate in any of the acts or  
184 | things enumerated in this subsection.

185 |       (i) To purchase the services of any person engaged in  
186 | prostitution.

187 |       (4) (a) A person who violates any provision of this  
188 | section, other than paragraph (2) (a) or paragraph (2) (f),  
189 | commits:

190 |           1. A misdemeanor of the second degree for a first  
191 | violation, punishable as provided in s. 775.082 or s. 775.083.

192 |           2. A misdemeanor of the first degree for a second  
193 | violation, punishable as provided in s. 775.082 or s. 775.083.

194 |           3. A felony of the third degree for a third or subsequent  
195 | violation, punishable as provided in s. 775.082, s. 775.083, or  
196 | s. 775.084.

197 |       (b) A person who is charged with a third or subsequent  
198 | violation of this section, other than paragraph (2) (a) or  
199 | paragraph (2) (f), shall be offered admission to a pretrial  
200 | intervention program or a substance abuse treatment program as



201 provided in s. 948.08.

202 (5)(a) A person who violates paragraph (2)(a) commits a  
 203 felony of the second degree, punishable as provided in s.  
 204 775.082, s. 775.083, or s. 775.084.

205 (b)1. A person who violates paragraph (2)(d) commits a  
 206 felony of the second degree for a first violation, punishable as  
 207 provided in s. 775.082, s. 775.083, or s. 775.084.

208 2. A person who violates paragraph (2)(d) commits a felony  
 209 of the first degree for a second or subsequent violation,  
 210 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

211 Section 3. Subsection (4) of section 456.074, Florida  
 212 Statutes, is amended to read:

213 456.074 Certain health care practitioners; immediate  
 214 suspension of license.—

215 (4) The department shall issue an emergency order  
 216 suspending the license of a massage therapist or establishment  
 217 as defined in chapter 480 upon receipt of information that the  
 218 massage therapist, a person with an ownership interest in the  
 219 establishment, or, for a corporation that has more than \$250,000  
 220 of business assets in this state, the owner, officer, or  
 221 individual directly involved in the management of the  
 222 establishment has been convicted or found guilty of, or has  
 223 entered a plea of guilty or nolo contendere to, regardless of  
 224 adjudication, a violation of s. 796.07(2)(a) which is  
 225 reclassified under s. 796.07(8) ~~s. 796.07(7)~~ or a felony offense

226 | under any of the following provisions of state law or a similar  
 227 | provision in another jurisdiction:

- 228 |       (a) Section 787.01, relating to kidnapping.
- 229 |       (b) Section 787.02, relating to false imprisonment.
- 230 |       (c) Section 787.025, relating to luring or enticing a  
 231 | child.
- 232 |       (d) Section 787.06, relating to human trafficking.
- 233 |       (e) Section 787.07, relating to human smuggling.
- 234 |       (f) Section 794.011, relating to sexual battery.
- 235 |       (g) Section 794.08, relating to female genital mutilation.
- 236 |       (h) Former s. 796.03, relating to procuring a person under  
 237 | the age of 18 for prostitution.
- 238 |       (i) Former s. 796.035, relating to the selling or buying  
 239 | of minors into prostitution.
- 240 |       (j) Section 796.04, relating to forcing, compelling, or  
 241 | coercing another to become a prostitute.
- 242 |       (k) Section 796.05, relating to deriving support from the  
 243 | proceeds of prostitution.
- 244 |       (l) Section 796.07(4)(a)3., relating to a felony of the  
 245 | third degree for a third or subsequent violation of s. 796.07,  
 246 | relating to prohibiting prostitution and related acts.
- 247 |       (m) Section 800.04, relating to lewd or lascivious  
 248 | offenses committed upon or in the presence of persons less than  
 249 | 16 years of age.
- 250 |       (n) Section 825.1025(2)(b), relating to lewd or lascivious

251 offenses committed upon or in the presence of an elderly or  
 252 disabled person.

253 (o) Section 827.071, relating to sexual performance by a  
 254 child.

255 (p) Section 847.0133, relating to the protection of  
 256 minors.

257 (q) Section 847.0135, relating to computer pornography.

258 (r) Section 847.0138, relating to the transmission of  
 259 material harmful to minors to a minor by electronic device or  
 260 equipment.

261 (s) Section 847.0145, relating to the selling or buying of  
 262 minors.

263 Section 4. Subsection (7) of section 480.041, Florida  
 264 Statutes, is amended to read:

265 480.041 Massage therapists; qualifications; licensure;  
 266 endorsement.—

267 (7) The board shall deny an application for a new or  
 268 renewal license if an applicant has been convicted or found  
 269 guilty of, or enters a plea of guilty or nolo contendere to,  
 270 regardless of adjudication, a violation of s. 796.07(2) (a) which  
 271 is reclassified under s. 796.07(8) ~~s. 796.07(7)~~ or a felony  
 272 offense under any of the following provisions of state law or a  
 273 similar provision in another jurisdiction:

274 (a) Section 787.01, relating to kidnapping.

275 (b) Section 787.02, relating to false imprisonment.

HB 521

2022

- 276 (c) Section 787.025, relating to luring or enticing a  
277 child.
- 278 (d) Section 787.06, relating to human trafficking.
- 279 (e) Section 787.07, relating to human smuggling.
- 280 (f) Section 794.011, relating to sexual battery.
- 281 (g) Section 794.08, relating to female genital mutilation.
- 282 (h) Former s. 796.03, relating to procuring a person under  
283 the age of 18 for prostitution.
- 284 (i) Former s. 796.035, relating to the selling or buying  
285 of minors into prostitution.
- 286 (j) Section 796.04, relating to forcing, compelling, or  
287 coercing another to become a prostitute.
- 288 (k) Section 796.05, relating to deriving support from the  
289 proceeds of prostitution.
- 290 (l) Section 796.07(4)(a)3., relating to a felony of the  
291 third degree for a third or subsequent violation of s. 796.07,  
292 relating to prohibiting prostitution and related acts.
- 293 (m) Section 800.04, relating to lewd or lascivious  
294 offenses committed upon or in the presence of persons less than  
295 16 years of age.
- 296 (n) Section 825.1025(2)(b), relating to lewd or lascivious  
297 offenses committed upon or in the presence of an elderly or  
298 disabled person.
- 299 (o) Section 827.071, relating to sexual performance by a  
300 child.

- 301 (p) Section 847.0133, relating to the protection of  
 302 minors.
- 303 (q) Section 847.0135, relating to computer pornography.
- 304 (r) Section 847.0138, relating to the transmission of  
 305 material harmful to minors to a minor by electronic device or  
 306 equipment.
- 307 (s) Section 847.0145, relating to the selling or buying of  
 308 minors.

309 Section 5. Subsection (1) and paragraphs (a) and (b) of  
 310 subsection (2) of section 943.0433, Florida Statutes, are  
 311 amended to read:

312 943.0433 Soliciting for Prostitution Public Database.—

313 (1) The department shall create and administer the  
 314 Soliciting for Prostitution Public Database. The clerk of the  
 315 court shall forward to the department the criminal history  
 316 record of a person in accordance with s. 796.07(6)(e) ~~s.~~  
 317 ~~796.07(5)(e)~~, and the department shall add the criminal history  
 318 record to the database.

319 (2)(a) The department shall automatically remove the  
 320 criminal history record of a person from the database if, after  
 321 5 years following the commission of an offense that meets the  
 322 criteria set forth in s. 796.07(6)(e) ~~s. 796.07(5)(e)~~, such  
 323 person has not subsequently committed a violation that meets  
 324 such criteria or any other offense within that time that would  
 325 constitute a sexual offense, including, but not limited to,

HB 521

2022

326 human trafficking, or an offense that would require registration  
327 as a sexual offender.

328 (b) The department may not remove a criminal history  
329 record from the database if a person commits a violation that  
330 meets the criteria set forth in s. 796.07(6)(e) ~~s. 796.07(5)(e)~~  
331 a second or subsequent time.

332 Section 6. This act shall take effect October 1, 2022.