817232

LEGISLATIVE ACTION

| Senate | . | House |
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The Committee on Criminal Justice (Berman) recommended the following:

1 **Senate Amendment (with directory and title amendments)**
2
3 Delete lines 83 - 325
4 and insert:
5 Section 2. Present subsections (5) and (6) of section
6 796.07, Florida Statutes, are redesignated as subsections (7)
7 and (8), respectively, new subsections (5) and (6) and
8 subsection (9) are added to that section, and subsections (2),
9 (4), and (7) of that section are amended, to read:
10 796.07 Prohibiting prostitution and related acts.—

817232

11 (2) It is unlawful:
12 (a) To own, establish, maintain, or operate any place,
13 structure, building, or conveyance for the purpose of lewdness,
14 assignation, or prostitution.
15 (b) To offer, or to offer or agree to secure, another for
16 the purpose of prostitution or for any other lewd or indecent
17 act.
18 (c) To receive, or to offer or agree to receive, or
19 facilitate or enable the receiving of any person into any place,
20 structure, building, or conveyance for the purpose of
21 prostitution, lewdness, or assignation, or to facilitate,
22 enable, or permit any person to remain there for such purpose.
23 (d) To direct, take, or transport, or to offer or agree to
24 direct, take, or transport, any person to any place, structure,
25 or building, or to any other person, with knowledge or
26 reasonable cause to believe that the purpose of such directing,
27 taking, or transporting is prostitution, lewdness, or
28 assignation.
29 (e) For a person 18 years of age or older to offer to
30 commit, or to commit, or to engage in, prostitution, lewdness,
31 or assignation.
32 (f) To solicit, induce, entice, or procure another to
33 commit prostitution, lewdness, or assignation.
34 (g) To reside in, enter, or remain in, any place,
35 structure, or building, or to enter or remain in any conveyance,
36 for the purpose of prostitution, lewdness, or assignation.
37 (h) To aid, abet, or participate in any of the acts or
38 things enumerated in this subsection.
39 (i) To purchase the services of any person engaged in

817232

40 prostitution.
41 (j) For a person to knowingly, or in reckless disregard of
42 the facts:
43 1. Engage in the soliciting, recruiting, harboring,
44 enticing, purchasing, or procuring of another person for the
45 purpose of prostitution; and
46 2. Benefit financially or receive anything of value, or
47 intend to benefit financially or receive anything of value, by
48 participating in such soliciting, recruiting, harboring,
49 enticing, purchasing, or procuring, of another person.
50 (4)(a) A person who violates any provision of this section,
51 other than paragraph (2)(a), paragraph (2)(d), paragraph (2)(f),
52 or paragraph (2)(j), ~~paragraph (2)(f),~~ commits:
53 1. A misdemeanor of the second degree for a first
54 violation, punishable as provided in s. 775.082 or s. 775.083.
55 2. A misdemeanor of the first degree for a second
56 violation, punishable as provided in s. 775.082 or s. 775.083.
57 3. A felony of the third degree for a third or subsequent
58 violation, punishable as provided in s. 775.082, s. 775.083, or
59 s. 775.084.
60 (b) A person who is charged with a third or subsequent
61 violation of this section, other than paragraph (2)(a),
62 paragraph (2)(d), paragraph (2)(f), or paragraph (2)(j),
63 ~~paragraph (2)(f),~~ shall be offered admission to a pretrial
64 intervention program or a substance abuse treatment program as
65 provided in s. 948.08.
66 (5) A person who violates paragraph (2)(a) commits a felony
67 of the second degree, punishable as provided in s. 775.082, s.
68 775.083, or s. 775.084.

817232

69 (6)(a) A person who violates paragraph (2)(d) commits a
70 felony of the second degree for a first violation, punishable as
71 provided in s. 775.082, s. 775.083, or s. 775.084.
72 (b) A person who violates paragraph (2)(d) commits a felony
73 of the first degree for a second or subsequent violation,
74 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
75 (9) A person who violates paragraph (2)(j) commits a felony
76 of the second degree, punishable as provided in s. 775.082, s.
77 775.083, or s. 775.084.
78 ~~(7) If the place, structure, building, or conveyance that~~
79 ~~is owned, established, maintained, or operated in violation of~~
80 ~~paragraph (2)(a) is a massage establishment that is or should be~~
81 ~~licensed under s. 480.043, the offense shall be reclassified to~~
82 ~~the next higher degree as follows:~~
83 ~~(a) A misdemeanor of the second degree for a first~~
84 ~~violation is reclassified as a misdemeanor of the first degree,~~
85 ~~punishable as provided in s. 775.082 or s. 775.083.~~
86 ~~(b) A misdemeanor of the first degree for a second~~
87 ~~violation is reclassified as a felony of the third degree,~~
88 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~
89 ~~(c) A felony of the third degree for a third or subsequent~~
90 ~~violation is reclassified as a felony of the second degree,~~
91 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~
92 Section 3. Subsection (4) of section 456.074, Florida
93 Statutes, is amended to read:
94 456.074 Certain health care practitioners; immediate
95 suspension of license.—
96 (4) The department shall issue an emergency order
97 suspending the license of a massage therapist or establishment

817232

98 as defined in chapter 480 upon receipt of information that the
99 massage therapist, a person with an ownership interest in the
100 establishment, or, for a corporation that has more than $250,000
101 of business assets in this state, the owner, officer, or
102 individual directly involved in the management of the
103 establishment has been convicted or found guilty of, or has
104 entered a plea of guilty or nolo contendere to, regardless of
105 adjudication, a violation of s. 796.07(2)(a) ~~which is~~
106 ~~reclassified under s. 796.07(7)~~ or a felony offense under any of
107 the following provisions of state law or a similar provision in
108 another jurisdiction:
109 (a) Section 787.01, relating to kidnapping.
110 (b) Section 787.02, relating to false imprisonment.
111 (c) Section 787.025, relating to luring or enticing a
112 child.
113 (d) Section 787.06, relating to human trafficking.
114 (e) Section 787.07, relating to human smuggling.
115 (f) Section 794.011, relating to sexual battery.
116 (g) Section 794.08, relating to female genital mutilation.
117 (h) Former s. 796.03, relating to procuring a person under
118 the age of 18 for prostitution.
119 (i) Former s. 796.035, relating to the selling or buying of
120 minors into prostitution.
121 (j) Section 796.04, relating to forcing, compelling, or
122 coercing another to become a prostitute.
123 (k) Section 796.05, relating to deriving support from the
124 proceeds of prostitution.
125 (l) Section 796.07(4)(a)3., relating to a felony of the
126 third degree for a third or subsequent violation of s. 796.07,

817232

127 relating to prohibiting prostitution and related acts.
128 (m) Section 800.04, relating to lewd or lascivious offenses
129 committed upon or in the presence of persons less than 16 years
130 of age.
131 (n) Section 825.1025(2)(b), relating to lewd or lascivious
132 offenses committed upon or in the presence of an elderly or
133 disabled person.
134 (o) Section 827.071, relating to sexual performance by a
135 child.
136 (p) Section 847.0133, relating to the protection of minors.
137 (q) Section 847.0135, relating to computer pornography.
138 (r) Section 847.0138, relating to the transmission of
139 material harmful to minors to a minor by electronic device or
140 equipment.
141 (s) Section 847.0145, relating to the selling or buying of
142 minors.
143 Section 4. Subsection (7) of section 480.041, Florida
144 Statutes, is amended to read:
145 480.041 Massage therapists; qualifications; licensure;
146 endorsement.—
147 (7) The board shall deny an application for a new or
148 renewal license if an applicant has been convicted or found
149 guilty of, or enters a plea of guilty or nolo contendere to,
150 regardless of adjudication, a violation of s. 796.07(2)(a) ~~which~~
151 ~~is reclassified under s. 796.07(7)~~ or a felony offense under any
152 of the following provisions of state law or a similar provision
153 in another jurisdiction:
154 (a) Section 787.01, relating to kidnapping.
155 (b) Section 787.02, relating to false imprisonment.

817232

156 (c) Section 787.025, relating to luring or enticing a
157 child.
158 (d) Section 787.06, relating to human trafficking.
159 (e) Section 787.07, relating to human smuggling.
160 (f) Section 794.011, relating to sexual battery.
161 (g) Section 794.08, relating to female genital mutilation.
162 (h) Former s. 796.03, relating to procuring a person under
163 the age of 18 for prostitution.
164 (i) Former s. 796.035, relating to the selling or buying of
165 minors into prostitution.
166 (j) Section 796.04, relating to forcing, compelling, or
167 coercing another to become a prostitute.
168 (k) Section 796.05, relating to deriving support from the
169 proceeds of prostitution.
170 (l) Section 796.07(4)(a)3., relating to a felony of the
171 third degree for a third or subsequent violation of s. 796.07,
172 relating to prohibiting prostitution and related acts.
173 (m) Section 800.04, relating to lewd or lascivious offenses
174 committed upon or in the presence of persons less than 16 years
175 of age.
176 (n) Section 825.1025(2)(b), relating to lewd or lascivious
177 offenses committed upon or in the presence of an elderly or
178 disabled person.
179 (o) Section 827.071, relating to sexual performance by a
180 child.
181 (p) Section 847.0133, relating to the protection of minors.
182 (q) Section 847.0135, relating to computer pornography.
183 (r) Section 847.0138, relating to the transmission of
184 material harmful to minors to a minor by electronic device or

817232

185 equipment.
186 (s) Section 847.0145, relating to the selling or buying of
187 minors.
188 Section 5. Subsection (1) and paragraphs (a) and (b) of
189 subsection (2) of section 943.0433, Florida Statutes, are
190 amended to read:
191 943.0433 Soliciting for Prostitution Public Database.—
192 (1) The department shall create and administer the
193 Soliciting for Prostitution Public Database. The clerk of the
194 court shall forward to the department the criminal history
195 record of a person in accordance with s. 796.07(7)(e) ~~s.~~
196 ~~796.07(5)(e)~~, and the department shall add the criminal history
197 record to the database.
198 (2)(a) The department shall automatically remove the
199 criminal history record of a person from the database if, after
200 5 years following the commission of an offense that meets the
201 criteria set forth in s. 796.07(7)(e) ~~s. 796.07(5)(e)~~, such
202 person has not subsequently committed a violation that meets
203 such criteria or any other offense within that time that would
204 constitute a sexual offense, including, but not limited to,
205 human trafficking, or an offense that would require registration
206 as a sexual offender.
207 (b) The department may not remove a criminal history record
208 from the database if a person commits a violation that meets the
209 criteria set forth in s. 796.07(7)(e) ~~s. 796.07(5)(e)~~ a second
210 ====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
211 And the directory clause is amended as follows:
212 Delete lines 21 - 22
213 and insert:

817232

214 Section 1. Subsection (2) of section 787.06, Florida
215 Statutes, is amended to read:
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217 ========== T I T L E A M E N D M E N T ==========
218 And the title is amended as follows:
219 Delete lines 4 - 16
220 and insert:
221 "coercion"; amending s. 796.07, F.S.; prohibiting
222 facilitating or enabling the receiving of persons in
223 any place, structure, building, or conveyance for the
224 purpose of prostitution, lewdness, or assignation, or
225 facilitating or enabling any person to remain there
226 for such purposes; providing a person may not procure,
227 facilitate, or entice another to engage in
228 prostitution for specified purposes; providing a
229 criminal penalty; providing increased criminal
230 penalties for specified prohibited acts relating to
231 prostitution, lewdness, or assignation; deleting
232 provisions relating to the reclassification of
233 penalties if a massage establishment is used for
234 lewdness, assignation, or prostitution; amending ss.
235 456.074 and 480.041, F.S.: conforming provisions to
236 changes made by the act; amending s. 943.0433, F.S.;
237 conforming