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Section 1. Subsection (2) of section 787.06, Florida Statutes, is amended to read:

787.06 Human trafficking.—

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

(a) "Coercion" includes, but is not limited to ~~means~~:

1. Using or threatening to use physical force against any person;

2. Restraining, isolating, or confining, or threatening to restrain, isolate, or confine, any person without lawful authority and against her or his will;

3. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;

4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;

5. Causing or threatening to cause financial harm to any person or withholding income from a person which he or she earned;

6. Enticing or luring any person by fraud or deceit; or

51 7. Providing a controlled substance ~~as~~ outlined in
 52 ~~Schedule I or Schedule II of s. 893.03,~~ alcohol, or any other
 53 drug to any person for the purpose of exploitation of that
 54 person.

55 (b) "Commercial sexual activity" means any violation of
 56 chapter 796 or an attempt to commit any such offense, and
 57 includes sexually explicit performances and the production of
 58 pornography.

59 (c) "Financial harm" includes extortionate extension of
 60 credit, loan sharking as defined in s. 687.071, or employment
 61 contracts that violate the statute of frauds as provided in s.
 62 725.01.

63 (d) "Human trafficking" means transporting, soliciting,
 64 recruiting, harboring, providing, enticing, maintaining,
 65 purchasing, patronizing, procuring, or obtaining another person
 66 for the purpose of exploitation of that person.

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

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

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

75 (h) "Services" means any act committed at the behest of,

76 | under the supervision of, or for the benefit of another. The
 77 | term includes, but is not limited to, forced marriage,
 78 | servitude, or the removal of organs.

79 | (i) "Sexually explicit performance" means an act or a
 80 | show, whether public or private, which ~~that~~ is live,
 81 | photographed, recorded, or videotaped and intended to arouse or
 82 | satisfy ~~the~~ sexual desires or appeal to a ~~the~~ prurient interest.

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

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

90 | Section 2. Present subsections (5) and (6) of section
 91 | 796.07, Florida Statutes, are redesignated as subsections (6)
 92 | and (7), respectively, a new subsection (5) and subsection (8)
 93 | are added to that section, and subsections (2) and (4) and
 94 | present subsection (7) of that section are amended, to read:

95 | 796.07 Prohibiting prostitution and related acts.—

96 | (2) It is unlawful:

97 | (a) To own, establish, maintain, or operate any place,
 98 | structure, building, or conveyance for the purpose of lewdness,
 99 | assignation, or prostitution.

100 | (b) To offer, or to offer or agree to secure, another for

101 the purpose of prostitution or for any other lewd or indecent
 102 act.

103 (c) To receive, or to offer or agree to receive, or to
 104 facilitate or enable the receiving of, any person into any
 105 place, structure, building, or conveyance for the purpose of
 106 prostitution, lewdness, or assignation, or to facilitate,
 107 enable, or permit any person to remain there for such purpose.

108 (d) To direct, take, or transport, or to offer or agree to
 109 direct, take, or transport, any person to any place, structure,
 110 or building, or to any other person, with knowledge or
 111 reasonable cause to believe that the purpose of such directing,
 112 taking, or transporting is prostitution, lewdness, or
 113 assignation.

114 (e) For a person 18 years of age or older to offer to
 115 commit, or to commit, or to engage in, prostitution, lewdness,
 116 or assignation.

117 (f) To solicit, induce, entice, or procure another to
 118 commit prostitution, lewdness, or assignation.

119 (g) To reside in, enter, or remain in, any place,
 120 structure, or building, or to enter or remain in any conveyance,
 121 for the purpose of prostitution, lewdness, or assignation.

122 (h) To aid, abet, or participate in any of the acts or
 123 things enumerated in this subsection.

124 (i) To purchase the services of any person engaged in
 125 prostitution.

126 (j) For a person to knowingly, or in reckless disregard of
 127 the facts:

128 1. Engage in the soliciting, recruiting, harboring,
 129 enticing, purchasing, or procuring of another person for the
 130 purpose of prostitution; and

131 2. Benefit financially or receive anything of value, or
 132 intend to benefit financially or receive anything of value, by
 133 participating in such soliciting, recruiting, harboring,
 134 enticing, purchasing, or procuring of another person.

135 (4) (a) A person who violates any provision of this
 136 section, other than paragraph (2) (a), paragraph (2) (f), or
 137 paragraph (2) (j), commits:

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

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

142 3. A felony of the third degree for a third or subsequent
 143 violation, punishable as provided in s. 775.082, s. 775.083, or
 144 s. 775.084.

145 (b) A person who is charged with a third or subsequent
 146 violation of this section, other than paragraph (2) (a),
 147 paragraph (2) (f), or paragraph (2) (j), shall be offered
 148 admission to a pretrial intervention program or a substance
 149 abuse treatment program as provided in s. 948.08.

150 (5) (a) A person who violates paragraph (2) (a) commits a

151 felony of the third degree for a first violation, punishable as
152 provided in s. 775.082, s. 775.083, or s. 775.084.

153 (b) A person who violates paragraph (2) (a) commits a
154 felony of the second degree for a second or subsequent
155 violation, punishable as provided in s. 775.082, s. 775.083, or
156 s. 775.084.

157 (8) A person who violates paragraph (2) (j) commits a
158 felony of the second degree, punishable as provided in s.
159 775.082, s. 775.083, or s. 775.084.

160 ~~(7) If the place, structure, building, or conveyance that~~
161 ~~is owned, established, maintained, or operated in violation of~~
162 ~~paragraph (2) (a) is a massage establishment that is or should be~~
163 ~~licensed under s. 480.043, the offense shall be reclassified to~~
164 ~~the next higher degree as follows:~~

165 ~~(a) A misdemeanor of the second degree for a first~~
166 ~~violation is reclassified as a misdemeanor of the first degree,~~
167 ~~punishable as provided in s. 775.082 or s. 775.083.~~

168 ~~(b) A misdemeanor of the first degree for a second~~
169 ~~violation is reclassified as a felony of the third degree,~~
170 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

171 ~~(c) A felony of the third degree for a third or subsequent~~
172 ~~violation is reclassified as a felony of the second degree,~~
173 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

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

176 456.074 Certain health care practitioners; immediate
177 suspension of license.—

178 (4) The department shall issue an emergency order
179 suspending the license of a massage therapist or establishment
180 as defined in chapter 480 upon receipt of information that the
181 massage therapist, a person with an ownership interest in the
182 establishment, or, for a corporation that has more than \$250,000
183 of business assets in this state, the owner, officer, or
184 individual directly involved in the management of the
185 establishment has been convicted or found guilty of, or has
186 entered a plea of guilty or nolo contendere to, regardless of
187 adjudication, a violation of s. 796.07(2)(a) ~~which is~~
188 ~~reclassified under s. 796.07(7)~~ or a felony offense under any of
189 the following provisions of state law or a similar provision in
190 another jurisdiction:

- 191 (a) Section 787.01, relating to kidnapping.
192 (b) Section 787.02, relating to false imprisonment.
193 (c) Section 787.025, relating to luring or enticing a
194 child.
195 (d) Section 787.06, relating to human trafficking.
196 (e) Section 787.07, relating to human smuggling.
197 (f) Section 794.011, relating to sexual battery.
198 (g) Section 794.08, relating to female genital mutilation.
199 (h) Former s. 796.03, relating to procuring a person under
200 the age of 18 for prostitution.

201 (i) Former s. 796.035, relating to the selling or buying
 202 of minors into prostitution.

203 (j) Section 796.04, relating to forcing, compelling, or
 204 coercing another to become a prostitute.

205 (k) Section 796.05, relating to deriving support from the
 206 proceeds of prostitution.

207 (l) Section 796.07(4)(a)3., relating to a felony of the
 208 third degree for a third or subsequent violation of s. 796.07,
 209 relating to prohibiting prostitution and related acts.

210 (m) Section 800.04, relating to lewd or lascivious
 211 offenses committed upon or in the presence of persons less than
 212 16 years of age.

213 (n) Section 825.1025(2)(b), relating to lewd or lascivious
 214 offenses committed upon or in the presence of an elderly or
 215 disabled person.

216 (o) Section 827.071, relating to sexual performance by a
 217 child.

218 (p) Section 847.0133, relating to the protection of
 219 minors.

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

221 (r) Section 847.0138, relating to the transmission of
 222 material harmful to minors to a minor by electronic device or
 223 equipment.

224 (s) Section 847.0145, relating to the selling or buying of
 225 minors.

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

228 480.041 Massage therapists; qualifications; licensure;
 229 endorsement.—

230 (7) The board shall deny an application for a new or
 231 renewal license if an applicant has been convicted or found
 232 guilty of, or enters a plea of guilty or nolo contendere to,
 233 regardless of adjudication, a violation of s. 796.07(2) (a) ~~which~~
 234 ~~is reclassified under s. 796.07(7)~~ or a felony offense under any
 235 of the following provisions of state law or a similar provision
 236 in another jurisdiction:

- 237 (a) Section 787.01, relating to kidnapping.
- 238 (b) Section 787.02, relating to false imprisonment.
- 239 (c) Section 787.025, relating to luring or enticing a
 240 child.
- 241 (d) Section 787.06, relating to human trafficking.
- 242 (e) Section 787.07, relating to human smuggling.
- 243 (f) Section 794.011, relating to sexual battery.
- 244 (g) Section 794.08, relating to female genital mutilation.
- 245 (h) Former s. 796.03, relating to procuring a person under
 246 the age of 18 for prostitution.
- 247 (i) Former s. 796.035, relating to the selling or buying
 248 of minors into prostitution.
- 249 (j) Section 796.04, relating to forcing, compelling, or
 250 coercing another to become a prostitute.

251 (k) Section 796.05, relating to deriving support from the
 252 proceeds of prostitution.

253 (l) Section 796.07(4)(a)3., relating to a felony of the
 254 third degree for a third or subsequent violation of s. 796.07,
 255 relating to prohibiting prostitution and related acts.

256 (m) Section 800.04, relating to lewd or lascivious
 257 offenses committed upon or in the presence of persons less than
 258 16 years of age.

259 (n) Section 825.1025(2)(b), relating to lewd or lascivious
 260 offenses committed upon or in the presence of an elderly or
 261 disabled person.

262 (o) Section 827.071, relating to sexual performance by a
 263 child.

264 (p) Section 847.0133, relating to the protection of
 265 minors.

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

267 (r) Section 847.0138, relating to the transmission of
 268 material harmful to minors to a minor by electronic device or
 269 equipment.

270 (s) Section 847.0145, relating to the selling or buying of
 271 minors.

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

275 943.0433 Soliciting for Prostitution Public Database.—

276 (1) The department shall create and administer the
277 Soliciting for Prostitution Public Database. The clerk of the
278 court shall forward to the department the criminal history
279 record of a person in accordance with s. 796.07(6)(e) ~~s.~~
280 ~~796.07(5)(e)~~, and the department shall add the criminal history
281 record to the database.

282 (2)(a) The department shall automatically remove the
283 criminal history record of a person from the database if, after
284 5 years following the commission of an offense that meets the
285 criteria set forth in s. 796.07(6)(e) ~~s. 796.07(5)(e)~~, such
286 person has not subsequently committed a violation that meets
287 such criteria or any other offense within that time that would
288 constitute a sexual offense, including, but not limited to,
289 human trafficking, or an offense that would require registration
290 as a sexual offender.

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

295 Section 6. This act shall take effect October 1, 2023.