

1 A bill to be entitled

2 An act relating to human trafficking, prostitution,
3 and lewdness; creating s. 796.0001, F.S.; providing
4 definitions; creating s. 796.031, F.S.; prohibiting
5 prostitution; providing for the admission of certain
6 testimony at trial; providing criminal penalties;
7 requiring persons convicted of violations to attend an
8 educational program; providing program requirements;
9 repealing s. 796.04, F.S., relating to forcing,
10 compelling, or coercing another to become a
11 prostitute; amending s. 796.06, F.S.; prohibiting
12 persons from maintaining a space for commercial sex;
13 providing criminal penalties; providing enhanced
14 penalties for certain violations; amending s. 796.07,
15 F.S.; prohibiting commercial sexual exploitation;
16 providing criminal penalties; removing former
17 provisions relating to prostitution and related acts;
18 requiring a civil penalty; providing for disposition
19 of proceeds; authorizing judicial circuits to
20 establish educational programs for persons convicted
21 of or charged with violations; providing program
22 requirements; amending s. 943.0583, F.S.; revising a
23 definition; revising expunction eligibility
24 requirements; requiring the return of any fines, fees,
25 and restitution paid by the petitioner as a result of

26 | the conviction or convictions that are vacated;
 27 | amending ss. 322.28, 397.4073, 397.417, 435.07,
 28 | 456.074, 480.041, 480.043, 772.102, 775.0877, 787.01,
 29 | 787.02, 794.056, 796.09, 895.02, 938.085, and
 30 | 943.0433, F.S.; conforming provisions to changes made
 31 | by the act; providing an effective date.

32 |

33 | Be It Enacted by the Legislature of the State of Florida:

34 |

35 | Section 1. Section 796.0001, Florida Statutes, is created
 36 | to read:

37 | 796.0001 Definitions.—As used in this chapter, the term:

38 | (1) "Adult" means a person 18 years of age or older.

39 | (2) "Assignment" means the making of any appointment or
 40 | engagement for prostitution or lewdness, or any act in
 41 | furtherance of such appointment or engagement.

42 | (3) "Child" means a person who has not yet reached the age
 43 | of 18.

44 | (4) "Commercial sex" means engaging in sexual activity in
 45 | exchange for something of value. Commercial sex encompasses both
 46 | prostitution and human trafficking.

47 | (5) "Female genitals" includes the labia minora, labia
 48 | majora, clitoris, vulva, hymen, and vagina.

49 | (6) "Lewdness" means any indecent or obscene act.

50 | (7) "Prostitution" means voluntarily engaging in or

51 agreeing to engage in or offering to engage in commercial sex.

52 (8) "Sexual activity" means oral, anal, or female genital
 53 penetration by, or union with, the sexual organ of another; anal
 54 or female genital penetration of another by any other object;
 55 the handling or fondling of the sexual organ of another for the
 56 purpose of masturbation; or the performance of sexual acts for
 57 the purpose of masturbation, regardless of whether or not
 58 contact is made. The term does not include acts done for bona
 59 fide medical purposes.

60 Section 2. Section 796.031, Florida Statutes, is created
 61 to read:

62 796.031 Prostitution.—

63 (1) It is unlawful for a person 18 years of age or older
 64 to offer to commit, or to commit, or to engage in, prostitution,
 65 lewdness, or assignation.

66 (2) In the trial of a person charged with a violation of
 67 this section, testimony concerning the reputation of any place,
 68 structure, building, or conveyance involved in the charge,
 69 testimony concerning the reputation of any person residing in,
 70 operating, or frequenting such place, structure, building, or
 71 conveyance, and testimony concerning the reputation of the
 72 defendant is admissible in evidence in support of the charge.

73 (3) (a) A person who violates any provision of this section
 74 commits a misdemeanor of the second degree, punishable as
 75 provided in s. 775.082 or s. 775.083.

76 (b) In addition to any other penalty imposed, the court
 77 shall order a person sentenced for a violation of this statute
 78 to attend an educational program about the negative effects of
 79 commercial sex. Such a program may be offered by a secular or
 80 faith-based provider.

81 (c) A judicial circuit may establish an educational
 82 program for persons convicted of or charged with a violation of
 83 this section, to include education on:

84 1. The relationship between demand for commercial sex and
 85 human trafficking.

86 2. The impact of human trafficking on victims.

87 3. Coercion, consent, and sexual violence.

88 4. The health and legal consequences of commercial sex.

89 5. The negative impact of commercial sex on prostituted
 90 persons and the community.

91 6. The reasons and motivations for engaging in
 92 prostitution.

93 Section 3. Section 796.04, Florida Statutes, is repealed.

94 Section 4. Section 796.06, Florida Statutes, is amended to
 95 read:

96 796.06 Maintaining ~~Renting~~ space to be used for commercial
 97 sex lewdness, assignation, or prostitution.—

98 (1) It is unlawful to:

99 (a) Own, establish, maintain, operate, use, let or rent
 100 any building, residence, place, or structure, in whole or in

101 part ~~thereof~~, trailer or other conveyance, with ~~the~~ knowledge
 102 or reckless disregard that it will be used for the purpose of
 103 commercial sex lewdness, assignation, or prostitution.

104 (b) Receive, or to offer or agree to receive, any person
 105 into any place, structure, building, or conveyance for the
 106 purpose of commercial sexual activity or to permit any person to
 107 remain there for such purpose.

108 (2) A person who violates this section commits:

109 (a) A felony misdemeanor of the third ~~first~~ degree for a
 110 first violation, punishable as provided in s. 775.082, ~~or~~ s.
 111 775.083, or s. 775.084.

112 (b) A felony of the second ~~third~~ degree for a second or
 113 subsequent violation, punishable as provided in s. 775.082, s.
 114 775.083, or s. 775.084.

115 (3) In the trial of a person charged with a violation of
 116 this section, testimony concerning the reputation of any place,
 117 structure, building, or conveyance involved in the charge,
 118 testimony concerning the reputation of any person residing in,
 119 operating, or frequenting such place, structure, building, or
 120 conveyance, and testimony concerning the reputation of the
 121 defendant is admissible in evidence in support of the charge.

122 (4) If the place, residence, structure, building, trailer,
 123 or conveyance that is owned, established, maintained, or
 124 operated is a massage establishment that is or should be
 125 licensed under s. 480.043, the offense shall be reclassified to

126 the next higher degree as follows:

127 (a) A felony of the third degree is reclassified as a
 128 felony of the second degree, punishable as provided in s.
 129 775.082, s. 775.083, or s. 775.084.

130 (b) A felony of the second degree is reclassified as a
 131 felony of the first degree, punishable as provided in s.
 132 775.082, s. 775.083, or s. 775.084.

133 (c) A felony of the first degree is reclassified as a life
 134 felony, punishable as provided in s. 775.082, s. 775.083, or s.
 135 775.084.

136 Section 5. Section 796.07, Florida Statutes, is amended to
 137 read:

138 796.07 Commercial sexual exploitation ~~Prohibiting~~
 139 ~~prostitution and related acts.-~~

140 ~~(1) As used in this section:~~

141 ~~(a) "Assignment" means the making of any appointment or~~
 142 ~~engagement for prostitution or lewdness, or any act in~~
 143 ~~furtherance of such appointment or engagement.~~

144 ~~(b) "Female genitals" includes the labia minora, labia~~
 145 ~~majora, clitoris, vulva, hymen, and vagina.~~

146 ~~(c) "Lewdness" means any indecent or obscene act.~~

147 ~~(d) "Prostitution" means the giving or receiving of the~~
 148 ~~body for sexual activity for hire but excludes sexual activity~~
 149 ~~between spouses.~~

150 ~~(e) "Sexual activity" means oral, anal, or female genital~~

151 ~~penetration by, or union with, the sexual organ of another; anal~~
 152 ~~or female genital penetration of another by any other object; or~~
 153 ~~the handling or fondling of the sexual organ of another for the~~
 154 ~~purpose of masturbation; however, the term does not include acts~~
 155 ~~done for bona fide medical purposes.~~

156 (1)-(2) It is unlawful to provide, or offer to provide,
 157 something of value, in exchange for sexual activity.÷

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, any~~
 165 ~~person into any place, structure, building, or conveyance for~~
 166 ~~the purpose of prostitution, lewdness, or assignation, or to~~
 167 ~~permit any person to remain there for such purpose.~~

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

174 ~~(e) For a person 18 years of age or older to offer to~~
 175 ~~commit, or to commit, or to engage in, prostitution, lewdness,~~

176 ~~or assignation.~~

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

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

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

184 ~~(i) To purchase the services of any person engaged in~~
 185 ~~prostitution.~~

186 (2)(3)(a) In the trial of a person charged with a
 187 violation of this section, testimony concerning the reputation
 188 of any place, structure, building, or conveyance involved in the
 189 charge, testimony concerning the reputation of any person
 190 residing in, operating, or frequenting such place, structure,
 191 building, or conveyance, and testimony concerning the reputation
 192 of the defendant is admissible in evidence in support of the
 193 charge.

194 ~~(b) Notwithstanding any other provision of law, a police~~
 195 ~~officer may testify as an offended party in an action regarding~~
 196 ~~charges filed pursuant to this section.~~

197 (3)(4)(a) A person who violates any provision of this
 198 section, ~~other than paragraph (2)(f),~~ commits:

199 1. A felony misdemeanor of the third ~~second~~ degree for a
 200 first violation, punishable as provided in s. 775.082, ~~or~~ s.

201 775.083, or s. 775.084.

202 2. A felony ~~misdemeanor~~ of the second ~~first~~ degree for a
 203 second violation, punishable as provided in s. 775.082, ~~or~~ s.
 204 775.083, or s. 775.084.

205 3. A felony of the first ~~third~~ degree for a third or
 206 subsequent violation, punishable as provided in s. 775.082, s.
 207 775.083, or s. 775.084.

208 ~~(b) A person who is charged with a third or subsequent~~
 209 ~~violation of this section, other than paragraph (2) (f), shall be~~
 210 ~~offered admission to a pretrial intervention program or a~~
 211 ~~substance abuse treatment program as provided in s. 948.08.~~

212 ~~(5) (a) A person who violates paragraph (2) (f) commits:~~

213 1. ~~A misdemeanor of the first degree for a first~~
 214 ~~violation, punishable as provided in s. 775.082 or s. 775.083.~~

215 2. ~~A felony of the third degree for a second violation,~~
 216 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

217 3. ~~A felony of the second degree for a third or subsequent~~
 218 ~~violation, punishable as provided in s. 775.082, s. 775.083, or~~
 219 ~~s. 775.084.~~

220 (b) In addition to any other penalty imposed, if the
 221 violation results in any judicial disposition other than
 222 acquittal or dismissal, the court shall order a person convicted
 223 of a violation ~~of paragraph (2) (f)~~ to:

224 1. Perform 100 hours of community service.

225 2. Pay for and attend an educational program about the

226 negative effects of commercial sexual activity as described in
 227 subsection (8), if such a program exists in the judicial circuit
 228 in which the offender is sentenced. Such a program may be
 229 offered by a secular or faith-based provider.

230 3. Pay a civil penalty of \$5,000. Of the proceeds from
 231 each penalty assessed under this subsection, the first \$500
 232 shall be paid to the circuit court administrator for the sole
 233 purpose of paying the administrative costs of treatment-based
 234 drug court programs provided under s. 397.334. The remainder of
 235 the penalty assessed shall be deposited in the Operations and
 236 Maintenance Trust Fund of the Department of Children and
 237 Families for the sole purpose of funding safe houses and safe
 238 foster homes as provided in s. 409.1678.

239 4. Receive sexually transmitted disease testing at a
 240 recognized medical facility.

241 (c) A judicial circuit may establish an educational
 242 program for persons convicted of or charged with a violation of
 243 this section, to include education on:

244 1. The relationship between demand for commercial sex and
 245 human trafficking.

246 2. The impact of human trafficking on victims.

247 3. Coercion, consent, and sexual violence.

248 4. The health and legal consequences of commercial sex.

249 5. The negative impact of commercial sex on prostituted
 250 persons and the community.

251 6. The reasons and motivations for engaging in
252 prostitution.

253 ~~(c) In addition to any other penalty imposed, the court~~
254 ~~shall sentence a person convicted of a second or subsequent~~
255 ~~violation of paragraph (2)(f) to a minimum mandatory period of~~
256 ~~incarceration of 10 days.~~

257 (d)1. If a person who violates this section paragraph
258 ~~(2)(f)~~ uses a vehicle in the course of the violation, the judge,
259 upon the person's conviction, may issue an order for the
260 impoundment or immobilization of the vehicle for a period of up
261 to 60 days. The order of impoundment or immobilization must
262 include the names and telephone numbers of all immobilization
263 agencies meeting all of the conditions of s. 316.193(13). Within
264 7 business days after the date that the court issues the order
265 of impoundment or immobilization, the clerk of the court must
266 send notice by certified mail, return receipt requested, to the
267 registered owner of the vehicle, if the registered owner is a
268 person other than the defendant, and to each person of record
269 claiming a lien against the vehicle.

270 2. The owner of the vehicle may request the court to
271 dismiss the order. The court must dismiss the order, and the
272 owner of the vehicle will incur no costs, if the owner of the
273 vehicle alleges and the court finds to be true any of the
274 following:

275 a. The owner's family has no other private or public means

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276 of transportation;

277 b. The vehicle was stolen at the time of the offense;

278 c. The owner purchased the vehicle after the offense was
279 committed, and the sale was not made to circumvent the order and
280 allow the defendant continued access to the vehicle; or

281 d. The vehicle is owned by the defendant but is operated
282 solely by employees of the defendant or employees of a business
283 owned by the defendant.

284 3. If the court denies the request to dismiss the order,
285 the petitioner may request an evidentiary hearing. If, at the
286 evidentiary hearing, the court finds to be true any of the
287 circumstances described in sub-subparagraphs (d)2.a.-d., the
288 court must dismiss the order and the owner of the vehicle will
289 incur no costs.

290 (e) The Soliciting for Prostitution Public Database
291 created pursuant to s. 943.0433 must include the criminal
292 history record of a person who is sentenced for a violation of
293 this section ~~found guilty~~ as a result of a trial or who enters a
294 plea of guilty or nolo contendere, regardless of whether
295 adjudication is withheld, ~~of paragraph (2) (f), and there is~~
296 ~~evidence that such person provided a form of payment or arranged~~
297 ~~for the payment of such services.~~ Upon sentencing conviction,
298 the clerk of the court shall forward the criminal history record
299 of the person to the Department of Law Enforcement, pursuant to
300 s. 943.052(2), for inclusion in the database. This paragraph

301 shall stand repealed on January 1, 2024, unless reviewed and
 302 saved from repeal by the Legislature.

303 ~~(6) A person who violates paragraph (2) (f) shall be~~
 304 ~~assessed a civil penalty of \$5,000 if the violation results in~~
 305 ~~any judicial disposition other than acquittal or dismissal. Of~~
 306 ~~the proceeds from each penalty assessed under this subsection,~~
 307 ~~the first \$500 shall be paid to the circuit court administrator~~
 308 ~~for the sole purpose of paying the administrative costs of~~
 309 ~~treatment-based drug court programs provided under s. 397.334.~~
 310 ~~The remainder of the penalty assessed shall be deposited in the~~
 311 ~~Operations and Maintenance Trust Fund of the Department of~~
 312 ~~Children and Families for the sole purpose of funding safe~~
 313 ~~houses and safe foster homes as provided in s. 409.1678.~~

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

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

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

325 ~~(c) A felony of the third degree for a third or subsequent~~

326 ~~violation is reclassified as a felony of the second degree,~~
 327 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

328 ~~(8)(a) A judicial circuit may establish an educational~~
 329 ~~program for persons convicted of or charged with a violation of~~
 330 ~~paragraph (2)(f), to include education on:~~

331 ~~1. The relationship between demand for commercial sex and~~
 332 ~~human trafficking.~~

333 ~~2. The impact of human trafficking on victims.~~

334 ~~3. Coercion, consent, and sexual violence.~~

335 ~~4. The health and legal consequences of commercial sex.~~

336 ~~5. The negative impact of commercial sex on prostituted~~
 337 ~~persons and the community.~~

338 ~~6. The reasons and motivations for engaging in~~
 339 ~~prostitution.~~

340 ~~(b) An educational program may include a program offered~~
 341 ~~by a faith-based provider.~~

342 Section 6. Paragraphs (a) and (b) of subsection (1) and
 343 subsections (3) and (5) of section 943.0583, Florida Statutes,
 344 are amended and subsection (13) is added to that section, to
 345 read:

346 943.0583 Human trafficking victim expunction.—

347 (1) As used in this section, the term:

348 (a) "Human trafficking" has the same meaning as provided
 349 in s. 787.06.

350 (b) "Official documentation" includes, but is not limited

351 to, the following:

352 1. means Any documentation issued by a federal, state, or
353 local agency tending to show a person's status as a victim of
354 human trafficking.

355 2. An affidavit, a letter, or sworn testimony from a
356 medical professional, member of a victim services organization,
357 or certified, licensed, or registered professional from whom the
358 defendant has sought assistance, counseling, or legal counsel
359 related to his or her victimization.

360 (3) A person who is a victim of human trafficking may
361 petition for the expunction of a criminal history record
362 resulting from the arrest or filing of charges for one or more
363 offenses committed or reported to have been committed while the
364 person was a victim of human trafficking, which offense was
365 committed or reported to have been committed as a part of the
366 human trafficking scheme of which the person was a victim or at
367 the direction of an operator of the scheme, including, but not
368 limited to, violations under chapters 796 and 847, without
369 regard to the disposition of the arrest or of any charges.
370 However, this section does not apply to any offense listed in s.
371 775.084(1)(b)1. unless the arrest for such offense resulted in
372 any disposition other than a conviction. Determination of the
373 petition under this section should be by a preponderance of the
374 evidence. A conviction expunged under this section is deemed to
375 have been vacated due to a substantive defect in the underlying

376 criminal proceedings. If a person is adjudicated not guilty by
377 reason of insanity or is found to be incompetent to stand trial
378 for any such charge, the expunction of the criminal history
379 record may not prevent the entry of the judgment or finding in
380 state and national databases for use in determining eligibility
381 to purchase or possess a firearm or to carry a concealed
382 firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.
383 922(t), nor shall it prevent any governmental agency that is
384 authorized by state or federal law to determine eligibility to
385 purchase or possess a firearm or to carry a concealed firearm
386 from accessing or using the record of the judgment or finding in
387 the course of such agency's official duties.

388 (5) Official documentation of the victim's status creates
389 a presumption that his or her participation in the offense was a
390 result of having been a victim of human trafficking but is not
391 required for granting a petition under this section. A
392 ~~determination made without such official documentation must be~~
393 ~~made by a showing of clear and convincing evidence.~~

394 (13) (a) For any conviction vacated pursuant to this
395 section, the court vacating such conviction or convictions shall
396 include in the order to expunge an order for the return of any
397 finances, fees, and restitution paid by the petitioner as a result
398 of the conviction or convictions in the amount paid by the
399 defendant.

400 (b) The Clerk of Court shall upon receipt of the order to

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401 expunge containing an order for the return of fines, fees, and
402 restitution, return to the petitioner all such fines and fees
403 paid by the petitioner.

404 Section 7. Subsection (7) of section 322.28, Florida
405 Statutes, is amended to read:

406 322.28 Period of suspension or revocation.—

407 (7) Following a second or subsequent violation of s.
408 796.07 ~~s. 796.07(2)(f)~~ which involves a motor vehicle and which
409 results in any judicial disposition other than acquittal or
410 dismissal, in addition to any other sentence imposed, the court
411 shall revoke the person's driver license or driving privilege,
412 effective upon the date of the disposition, for a period of at
413 least 1 year. A person sentenced under this subsection may
414 request a hearing under s. 322.271.

415 Section 8. Paragraph (b) of subsection (4) of section
416 397.4073, Florida Statutes, is amended to read:

417 397.4073 Background checks of service provider personnel.—

418 (4) EXEMPTIONS FROM DISQUALIFICATION.—

419 (b) For service providers that treat adolescents 13 years
420 of age and older, service provider personnel whose background
421 checks indicate crimes under s. 796.07(1) ~~s. 796.07(2)(e)~~, s.
422 810.02(4), s. 812.014(2)(c), s. 817.563, s. 831.01, s. 831.02,
423 s. 893.13, or s. 893.147, and any related criminal attempt,
424 solicitation, or conspiracy under s. 777.04:

425 1. Shall be exempted from disqualification from employment

426 | for such offenses pursuant to this paragraph if:

427 | a. At least 5 years, or at least 3 years in the case of an
 428 | individual seeking certification as a peer specialist under s.
 429 | 397.417, have elapsed since the applicant requesting an
 430 | exemption has completed or has been lawfully released from any
 431 | confinement, supervision, or nonmonetary condition imposed by a
 432 | court for the applicant's most recent disqualifying offense
 433 | under this paragraph.

434 | b. The applicant for an exemption has not been arrested
 435 | for any offense during the 5 years, or 3 years in the case of a
 436 | peer specialist, before the request for exemption.

437 | 2. May be exempted from disqualification from employment
 438 | for such offenses without a waiting period as provided under s.
 439 | 435.07(2).

440 | Section 9. Paragraph (e) of subsection (4) of section
 441 | 397.417, Florida Statutes, is amended to read:

442 | 397.417 Peer specialists.—

443 | (4) BACKGROUND SCREENING.—

444 | (e) The background screening conducted under this
 445 | subsection must ensure that a peer specialist has not been
 446 | arrested for and is awaiting final disposition of, found guilty
 447 | of, regardless of adjudication, or entered a plea of nolo
 448 | contendere or guilty to, or been adjudicated delinquent and the
 449 | record has not been sealed or expunged for, any offense
 450 | prohibited under any of the following state laws or similar laws

451 | of another jurisdiction:

452 | 1. Section 393.135, relating to sexual misconduct with
453 | certain developmentally disabled clients and reporting of such
454 | sexual misconduct.

455 | 2. Section 394.4593, relating to sexual misconduct with
456 | certain mental health patients and reporting of such sexual
457 | misconduct.

458 | 3. Section 409.920, relating to Medicaid provider fraud,
459 | if the offense was a felony of the first or second degree.

460 | 4. Section 415.111, relating to abuse, neglect, or
461 | exploitation of vulnerable adults.

462 | 5. Any offense that constitutes domestic violence as
463 | defined in s. 741.28.

464 | 6. Section 777.04, relating to attempts, solicitation, and
465 | conspiracy to commit an offense listed in this paragraph.

466 | 7. Section 782.04, relating to murder.

467 | 8. Section 782.07, relating to manslaughter; aggravated
468 | manslaughter of an elderly person or a disabled adult;
469 | aggravated manslaughter of a child; or aggravated manslaughter
470 | of an officer, a firefighter, an emergency medical technician,
471 | or a paramedic.

472 | 9. Section 782.071, relating to vehicular homicide.

473 | 10. Section 782.09, relating to killing an unborn child by
474 | injury to the mother.

475 | 11. Chapter 784, relating to assault, battery, and

- 476 culpable negligence, if the offense was a felony.
- 477 12. Section 787.01, relating to kidnapping.
- 478 13. Section 787.02, relating to false imprisonment.
- 479 14. Section 787.025, relating to luring or enticing a
480 child.
- 481 15. Section 787.04(2), relating to leading, taking,
482 enticing, or removing a minor beyond state limits, or concealing
483 the location of a minor, with criminal intent pending custody
484 proceedings.
- 485 16. Section 787.04(3), relating to leading, taking,
486 enticing, or removing a minor beyond state limits, or concealing
487 the location of a minor, with criminal intent pending dependency
488 proceedings or proceedings concerning alleged abuse or neglect
489 of a minor.
- 490 17. Section 790.115(1), relating to exhibiting firearms or
491 weapons within 1,000 feet of a school.
- 492 18. Section 790.115(2)(b), relating to possessing an
493 electric weapon or device, a destructive device, or any other
494 weapon on school property.
- 495 19. Section 794.011, relating to sexual battery.
- 496 20. Former s. 794.041, relating to prohibited acts of
497 persons in familial or custodial authority.
- 498 21. Section 794.05, relating to unlawful sexual activity
499 with certain minors.
- 500 22. Section 794.08, relating to female genital mutilation.

501 23. Section 796.07, relating to commercial sexual
 502 exploitation ~~procuring another to commit prostitution~~, except
 503 for those offenses expunged pursuant to s. 943.0583.

504 24. Section 798.02, relating to lewd and lascivious
 505 behavior.

506 25. Chapter 800, relating to lewdness and indecent
 507 exposure.

508 26. Section 806.01, relating to arson.

509 27. Section 810.02, relating to burglary, if the offense
 510 was a felony of the first degree.

511 28. Section 810.14, relating to voyeurism, if the offense
 512 was a felony.

513 29. Section 810.145, relating to video voyeurism, if the
 514 offense was a felony.

515 30. Section 812.13, relating to robbery.

516 31. Section 812.131, relating to robbery by sudden
 517 snatching.

518 32. Section 812.133, relating to carjacking.

519 33. Section 812.135, relating to home-invasion robbery.

520 34. Section 817.034, relating to communications fraud, if
 521 the offense was a felony of the first degree.

522 35. Section 817.234, relating to false and fraudulent
 523 insurance claims, if the offense was a felony of the first or
 524 second degree.

525 36. Section 817.50, relating to fraudulently obtaining

526 goods or services from a health care provider and false reports
 527 of a communicable disease.

528 37. Section 817.505, relating to patient brokering.

529 38. Section 817.568, relating to fraudulent use of
 530 personal identification, if the offense was a felony of the
 531 first or second degree.

532 39. Section 825.102, relating to abuse, aggravated abuse,
 533 or neglect of an elderly person or a disabled adult.

534 40. Section 825.1025, relating to lewd or lascivious
 535 offenses committed upon or in the presence of an elderly person
 536 or a disabled person.

537 41. Section 825.103, relating to exploitation of an
 538 elderly person or a disabled adult, if the offense was a felony.

539 42. Section 826.04, relating to incest.

540 43. Section 827.03, relating to child abuse, aggravated
 541 child abuse, or neglect of a child.

542 44. Section 827.04, relating to contributing to the
 543 delinquency or dependency of a child.

544 45. Former s. 827.05, relating to negligent treatment of
 545 children.

546 46. Section 827.071, relating to sexual performance by a
 547 child.

548 47. Section 831.30, relating to fraud in obtaining
 549 medicinal drugs.

550 48. Section 831.31, relating to the sale; manufacture;

551 delivery; or possession with intent to sell, manufacture, or
 552 deliver of any counterfeit controlled substance, if the offense
 553 was a felony.

554 49. Section 843.01, relating to resisting arrest with
 555 violence.

556 50. Section 843.025, relating to depriving a law
 557 enforcement, correctional, or correctional probation officer of
 558 the means of protection or communication.

559 51. Section 843.12, relating to aiding in an escape.

560 52. Section 843.13, relating to aiding in the escape of
 561 juvenile inmates of correctional institutions.

562 53. Chapter 847, relating to obscenity.

563 54. Section 874.05, relating to encouraging or recruiting
 564 another to join a criminal gang.

565 55. Chapter 893, relating to drug abuse prevention and
 566 control, if the offense was a felony of the second degree or
 567 greater severity.

568 56. Section 895.03, relating to racketeering and
 569 collection of unlawful debts.

570 57. Section 896.101, relating to the Florida Money
 571 Laundering Act.

572 58. Section 916.1075, relating to sexual misconduct with
 573 certain forensic clients and reporting of such sexual
 574 misconduct.

575 59. Section 944.35(3), relating to inflicting cruel or

576 inhuman treatment on an inmate resulting in great bodily harm.

577 60. Section 944.40, relating to escape.

578 61. Section 944.46, relating to harboring, concealing, or
579 aiding an escaped prisoner.

580 62. Section 944.47, relating to introduction of contraband
581 into a correctional institution.

582 63. Section 985.701, relating to sexual misconduct in
583 juvenile justice programs.

584 64. Section 985.711, relating to introduction of
585 contraband into a detention facility.

586 Section 10. Subsection (2) of section 435.07, Florida
587 Statutes, is amended to read:

588 435.07 Exemptions from disqualification.—Unless otherwise
589 provided by law, the provisions of this section apply to
590 exemptions from disqualification for disqualifying offenses
591 revealed pursuant to background screenings required under this
592 chapter, regardless of whether those disqualifying offenses are
593 listed in this chapter or other laws.

594 (2) Persons employed, or applicants for employment, by
595 treatment providers who treat adolescents 13 years of age and
596 older who are disqualified from employment solely because of
597 crimes under s. 796.07(1) ~~s. 796.07(2)(e)~~, s. 810.02(4), s.
598 812.014(2)(c), s. 817.563, s. 831.01, s. 831.02, s. 893.13, or
599 s. 893.147, or any related criminal attempt, solicitation, or
600 conspiracy under s. 777.04, may be exempted from

601 disqualification from employment pursuant to this chapter
602 without application of the waiting period in subparagraph
603 (1)(a)1.

604 Section 11. Subsection (4) and paragraphs (o) and (q) of
605 subsection (5) of section 456.074, Florida Statutes, are amended
606 to read:

607 456.074 Certain health care practitioners; immediate
608 suspension of license.—

609 (4) The department shall issue an emergency order
610 suspending the license of a massage therapist or establishment
611 as defined in chapter 480 upon receipt of information that the
612 massage therapist, a person with an ownership interest in the
613 establishment, or, for a corporation that has more than \$250,000
614 of business assets in this state, the owner, officer, or
615 individual directly involved in the management of the
616 establishment has been convicted or found guilty of, or has
617 entered a plea of guilty or nolo contendere to, regardless of
618 adjudication, a violation of s. 796.06 ~~s. 796.07(2)(a)~~ which is
619 reclassified under s. 796.06(3) ~~s. 796.07(7)~~ or a felony offense
620 under any of the following provisions of state law or a similar
621 provision in another jurisdiction:

622 (a) Section 787.01, relating to kidnapping.

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

624 (c) Section 787.025, relating to luring or enticing a
625 child.

- 626 (d) Section 787.06, relating to human trafficking.
- 627 (e) Section 787.07, relating to human smuggling.
- 628 (f) Section 794.011, relating to sexual battery.
- 629 (g) Section 794.08, relating to female genital mutilation.
- 630 (h) Former s. 796.03, relating to procuring a person under
- 631 the age of 18 for prostitution.
- 632 (i) Former s. 796.035, relating to the selling or buying
- 633 of minors into prostitution.
- 634 (j) Former s. ~~Section~~ 796.04, relating to forcing,
- 635 compelling, or coercing another to become a prostitute.
- 636 (k) Section 796.05, relating to deriving support from the
- 637 proceeds of prostitution.
- 638 (l) Section 796.07(3)(a)3. ~~796.07(4)(a)3.~~, relating to a
- 639 felony of the third degree for a third or subsequent violation
- 640 of s. 796.07, relating to prohibiting prostitution and related
- 641 acts.
- 642 (m) Section 800.04, relating to lewd or lascivious
- 643 offenses committed upon or in the presence of persons less than
- 644 16 years of age.
- 645 (n) Section 825.1025(2)(b), relating to lewd or lascivious
- 646 offenses committed upon or in the presence of an elderly or
- 647 disabled person.
- 648 (o) Section 827.071, relating to sexual performance by a
- 649 child.
- 650 (p) Section 847.0133, relating to the protection of

651 minors.

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

653 (r) Section 847.0138, relating to the transmission of

654 material harmful to minors to a minor by electronic device or

655 equipment.

656 (s) Section 847.0145, relating to the selling or buying of

657 minors.

658 (5) The department shall issue an emergency order

659 suspending the license of any health care practitioner who is

660 arrested for committing or attempting, soliciting, or conspiring

661 to commit any act that would constitute a violation of any of

662 the following criminal offenses in this state or similar

663 offenses in another jurisdiction:

664 (o) Former s. Section 796.04, relating to forcing,

665 compelling, or coercing another to become a prostitute.

666 (q) Section 796.07(3)(a)3. ~~796.07(4)(a)3.~~, relating to a

667 felony of the first ~~third~~ degree for a third or subsequent

668 violation of s. 796.07, relating to commercial sexual

669 exploitation ~~prohibiting prostitution and related acts.~~

670 Section 12. Subsection (7) of section 480.041, Florida

671 Statutes, is amended to read:

672 480.041 Massage therapists; qualifications; licensure;

673 endorsement.—

674 (7) The board shall deny an application for a new or

675 renewal license if an applicant has been convicted or found

676 guilty of, or enters a plea of guilty or nolo contendere to,
 677 regardless of adjudication, a violation of s. 796.06 ~~s.~~
 678 ~~796.07(2)(a)~~ which is reclassified under s. 796.06(3) ~~s.~~
 679 ~~796.07(7)~~ or a felony offense under any of the following
 680 provisions of state law or a similar provision in another
 681 jurisdiction:

- 682 (a) Section 787.01, relating to kidnapping.
- 683 (b) Section 787.02, relating to false imprisonment.
- 684 (c) Section 787.025, relating to luring or enticing a
 685 child.
- 686 (d) Section 787.06, relating to human trafficking.
- 687 (e) Section 787.07, relating to human smuggling.
- 688 (f) Section 794.011, relating to sexual battery.
- 689 (g) Section 794.08, relating to female genital mutilation.
- 690 (h) Former s. 796.03, relating to procuring a person under
 691 the age of 18 for prostitution.
- 692 (i) Former s. 796.035, relating to the selling or buying
 693 of minors into prostitution.
- 694 (j) Former s. Section 796.04, relating to forcing,
 695 compelling, or coercing another to become a prostitute.
- 696 (k) Section 796.05, relating to deriving support from the
 697 proceeds of prostitution.
- 698 (l) Section 796.07(3)(a)3. ~~796.07(4)(a)3.~~, relating to a
 699 felony of the third degree for a third or subsequent violation
 700 of s. 796.07, relating to prohibiting prostitution and related

701 acts.

702 (m) Section 800.04, relating to lewd or lascivious

703 offenses committed upon or in the presence of persons less than

704 16 years of age.

705 (n) Section 825.1025(2)(b), relating to lewd or lascivious

706 offenses committed upon or in the presence of an elderly or

707 disabled person.

708 (o) Section 827.071, relating to sexual performance by a

709 child.

710 (p) Section 847.0133, relating to the protection of

711 minors.

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

713 (r) Section 847.0138, relating to the transmission of

714 material harmful to minors to a minor by electronic device or

715 equipment.

716 (s) Section 847.0145, relating to the selling or buying of

717 minors.

718 Section 13. Subsection (8) of section 480.043, Florida

719 Statutes, is amended to read:

720 480.043 Massage establishments; requisites; licensure;

721 inspection; human trafficking awareness training and policies.-

722 (8) The department shall deny an application for a new or

723 renewal license if an establishment owner or a designated

724 establishment manager or, for a corporation that has more than

725 \$250,000 of business assets in this state, an establishment

726 owner, a designated establishment manager, or any individual
 727 directly involved in the management of the establishment has
 728 been convicted of or entered a plea of guilty or nolo contendere
 729 to any misdemeanor or felony crime, regardless of adjudication,
 730 related to commercial sexual exploitation ~~prostitution or~~
 731 ~~related acts~~ as described in s. 796.07 or a felony offense under
 732 any of the following provisions of state law or a similar
 733 provision in another jurisdiction:

- 734 (a) Section 787.01, relating to kidnapping.
- 735 (b) Section 787.02, relating to false imprisonment.
- 736 (c) Section 787.025, relating to luring or enticing a
 737 child.
- 738 (d) Section 787.06, relating to human trafficking.
- 739 (e) Section 787.07, relating to human smuggling.
- 740 (f) Section 794.011, relating to sexual battery.
- 741 (g) Section 794.08, relating to female genital mutilation.
- 742 (h) Former s. 796.03, relating to procuring a person under
 743 the age of 18 for prostitution.
- 744 (i) Former s. 796.035, relating to selling or buying of
 745 minors into prostitution.
- 746 (j) Former s. Section 796.04, relating to forcing,
 747 compelling, or coercing another to become a prostitute.
- 748 (k) Section 796.05, relating to deriving support from the
 749 proceeds of prostitution.
- 750 (l) Section 800.04, relating to lewd or lascivious

751 offenses committed upon or in the presence of persons less than
 752 16 years of age.

753 (m) Section 825.1025(2)(b), relating to lewd or lascivious
 754 offenses committed upon or in the presence of an elderly or
 755 disabled person.

756 (n) Section 827.071, relating to sexual performance by a
 757 child.

758 (o) Section 847.0133, relating to the protection of
 759 minors.

760 (p) Section 847.0135, relating to computer pornography.

761 (q) Section 847.0138, relating to the transmission of
 762 material harmful to minors to a minor by electronic device or
 763 equipment.

764 (r) Section 847.0145, relating to the selling or buying of
 765 minors.

766 Section 14. Paragraph (a) of subsection (1) of section
 767 772.102, Florida Statutes, is amended to read:

768 772.102 Definitions.—As used in this chapter, the term:

769 (1) "Criminal activity" means to commit, to attempt to
 770 commit, to conspire to commit, or to solicit, coerce, or
 771 intimidate another person to commit:

772 (a) Any crime that is chargeable by indictment or
 773 information under the following provisions:

774 1. Section 210.18, relating to evasion of payment of
 775 cigarette taxes.

- 776 2. Section 414.39, relating to public assistance fraud.
- 777 3. Section 440.105 or s. 440.106, relating to workers'
- 778 compensation.
- 779 4. Part IV of chapter 501, relating to telemarketing.
- 780 5. Chapter 517, relating to securities transactions.
- 781 6. Section 550.235 or s. 550.3551, relating to dogracing
- 782 and horseracing.
- 783 7. Chapter 550, relating to jai alai frontons.
- 784 8. Chapter 552, relating to the manufacture, distribution,
- 785 and use of explosives.
- 786 9. Chapter 562, relating to beverage law enforcement.
- 787 10. Section 624.401, relating to transacting insurance
- 788 without a certificate of authority, s. 624.437(4)(c)1., relating
- 789 to operating an unauthorized multiple-employer welfare
- 790 arrangement, or s. 626.902(1)(b), relating to representing or
- 791 aiding an unauthorized insurer.
- 792 11. Chapter 687, relating to interest and usurious
- 793 practices.
- 794 12. Section 721.08, s. 721.09, or s. 721.13, relating to
- 795 real estate timeshare plans.
- 796 13. Chapter 782, relating to homicide.
- 797 14. Chapter 784, relating to assault and battery.
- 798 15. Chapter 787, relating to kidnapping or human
- 799 trafficking.
- 800 16. Chapter 790, relating to weapons and firearms.

- 801 17. Former s. 796.03, former s. 796.04, s. 796.05, or s.
 802 796.07, relating to commercial sexual exploitation ~~prostitution~~.
 803 18. Chapter 806, relating to arson.
 804 19. Section 810.02(2)(c), relating to specified burglary
 805 of a dwelling or structure.
 806 20. Chapter 812, relating to theft, robbery, and related
 807 crimes.
 808 21. Chapter 815, relating to computer-related crimes.
 809 22. Chapter 817, relating to fraudulent practices, false
 810 pretenses, fraud generally, and credit card crimes.
 811 23. Section 827.071, relating to commercial sexual
 812 exploitation of children.
 813 24. Chapter 831, relating to forgery and counterfeiting.
 814 25. Chapter 832, relating to issuance of worthless checks
 815 and drafts.
 816 26. Section 836.05, relating to extortion.
 817 27. Chapter 837, relating to perjury.
 818 28. Chapter 838, relating to bribery and misuse of public
 819 office.
 820 29. Chapter 843, relating to obstruction of justice.
 821 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 822 s. 847.07, relating to obscene literature and profanity.
 823 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
 824 849.25, relating to gambling.
 825 32. Chapter 893, relating to drug abuse prevention and

826 control.

827 33. Section 914.22 or s. 914.23, relating to witnesses,
828 victims, or informants.

829 34. Section 918.12 or s. 918.13, relating to tampering
830 with jurors and evidence.

831 Section 15. Paragraph (m) of subsection (1) of section
832 775.0877, Florida Statutes, is amended to read:

833 775.0877 Criminal transmission of HIV; procedures;
834 penalties.—

835 (1) In any case in which a person has been convicted of or
836 has pled nolo contendere or guilty to, regardless of whether
837 adjudication is withheld, any of the following offenses, or the
838 attempt thereof, which offense or attempted offense involves the
839 transmission of body fluids from one person to another:

840 (m) Sections 796.07 and 796.08, relating to commercial
841 sexual exploitation ~~prostitution~~;

842
843 the court shall order the offender to undergo HIV testing, to be
844 performed under the direction of the Department of Health in
845 accordance with s. 381.004, unless the offender has undergone
846 HIV testing voluntarily or pursuant to procedures established in
847 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
848 rule providing for HIV testing of criminal offenders or inmates,
849 subsequent to her or his arrest for an offense enumerated in
850 paragraphs (a)-(n) for which she or he was convicted or to which

851 she or he pled nolo contendere or guilty. The results of an HIV
 852 test performed on an offender pursuant to this subsection are
 853 not admissible in any criminal proceeding arising out of the
 854 alleged offense.

855 Section 16. Paragraph (a) of subsection (3) of section
 856 787.01, Florida Statutes, is amended to read:

857 787.01 Kidnapping; kidnapping of child under age 13,
 858 aggravating circumstances.—

859 (3)(a) A person who commits the offense of kidnapping upon
 860 a child under the age of 13 and who, in the course of committing
 861 the offense, commits one or more of the following:

- 862 1. Aggravated child abuse, as defined in s. 827.03;
- 863 2. Sexual battery, as defined in chapter 794, against the
 864 child;
- 865 3. Lewd or lascivious battery, lewd or lascivious
 866 molestation, lewd or lascivious conduct, or lewd or lascivious
 867 exhibition, in violation of s. 800.04 or s. 847.0135(5);
- 868 4. A violation of former s. 796.03 or former s. 796.04,
 869 relating to prostitution, upon the child;
- 870 5. Exploitation of the child or allowing the child to be
 871 exploited, in violation of s. 450.151; or
- 872 6. A violation of s. 787.06(3)(g), relating to human
 873 trafficking,

874
 875 commits a life felony, punishable as provided in s. 775.082, s.

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876 | 775.083, or s. 775.084.

877 | Section 17. Paragraph (a) of subsection (3) of section
878 | 787.02, Florida Statutes, is amended to read:

879 | 787.02 False imprisonment; false imprisonment of child
880 | under age 13, aggravating circumstances.—

881 | (3)(a) A person who commits the offense of false
882 | imprisonment upon a child under the age of 13 and who, in the
883 | course of committing the offense, commits any offense enumerated
884 | in subparagraphs 1.-5., commits a felony of the first degree,
885 | punishable by imprisonment for a term of years not exceeding
886 | life or as provided in s. 775.082, s. 775.083, or s. 775.084.

887 | 1. Aggravated child abuse, as defined in s. 827.03;

888 | 2. Sexual battery, as defined in chapter 794, against the
889 | child;

890 | 3. Lewd or lascivious battery, lewd or lascivious
891 | molestation, lewd or lascivious conduct, or lewd or lascivious
892 | exhibition, in violation of s. 800.04 or s. 847.0135(5);

893 | 4. A violation of former s. 796.03 or former s. 796.04,
894 | relating to prostitution, upon the child;

895 | 5. Exploitation of the child or allowing the child to be
896 | exploited, in violation of s. 450.151; or

897 | 6. A violation of s. 787.06(3)(g) relating to human
898 | trafficking.

899 | Section 18. Subsection (1) of section 794.056, Florida
900 | Statutes, is amended to read:

901 794.056 Rape Crisis Program Trust Fund.—
 902 (1) The Rape Crisis Program Trust Fund is created within
 903 the Department of Health for the purpose of providing funds for
 904 rape crisis centers in this state. Trust fund moneys shall be
 905 used exclusively for the purpose of providing services for
 906 victims of sexual assault. Funds credited to the trust fund
 907 consist of those funds collected as an additional court
 908 assessment in each case in which a defendant pleads guilty or
 909 nolo contendere to, or is found guilty of, regardless of
 910 adjudication, an offense provided in s. 775.21(6) and (10) (a),
 911 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 912 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 913 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 914 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 915 former s. 796.03; s. 796.031; former s. 796.035; former s.
 916 796.04; s. 796.05; s. 796.06; s. 796.07(1) ~~s. 796.07(2)(a)–(d)~~
 917 ~~and (i)~~; s. 800.03; s. 800.04; s. 810.14; s. 810.145; s.
 918 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s.
 919 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145;
 920 s. 943.0435(4) (c), (7), (8), (9) (a), (13), and (14) (c); or s.
 921 985.701(1). Funds credited to the trust fund also shall include
 922 revenues provided by law, moneys appropriated by the
 923 Legislature, and grants from public or private entities.
 924 Section 19. Subsection (2) of section 796.09, Florida
 925 Statutes, is amended to read:

926 796.09 Coercion; civil cause of action; evidence;
 927 defenses; attorney's fees.—

928 (2) As used in this section, the term "prostitution" has
 929 the same meaning as in s. 796.0001 ~~s. 796.07~~.

930 Section 20. Paragraph (a) of subsection (8) of section
 931 895.02, Florida Statutes, is amended to read:

932 895.02 Definitions.—As used in ss. 895.01-895.08, the
 933 term:

934 (8) "Racketeering activity" means to commit, to attempt to
 935 commit, to conspire to commit, or to solicit, coerce, or
 936 intimidate another person to commit:

937 (a) Any crime that is chargeable by petition, indictment,
 938 or information under the following provisions of the Florida
 939 Statutes:

940 1. Section 210.18, relating to evasion of payment of
 941 cigarette taxes.

942 2. Section 316.1935, relating to fleeing or attempting to
 943 elude a law enforcement officer and aggravated fleeing or
 944 eluding.

945 3. Chapter 379, relating to the illegal sale, purchase,
 946 collection, harvest, capture, or possession of wild animal life,
 947 freshwater aquatic life, or marine life, and related crimes.

948 4. Section 403.727(3)(b), relating to environmental
 949 control.

950 5. Section 409.920 or s. 409.9201, relating to Medicaid

- 951 fraud.
- 952 6. Section 414.39, relating to public assistance fraud.
- 953 7. Section 440.105 or s. 440.106, relating to workers'
- 954 compensation.
- 955 8. Section 443.071(4), relating to creation of a
- 956 fictitious employer scheme to commit reemployment assistance
- 957 fraud.
- 958 9. Section 465.0161, relating to distribution of medicinal
- 959 drugs without a permit as an Internet pharmacy.
- 960 10. Section 499.0051, relating to crimes involving
- 961 contraband, adulterated, or misbranded drugs.
- 962 11. Part IV of chapter 501, relating to telemarketing.
- 963 12. Chapter 517, relating to sale of securities and
- 964 investor protection.
- 965 13. Section 550.235 or s. 550.3551, relating to dogracing
- 966 and horseracing.
- 967 14. Chapter 550, relating to jai alai frontons.
- 968 15. Section 551.109, relating to slot machine gaming.
- 969 16. Chapter 552, relating to the manufacture,
- 970 distribution, and use of explosives.
- 971 17. Chapter 560, relating to money transmitters, if the
- 972 violation is punishable as a felony.
- 973 18. Chapter 562, relating to beverage law enforcement.
- 974 19. Section 624.401, relating to transacting insurance
- 975 without a certificate of authority, s. 624.437(4)(c)1., relating

976 | to operating an unauthorized multiple-employer welfare
 977 | arrangement, or s. 626.902(1)(b), relating to representing or
 978 | aiding an unauthorized insurer.

979 | 20. Section 655.50, relating to reports of currency
 980 | transactions, when such violation is punishable as a felony.

981 | 21. Chapter 687, relating to interest and usurious
 982 | practices.

983 | 22. Section 721.08, s. 721.09, or s. 721.13, relating to
 984 | real estate timeshare plans.

985 | 23. Section 775.13(5)(b), relating to registration of
 986 | persons found to have committed any offense for the purpose of
 987 | benefiting, promoting, or furthering the interests of a criminal
 988 | gang.

989 | 24. Section 777.03, relating to commission of crimes by
 990 | accessories after the fact.

991 | 25. Chapter 782, relating to homicide.

992 | 26. Chapter 784, relating to assault and battery.

993 | 27. Chapter 787, relating to kidnapping, human smuggling,
 994 | or human trafficking.

995 | 28. Chapter 790, relating to weapons and firearms.

996 | 29. Chapter 794, relating to sexual battery, but only if
 997 | such crime was committed with the intent to benefit, promote, or
 998 | further the interests of a criminal gang, or for the purpose of
 999 | increasing a criminal gang member's own standing or position
 1000 | within a criminal gang.

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- 1001 30. Former s. 796.03, former s. 796.035, former s. 796.04,
 1002 s. 796.05, or s. 796.07, relating to commercial sexual
 1003 exploitation ~~prostitution~~.
- 1004 31. Chapter 806, relating to arson and criminal mischief.
- 1005 32. Chapter 810, relating to burglary and trespass.
- 1006 33. Chapter 812, relating to theft, robbery, and related
 1007 crimes.
- 1008 34. Chapter 815, relating to computer-related crimes.
- 1009 35. Chapter 817, relating to fraudulent practices, false
 1010 pretenses, fraud generally, credit card crimes, and patient
 1011 brokering.
- 1012 36. Chapter 825, relating to abuse, neglect, or
 1013 exploitation of an elderly person or disabled adult.
- 1014 37. Section 827.071, relating to commercial sexual
 1015 exploitation of children.
- 1016 38. Section 828.122, relating to fighting or baiting
 1017 animals.
- 1018 39. Chapter 831, relating to forgery and counterfeiting.
- 1019 40. Chapter 832, relating to issuance of worthless checks
 1020 and drafts.
- 1021 41. Section 836.05, relating to extortion.
- 1022 42. Chapter 837, relating to perjury.
- 1023 43. Chapter 838, relating to bribery and misuse of public
 1024 office.
- 1025 44. Chapter 843, relating to obstruction of justice.

1026 45. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 1027 s. 847.07, relating to obscene literature and profanity.

1028 46. Chapter 849, relating to gambling, lottery, gambling
 1029 or gaming devices, slot machines, or any of the provisions
 1030 within that chapter.

1031 47. Chapter 874, relating to criminal gangs.

1032 48. Chapter 893, relating to drug abuse prevention and
 1033 control.

1034 49. Chapter 896, relating to offenses related to financial
 1035 transactions.

1036 50. Sections 914.22 and 914.23, relating to tampering with
 1037 or harassing a witness, victim, or informant, and retaliation
 1038 against a witness, victim, or informant.

1039 51. Sections 918.12 and 918.13, relating to tampering with
 1040 jurors and evidence.

1041 Section 21. Section 938.085, Florida Statutes, is amended
 1042 to read:

1043 938.085 Additional cost to fund rape crisis centers.—In
 1044 addition to any sanction imposed when a person pleads guilty or
 1045 nolo contendere to, or is found guilty of, regardless of
 1046 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
 1047 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 1048 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 1049 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 1050 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.

1051 796.03; s. 796.031; former s. 796.035; former s. 796.04; s.
 1052 796.05; s. 796.06; s. 796.07(1) ~~s. 796.07(2)(a)-(d) and (i)~~; s.
 1053 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s.
 1054 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s.
 1055 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s.
 1056 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s.
 1057 985.701(1), the court shall impose a surcharge of \$151. Payment
 1058 of the surcharge shall be a condition of probation, community
 1059 control, or any other court-ordered supervision. The sum of \$150
 1060 of the surcharge shall be deposited into the Rape Crisis Program
 1061 Trust Fund established within the Department of Health by
 1062 chapter 2003-140, Laws of Florida. The clerk of the court shall
 1063 retain \$1 of each surcharge that the clerk of the court collects
 1064 as a service charge of the clerk's office.

1065 Section 22. Subsections (1) and (2) of section 943.0433,
 1066 Florida Statutes, are amended to read:

1067 943.0433 Soliciting for Prostitution Public Database.—

1068 (1) The department shall create and administer the
 1069 Soliciting for Prostitution Public Database. The clerk of the
 1070 court shall forward to the department the criminal history
 1071 record of a person in accordance with s. 796.07(3)(e) ~~s.~~
 1072 ~~796.07(5)(e)~~, and the department shall add the criminal history
 1073 record to the database.

1074 (2)(a) The department shall automatically remove the
 1075 criminal history record of a person from the database if, after

1076 5 years following the commission of an offense that meets the
1077 criteria set forth in s. 796.07(3)(e) ~~s. 796.07(5)(e)~~, such
1078 person has not subsequently committed a violation that meets
1079 such criteria or any other offense within that time that would
1080 constitute a sexual offense, including, but not limited to,
1081 human trafficking, or an offense that would require registration
1082 as a sexual offender.

1083 (b) The department may not remove a criminal history
1084 record from the database if a person commits a violation that
1085 meets the criteria set forth in s. 796.07(4)(e) ~~s. 796.07(5)(e)~~
1086 a second or subsequent time.

1087 (c) The department shall create policies and procedures
1088 that allow a person whose conviction has been overturned or who
1089 has received an expunction of a criminal history record for
1090 which his or her record was placed on the database to petition
1091 the department for the removal of the petitioner's criminal
1092 history record. The department, after receiving a completed
1093 petition form with adequate documentation, must remove the
1094 criminal history record from the database within 30 days after
1095 receipt of such petition. The department shall create a form,
1096 publish it online, and provide it upon request in paper form for
1097 petitioners to complete.

1098 Section 23. This act shall take effect October 1, 2024.