

By Senator Grall

29-01102-24

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1 A bill to be entitled
2 An act relating to prostitution and related acts;
3 creating s. 796.011, F.S.; defining and redefining
4 terms; creating s. 796.031, F.S.; prohibiting adults
5 from offering to commit, committing, or engaging in
6 prostitution, lewdness, or assignation; providing
7 criminal penalties; providing that specified testimony
8 concerning reputation is admissible in evidence in the
9 trial of persons charged with certain offenses;
10 requiring a court to order that a person sentenced for
11 certain violations attend an educational program;
12 authorizing judicial circuits to establish certain
13 educational programs; repealing s. 796.04, F.S.,
14 relating to forcing, compelling, or coercing another
15 to become a prostitute; amending s. 796.06, F.S.;
16 prohibiting the owning, establishing, maintaining,
17 operating, using, letting, or renting of a building,
18 residence, place, or structure, in whole or in part,
19 or a trailer or any other conveyance, with knowledge
20 or reckless disregard that it will be used for the
21 purpose of commercial sex; prohibiting the receiving,
22 or offering or agreeing to receive, a person into a
23 building, residence, place, or structure, or a trailer
24 or any other conveyance, for the purpose of commercial
25 sexual activity or to allow a person to remain there
26 for such purpose; providing criminal penalties;
27 providing enhanced criminal penalties for second or
28 subsequent violations; providing that specified
29 testimony concerning reputation is admissible in

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30 evidence in the trial of persons charged with certain
31 offenses; requiring the reclassification of offenses
32 under specified circumstances; amending s. 796.07,
33 F.S.; deleting definitions; prohibiting a person from
34 providing, or offering to provide, something of value
35 in exchange for sexual activity; deleting prohibited
36 acts relating to prostitution and related acts;
37 deleting a provision authorizing a police officer to
38 testify under certain circumstances; providing
39 criminal penalties; providing enhanced criminal
40 penalties for second or subsequent violations;
41 deleting a provision requiring the offering of
42 admission into certain programs; requiring a court to
43 order that certain defendants perform community
44 service, pay for and attend an educational program,
45 pay a civil penalty, and receive sexually transmitted
46 disease testing; providing requirements for the
47 proceeds of the civil penalty; deleting a minimum
48 mandatory period of incarceration for the commission
49 of a certain offense; revising the criminal history
50 records that must be included in the Soliciting for
51 Prostitution Public Database; conforming provisions to
52 changes made by the act; amending ss. 60.05, 322.28,
53 397.4073, 397.417, 435.07, 456.074, 480.041, 480.043,
54 480.046, 772.102, 787.01, 787.02, 794.056, 796.08,
55 796.09, 893.138, 895.02, 938.085, and 943.0433, F.S.;
56 conforming provisions to changes made by the act;
57 conforming cross-references; providing an effective
58 date.

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

Section 1. Section 796.011, Florida Statutes, is created to read:

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

(1) "Adult" means an individual 18 years of age or older.

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

(3) "Commercial sex" means engaging in sexual activity in exchange for something of value. The term includes prostitution and human trafficking.

(4) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(5) "Lewdness" means any indecent or obscene act.

(6) "Prostitution" means voluntarily engaging in, agreeing to engage in, or offering to engage in commercial sex.

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

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

796.031 Prostitution, lewdness, and assignment prohibited;

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88 penalties.—

89 (1) It is unlawful for an adult to offer to commit, to
90 commit, or to engage in prostitution, lewdness, or assignation.

91 (2) In the trial of a person charged with a violation of
92 this section, testimony concerning the reputation of any place,
93 structure, building, or conveyance involved in the charge;
94 testimony concerning the reputation of any person residing in,
95 operating, or frequenting such place, structure, building or
96 conveyance; and testimony concerning the reputation of the
97 defendant is admissible in evidence in support of the charge.

98 (3) (a) A person who violates this section commits a
99 misdemeanor of the second degree, punishable as provided in s.
100 775.082 or s. 775.083.

101 (b) In addition to any other penalty imposed, the court
102 shall order a person sentenced for a violation of this section
103 to attend an educational program about the negative effects of
104 commercial sex. The educational program may be offered by a
105 secular or faith-based provider.

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

109 1. The relationship between demand for commercial sex and
110 human trafficking;

111 2. The impact of human trafficking on victims;

112 3. Coercion, consent, and sexual violence;

113 4. The health and legal consequences of commercial sex;

114 5. The negative impact of commercial sex on prostituted
115 persons and the community; and

116 6. The reasons and motivations for engaging in

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117 prostitution.

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

119 Section 4. Section 796.06, Florida Statutes, is amended to
120 read:

121 796.06 Maintaining ~~Renting~~ space to be used for commercial
122 ~~sex lewdness, assignation, or prostitution.~~

123 (1) It is unlawful to:

124 (a) Own, establish, maintain, operate, use, let, or rent a
125 building, residence, any place, or structure, in whole or in or
126 part thereof, or a trailer or any other conveyance, with the
127 knowledge or reckless disregard that it will be used for the
128 purpose of commercial sex lewdness, assignation, or
129 prostitution.

130 (b) Receive, or to offer or agree to receive, a person into
131 a building, residence, place, or structure, or a trailer or any
132 other conveyance, for the purpose of commercial sexual activity
133 or to allow a person to remain there for such purpose.

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

135 (a) A felony ~~misdemeanor~~ of the third ~~first~~ degree for a
136 first violation, punishable as provided in s. 775.082 or s.
137 775.083.

138 (b) A felony of the second ~~third~~ degree for a second or
139 subsequent violation, punishable as provided in s. 775.082, s.
140 775.083, or s. 775.084.

141 (3) In the trial of a person charged with a violation of
142 this section, testimony concerning the reputation of any place,
143 structure, building, or conveyance involved in the charge;
144 testimony concerning the reputation of any person residing in,
145 operating, or frequenting such place, structure, building, or

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146 conveyance; and testimony concerning the reputation of the
147 defendant is admissible in evidence in support of the charge.

148 (4) If such building, residence, place, structure, or
149 trailer or any other conveyance that is owned, established,
150 maintained, or operated is a massage establishment that is or
151 should be licensed under s. 480.043, the offense must be
152 reclassified to the next higher degree as follows:

153 (a) A felony of the third degree is reclassified as a
154 felony of the second degree, punishable as provided in s.
155 775.082, s. 775.083, or s. 775.084.

156 (b) A felony of the second degree is reclassified as a
157 felony of the first degree, punishable as provided in s.
158 775.082, s. 775.083, or s. 775.084.

159 (c) A felony of the first degree is reclassified as a
160 felony of the first degree punishable by life in prison,
161 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

162 Section 5. Section 796.07, Florida Statutes, is amended to
163 read:

164 796.07 Prohibiting prostitution and related acts.—

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

166 ~~(a) "Assignment" means the making of any appointment or~~
167 ~~engagement for prostitution or lewdness, or any act in~~
168 ~~furtherance of such appointment or engagement.~~

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

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

172 ~~(d) "Prostitution" means the giving or receiving of the~~
173 ~~body for sexual activity for hire but excludes sexual activity~~
174 ~~between spouses.~~

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175 ~~(c) "Sexual activity" means oral, anal, or female genital~~
176 ~~penetration by, or union with, the sexual organ of another; anal~~
177 ~~or female genital penetration of another by any other object; or~~
178 ~~the handling or fondling of the sexual organ of another for the~~
179 ~~purpose of masturbation; however, the term does not include acts~~
180 ~~done for bona fide medical purposes.~~

181 ~~(2) It is unlawful for a person:~~

182 ~~(a) to provide, or offer to provide, something of value in~~
183 ~~exchange for sexual activity own, establish, maintain, or~~
184 ~~operate any place, structure, building, or conveyance for the~~
185 ~~purpose of lewdness, assignation, or prostitution.~~

186 ~~(b) To offer, or to offer or agree to secure, another for~~
187 ~~the purpose of prostitution or for any other lewd or indecent~~
188 ~~act.~~

189 ~~(c) To receive, or to offer or agree to receive, any person~~
190 ~~into any place, structure, building, or conveyance for the~~
191 ~~purpose of prostitution, lewdness, or assignation, or to permit~~
192 ~~any person to remain there for such purpose.~~

193 ~~(d) To direct, take, or transport, or to offer or agree to~~
194 ~~direct, take, or transport, any person to any place, structure,~~
195 ~~or building, or to any other person, with knowledge or~~
196 ~~reasonable cause to believe that the purpose of such directing,~~
197 ~~taking, or transporting is prostitution, lewdness, or~~
198 ~~assignation.~~

199 ~~(e) For a person 18 years of age or older to offer to~~
200 ~~commit, or to commit, or to engage in, prostitution, lewdness,~~
201 ~~or assignation.~~

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

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

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

209 ~~(i) To purchase the services of any person engaged in~~
210 ~~prostitution.~~

211 (2)~~(3)~~(a) In the trial of a person charged with a violation
212 of this section, testimony concerning the reputation of any
213 place, structure, building, or conveyance involved in the
214 charge, testimony concerning the reputation of any person
215 residing in, operating, or frequenting such place, structure,
216 building, or conveyance, and testimony concerning the reputation
217 of the defendant is admissible in evidence in support of the
218 charge.

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

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

224 1. A felony ~~misdemeanor~~ of the third ~~second~~ degree for a
225 first violation, punishable as provided in s. 775.082 or s.
226 775.083.

227 2. A felony ~~misdemeanor~~ of the second ~~first~~ degree for a
228 second violation, punishable as provided in s. 775.082 or s.
229 775.083.

230 3. A felony of the first ~~third~~ degree for a third or
231 subsequent violation, punishable as provided in s. 775.082, s.
232 775.083, or s. 775.084.

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

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

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

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

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

245 (b) In addition to any other penalty imposed, if a
246 violation of this section results in any judicial disposition
247 other than acquittal or dismissal, the court must ~~shall~~ order
248 the defendant ~~a person convicted of a violation of paragraph~~
249 ~~(2) (f) to:~~

250 1. Perform 100 hours of community service;-

251 2. Pay for and attend an educational program, which may be
252 offered by a secular or faith-based provider, on the negative
253 effects of commercial sexual activity; ~~as described in~~
254 ~~subsection (8), if such a program exists in the judicial circuit~~
255 ~~in which the offender is sentenced~~

256 3. Pay a civil penalty of \$5,000. Of the proceeds from each
257 penalty assessed under this subparagraph, the first \$500 must be
258 paid to the circuit court administrator for the sole purpose of
259 paying the administrative costs of treatment-based drug court
260 programs provided under s. 397.334. The remainder of the penalty
261 assessed must be deposited in the Operations and Maintenance

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262 Trust Fund of the Department of Children and Families for the
 263 sole purpose of funding safe houses and safe foster homes as
 264 provided in s. 409.1678; and

265 4. Receive sexually transmitted disease testing at a
 266 recognized medical facility.

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

270 1. The relationship between demand for commercial sex and
 271 human trafficking;

272 2. The impact of human trafficking on victims;

273 3. Coercion, consent, and sexual violence;

274 4. The health and legal consequences of commercial sex;

275 5. The negative impact of commercial sex on prostituted
 276 persons and the community; and

277 6. The reasons and motivations for engaging in prostitution
 278 ~~In addition to any other penalty imposed, the court shall~~
 279 ~~sentence a person convicted of a second or subsequent violation~~
 280 ~~of paragraph (2) (f) to a minimum mandatory period of~~
 281 ~~incarceration of 10 days.~~

282 (d)1. If a person who violates this section ~~paragraph~~
 283 ~~(2) (f)~~ uses a vehicle in the course of the violation, the judge,
 284 upon the person's conviction, may issue an order for the
 285 impoundment or immobilization of the vehicle for a period of up
 286 to 60 days. The order of impoundment or immobilization must
 287 include the names and telephone numbers of all immobilization
 288 agencies meeting all of the conditions of s. 316.193(13). Within
 289 7 business days after the date that the court issues the order
 290 of impoundment or immobilization, the clerk of the court must

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291 send notice by certified mail, return receipt requested, to the
292 registered owner of the vehicle, if the registered owner is a
293 person other than the defendant, and to each person of record
294 claiming a lien against the vehicle.

295 2. The owner of the vehicle may request the court to
296 dismiss the order. The court must dismiss the order, and the
297 owner of the vehicle will incur no costs, if the owner of the
298 vehicle alleges and the court finds to be true any of the
299 following:

300 a. The owner's family has no other private or public means
301 of transportation;

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

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

306 d. The vehicle is owned by the defendant but is operated
307 solely by employees of the defendant or employees of a business
308 owned by the defendant.

309 3. If the court denies the request to dismiss the order,
310 the petitioner may request an evidentiary hearing. If, at the
311 evidentiary hearing, the court finds to be true any of the
312 circumstances described in sub-subparagraphs 2.a.-d. ~~sub-~~
313 ~~subparagraphs (d)2.a.-d.~~, the court must dismiss the order and
314 the owner of the vehicle will incur no costs.

315 (e) The Soliciting for Prostitution Public Database created
316 pursuant to s. 943.0433 must include the criminal history record
317 of a person who is sentenced for a violation of this section
318 ~~found guilty~~ as a result of a trial or who enters a plea of
319 guilty or nolo contendere, regardless of whether adjudication is

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320 withheld, of paragraph (2) (f), and there is evidence that such
321 person provided a form of payment or arranged for the payment of
322 such services. Upon sentencing conviction, the clerk of the
323 court shall forward the criminal history record of the person to
324 the Department of Law Enforcement, pursuant to s. 943.052(2),
325 for inclusion in the database. This paragraph shall stand
326 repealed on January 1, 2024, unless reviewed and saved from
327 repeal by the Legislature.

328 (6) A person who violates paragraph (2) (f) shall be
329 assessed a civil penalty of \$5,000 if the violation results in
330 any judicial disposition other than acquittal or dismissal. Of
331 the proceeds from each penalty assessed under this subsection,
332 the first \$500 shall be paid to the circuit court administrator
333 for the sole purpose of paying the administrative costs of
334 treatment-based drug court programs provided under s. 397.334.
335 The remainder of the penalty assessed shall be deposited in the
336 Operations and Maintenance Trust Fund of the Department of
337 Children and Families for the sole purpose of funding safe
338 houses and safe foster homes as provided in s. 409.1678.

339 (7) If the place, structure, building, or conveyance that
340 is owned, established, maintained, or operated in violation of
341 paragraph (2) (a) is a massage establishment that is or should be
342 licensed under s. 480.043, the offense shall be reclassified to
343 the next higher degree as follows:

344 (a) A misdemeanor of the second degree for a first
345 violation is reclassified as a misdemeanor of the first degree,
346 punishable as provided in s. 775.082 or s. 775.083.

347 (b) A misdemeanor of the first degree for a second
348 violation is reclassified as a felony of the third degree,

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349 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

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

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

356 ~~1. The relationship between demand for commercial sex and~~
357 ~~human trafficking.~~

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

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

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

361 ~~5. The negative impact of commercial sex on prostituted~~
362 ~~persons and the community.~~

363 ~~6. The reasons and motivations for engaging in~~
364 ~~prostitution.~~

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

367 Section 6. Subsection (5) of section 60.05, Florida
368 Statutes, is amended to read:

369 60.05 Abatement of nuisances.—

370 (5) On trial if the existence of a nuisance is shown, the
371 court shall issue a permanent injunction and order the costs to
372 be paid by the persons establishing or maintaining the nuisance
373 and shall adjudge that the costs are a lien on all personal
374 property found in the place of the nuisance and on the failure
375 of the property to bring enough to pay the costs, then on the
376 real estate occupied by the nuisance. A lien may not attach to
377 the real estate of any other than such persons unless a second

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378 written notice has been given in accordance with paragraph
 379 (3) (a) to the owner or his or her agent who fails to begin to
 380 abate the nuisance within the time specified therein. In a
 381 proceeding abating a nuisance pursuant to s. 823.10 or s.
 382 823.05, if a tenant has been convicted of an offense under
 383 chapter 893, s. 796.06, or s. 796.07, the court may order the
 384 tenant to vacate the property within 72 hours if the tenant and
 385 owner of the premises are parties to the nuisance abatement
 386 action and the order will lead to the abatement of the nuisance.

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

389 322.28 Period of suspension or revocation.—

390 (7) Following a second or subsequent violation of s.
 391 796.07(1) ~~s. 796.07(2)(f)~~ which involves a motor vehicle and
 392 which results in any judicial disposition other than acquittal
 393 or dismissal, in addition to any other sentence imposed, the
 394 court shall revoke the person's driver license or driving
 395 privilege, effective upon the date of the disposition, for a
 396 period of at least 1 year. A person sentenced under this
 397 subsection may request a hearing under s. 322.271.

398 Section 8. Paragraph (b) of subsection (4) of section
 399 397.4073, Florida Statutes, is amended to read:

400 397.4073 Background checks of service provider personnel.—

401 (4) EXEMPTIONS FROM DISQUALIFICATION.—

402 (b) For service providers that treat adolescents 13 years
 403 of age and older, service provider personnel whose background
 404 checks indicate crimes under s. 796.07(1) ~~s. 796.07(2)(e)~~, s.
 405 810.02(4), s. 812.014(2)(c), s. 817.563, s. 831.01, s. 831.02,
 406 s. 893.13, or s. 893.147, and any related criminal attempt,

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407 solicitation, or conspiracy under s. 777.04:

408 1. Shall be exempted from disqualification from employment
409 for such offenses pursuant to this paragraph if:

410 a. At least 5 years, or at least 3 years in the case of an
411 individual seeking certification as a peer specialist under s.
412 397.417, have elapsed since the applicant requesting an
413 exemption has completed or has been lawfully released from any
414 confinement, supervision, or nonmonetary condition imposed by a
415 court for the applicant's most recent disqualifying offense
416 under this paragraph.

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

420 2. May be exempted from disqualification from employment
421 for such offenses without a waiting period as provided under s.
422 435.07(2).

423 Section 9. Paragraph (e) of subsection (4) of section
424 397.417, Florida Statutes, is amended to read:

425 397.417 Peer specialists.—

426 (4) BACKGROUND SCREENING.—

427 (e) The background screening conducted under this
428 subsection must ensure that a peer specialist has not been
429 arrested for and is awaiting final disposition of, found guilty
430 of, regardless of adjudication, or entered a plea of nolo
431 contendere or guilty to, or been adjudicated delinquent and the
432 record has not been sealed or expunged for, any offense
433 prohibited under any of the following state laws or similar laws
434 of another jurisdiction:

435 1. Section 393.135, relating to sexual misconduct with

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436 certain developmentally disabled clients and reporting of such
437 sexual misconduct.

438 2. Section 394.4593, relating to sexual misconduct with
439 certain mental health patients and reporting of such sexual
440 misconduct.

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

443 4. Section 415.111, relating to abuse, neglect, or
444 exploitation of vulnerable adults.

445 5. Any offense that constitutes domestic violence as
446 defined in s. 741.28.

447 6. Section 777.04, relating to attempts, solicitation, and
448 conspiracy to commit an offense listed in this paragraph.

449 7. Section 782.04, relating to murder.

450 8. Section 782.07, relating to manslaughter; aggravated
451 manslaughter of an elderly person or a disabled adult;
452 aggravated manslaughter of a child; or aggravated manslaughter
453 of an officer, a firefighter, an emergency medical technician,
454 or a paramedic.

455 9. Section 782.071, relating to vehicular homicide.

456 10. Section 782.09, relating to killing an unborn child by
457 injury to the mother.

458 11. Chapter 784, relating to assault, battery, and culpable
459 negligence, if the offense was a felony.

460 12. Section 787.01, relating to kidnapping.

461 13. Section 787.02, relating to false imprisonment.

462 14. Section 787.025, relating to luring or enticing a
463 child.

464 15. Section 787.04(2), relating to leading, taking,

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465 enticing, or removing a minor beyond state limits, or concealing
466 the location of a minor, with criminal intent pending custody
467 proceedings.

468 16. Section 787.04(3), relating to leading, taking,
469 enticing, or removing a minor beyond state limits, or concealing
470 the location of a minor, with criminal intent pending dependency
471 proceedings or proceedings concerning alleged abuse or neglect
472 of a minor.

473 17. Section 790.115(1), relating to exhibiting firearms or
474 weapons within 1,000 feet of a school.

475 18. Section 790.115(2)(b), relating to possessing an
476 electric weapon or device, a destructive device, or any other
477 weapon on school property.

478 19. Section 794.011, relating to sexual battery.

479 20. Former s. 794.041, relating to prohibited acts of
480 persons in familial or custodial authority.

481 21. Section 794.05, relating to unlawful sexual activity
482 with certain minors.

483 22. Section 794.08, relating to female genital mutilation.

484 23. Section 796.07, relating to providing, or offering to
485 provide, something of value in exchange for sexual activity
486 ~~procuring another to commit prostitution~~, except for those
487 offenses expunged pursuant to s. 943.0583.

488 24. Section 798.02, relating to lewd and lascivious
489 behavior.

490 25. Chapter 800, relating to lewdness and indecent
491 exposure.

492 26. Section 806.01, relating to arson.

493 27. Section 810.02, relating to burglary, if the offense

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494 was a felony of the first degree.

495 28. Section 810.14, relating to voyeurism, if the offense
496 was a felony.

497 29. Section 810.145, relating to video voyeurism, if the
498 offense was a felony.

499 30. Section 812.13, relating to robbery.

500 31. Section 812.131, relating to robbery by sudden
501 snatching.

502 32. Section 812.133, relating to carjacking.

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

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

506 35. Section 817.234, relating to false and fraudulent
507 insurance claims, if the offense was a felony of the first or
508 second degree.

509 36. Section 817.50, relating to fraudulently obtaining
510 goods or services from a health care provider and false reports
511 of a communicable disease.

512 37. Section 817.505, relating to patient brokering.

513 38. Section 817.568, relating to fraudulent use of personal
514 identification, if the offense was a felony of the first or
515 second degree.

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

518 40. Section 825.1025, relating to lewd or lascivious
519 offenses committed upon or in the presence of an elderly person
520 or a disabled person.

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

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- 523 42. Section 826.04, relating to incest.
- 524 43. Section 827.03, relating to child abuse, aggravated
525 child abuse, or neglect of a child.
- 526 44. Section 827.04, relating to contributing to the
527 delinquency or dependency of a child.
- 528 45. Former s. 827.05, relating to negligent treatment of
529 children.
- 530 46. Section 827.071, relating to sexual performance by a
531 child.
- 532 47. Section 831.30, relating to fraud in obtaining
533 medicinal drugs.
- 534 48. Section 831.31, relating to the sale; manufacture;
535 delivery; or possession with intent to sell, manufacture, or
536 deliver of any counterfeit controlled substance, if the offense
537 was a felony.
- 538 49. Section 843.01, relating to resisting arrest with
539 violence.
- 540 50. Section 843.025, relating to depriving a law
541 enforcement, correctional, or correctional probation officer of
542 the means of protection or communication.
- 543 51. Section 843.12, relating to aiding in an escape.
- 544 52. Section 843.13, relating to aiding in the escape of
545 juvenile inmates of correctional institutions.
- 546 53. Chapter 847, relating to obscenity.
- 547 54. Section 874.05, relating to encouraging or recruiting
548 another to join a criminal gang.
- 549 55. Chapter 893, relating to drug abuse prevention and
550 control, if the offense was a felony of the second degree or
551 greater severity.

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552 56. Section 895.03, relating to racketeering and collection
553 of unlawful debts.

554 57. Section 896.101, relating to the Florida Money
555 Laundering Act.

556 58. Section 916.1075, relating to sexual misconduct with
557 certain forensic clients and reporting of such sexual
558 misconduct.

559 59. Section 944.35(3), relating to inflicting cruel or
560 inhuman treatment on an inmate resulting in great bodily harm.

561 60. Section 944.40, relating to escape.

562 61. Section 944.46, relating to harboring, concealing, or
563 aiding an escaped prisoner.

564 62. Section 944.47, relating to introduction of contraband
565 into a correctional institution.

566 63. Section 985.701, relating to sexual misconduct in
567 juvenile justice programs.

568 64. Section 985.711, relating to introduction of contraband
569 into a detention facility.

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

572 435.07 Exemptions from disqualification.—Unless otherwise
573 provided by law, the provisions of this section apply to
574 exemptions from disqualification for disqualifying offenses
575 revealed pursuant to background screenings required under this
576 chapter, regardless of whether those disqualifying offenses are
577 listed in this chapter or other laws.

578 (2) Persons employed, or applicants for employment, by
579 treatment providers who treat adolescents 13 years of age and
580 older who are disqualified from employment solely because of

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581 crimes under s. 796.07(1) ~~s. 796.07(2)(e)~~, s. 810.02(4), s.
582 812.014(2)(c), s. 817.563, s. 831.01, s. 831.02, s. 893.13, or
583 s. 893.147, or any related criminal attempt, solicitation, or
584 conspiracy under s. 777.04, may be exempted from
585 disqualification from employment pursuant to this chapter
586 without application of the waiting period in subparagraph
587 (1)(a)1.

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

591 456.074 Certain health care practitioners; immediate
592 suspension of license.—

593 (4) The department shall issue an emergency order
594 suspending the license of a massage therapist or establishment
595 as defined in chapter 480 upon receipt of information that the
596 massage therapist, a person with an ownership interest in the
597 establishment, or, for a corporation that has more than \$250,000
598 of business assets in this state, the owner, officer, or
599 individual directly involved in the management of the
600 establishment has been convicted or found guilty of, or has
601 entered a plea of guilty or nolo contendere to, regardless of
602 adjudication, a violation of s. 796.06(1) that ~~s. 796.07(2)(a)~~
603 ~~which~~ is reclassified under s. 796.06(4) ~~s. 796.07(7)~~ or a
604 felony offense under any of the following provisions of state
605 law or a similar provision in another jurisdiction:

606 (a) Section 787.01, relating to kidnapping.

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

608 (c) Section 787.025, relating to luring or enticing a
609 child.

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- 610 (d) Section 787.06, relating to human trafficking.
- 611 (e) Section 787.07, relating to human smuggling.
- 612 (f) Section 794.011, relating to sexual battery.
- 613 (g) Section 794.08, relating to female genital mutilation.
- 614 (h) Former s. 796.03, relating to procuring a person under
615 the age of 18 for prostitution.
- 616 (i) Former s. 796.035, relating to the selling or buying of
617 minors into prostitution.
- 618 (j) Former section 796.04, relating to forcing, compelling,
619 or coercing another to become a prostitute.
- 620 (k) Section 796.05, relating to deriving support from the
621 proceeds of prostitution.
- 622 (l) Section 796.07(3)(a)3. ~~Section 796.07(4)(a)3.~~, relating
623 to a felony of the first ~~third~~ degree for a third or subsequent
624 violation of s. 796.07, relating to prohibiting prostitution and
625 related acts.
- 626 (m) Section 800.04, relating to lewd or lascivious offenses
627 committed upon or in the presence of persons less than 16 years
628 of age.
- 629 (n) Section 825.1025(2)(b), relating to lewd or lascivious
630 offenses committed upon or in the presence of an elderly or
631 disabled person.
- 632 (o) Section 827.071, relating to sexual performance by a
633 child.
- 634 (p) Section 847.0133, relating to the protection of minors.
- 635 (q) Section 847.0135, relating to computer pornography.
- 636 (r) Section 847.0138, relating to the transmission of
637 material harmful to minors to a minor by electronic device or
638 equipment.

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639 (s) Section 847.0145, relating to the selling or buying of
640 minors.

641 (5) The department shall issue an emergency order
642 suspending the license of any health care practitioner who is
643 arrested for committing or attempting, soliciting, or conspiring
644 to commit any act that would constitute a violation of any of
645 the following criminal offenses in this state or similar
646 offenses in another jurisdiction:

647 (o) Former section 796.04, relating to forcing, compelling,
648 or coercing another to become a prostitute.

649 (q) Section 796.07(3)(a)3. ~~Section 796.07(4)(a)3.~~, relating
650 to a felony of the first ~~third~~ degree for a third or subsequent
651 violation of s. 796.07, relating to prohibiting prostitution and
652 related acts.

653 Section 12. Subsection (7) of section 480.041, Florida
654 Statutes, is amended to read:

655 480.041 Massage therapists; qualifications; licensure;
656 endorsement.—

657 (7) The board shall deny an application for a new or
658 renewal license if an applicant has been convicted or found
659 guilty of, or enters a plea of guilty or nolo contendere to,
660 regardless of adjudication, a violation of s. 796.06(1) ~~s.~~
661 ~~796.07(2)(a)~~ which is reclassified under s. 796.06(4) ~~s.~~
662 ~~796.07(7)~~ or a felony offense under any of the following
663 provisions of state law or a similar provision in another
664 jurisdiction:

665 (a) Section 787.01, relating to kidnapping.

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

667 (c) Section 787.025, relating to luring or enticing a

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- 668 child.
- 669 (d) Section 787.06, relating to human trafficking.
- 670 (e) Section 787.07, relating to human smuggling.
- 671 (f) Section 794.011, relating to sexual battery.
- 672 (g) Section 794.08, relating to female genital mutilation.
- 673 (h) Former s. 796.03, relating to procuring a person under
674 the age of 18 for prostitution.
- 675 (i) Former s. 796.035, relating to the selling or buying of
676 minors into prostitution.
- 677 (j) Former section 796.04, relating to forcing, compelling,
678 or coercing another to become a prostitute.
- 679 (k) Section 796.05, relating to deriving support from the
680 proceeds of prostitution.
- 681 (l) Section 796.07(3)(a)3. ~~Section 796.07(4)(a)3.~~, relating
682 to a felony of the first ~~third~~ degree for a third or subsequent
683 violation of s. 796.07, relating to prohibiting prostitution and
684 related acts.
- 685 (m) Section 800.04, relating to lewd or lascivious offenses
686 committed upon or in the presence of persons less than 16 years
687 of age.
- 688 (n) Section 825.1025(2)(b), relating to lewd or lascivious
689 offenses committed upon or in the presence of an elderly or
690 disabled person.
- 691 (o) Section 827.071, relating to sexual performance by a
692 child.
- 693 (p) Section 847.0133, relating to the protection of minors.
- 694 (q) Section 847.0135, relating to computer pornography.
- 695 (r) Section 847.0138, relating to the transmission of
696 material harmful to minors to a minor by electronic device or

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697 equipment.

698 (s) Section 847.0145, relating to the selling or buying of
699 minors.

700 Section 13. Subsection (8) of section 480.043, Florida
701 Statutes, is amended to read:

702 480.043 Massage establishments; requisites; licensure;
703 inspection; human trafficking awareness training and policies.—

704 (8) The department shall deny an application for a new or
705 renewal license if an establishment owner or a designated
706 establishment manager or, for a corporation that has more than
707 \$250,000 of business assets in this state, an establishment
708 owner, a designated establishment manager, or any individual
709 directly involved in the management of the establishment has
710 been convicted of or entered a plea of guilty or nolo contendere
711 to any misdemeanor or felony crime, regardless of adjudication,
712 related to prostitution or related acts as described in s.
713 796.06 or s. 796.07 or a felony offense under any of the
714 following provisions of state law or a similar provision in
715 another jurisdiction:

716 (a) Section 787.01, relating to kidnapping.

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

718 (c) Section 787.025, relating to luring or enticing a
719 child.

720 (d) Section 787.06, relating to human trafficking.

721 (e) Section 787.07, relating to human smuggling.

722 (f) Section 794.011, relating to sexual battery.

723 (g) Section 794.08, relating to female genital mutilation.

724 (h) Former s. 796.03, relating to procuring a person under
725 the age of 18 for prostitution.

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726 (i) Former s. 796.035, relating to selling or buying of
727 minors into prostitution.

728 (j) Former section 796.04, relating to forcing, compelling,
729 or coercing another to become a prostitute.

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

732 (l) Section 800.04, relating to lewd or lascivious offenses
733 committed upon or in the presence of persons less than 16 years
734 of age.

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

738 (n) Section 827.071, relating to sexual performance by a
739 child.

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

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

742 (q) Section 847.0138, relating to the transmission of
743 material harmful to minors to a minor by electronic device or
744 equipment.

745 (r) Section 847.0145, relating to the selling or buying of
746 minors.

747 Section 14. Paragraph (c) of subsection (3) of section
748 480.046, Florida Statutes, is amended to read:

749 480.046 Grounds for disciplinary action by the board.—

750 (3) The board shall revoke or suspend the license of a
751 massage establishment licensed under this act, or deny
752 subsequent licensure of such an establishment, if any of the
753 following occurs:

754 (c) The establishment owner, the designated establishment

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755 manager, or any individual providing massage therapy services
756 for the establishment has had the entry in any jurisdiction of:

757 1. A final order or other disciplinary action taken for
758 sexual misconduct involving prostitution;

759 2. A final order or other disciplinary action taken for
760 crimes related to the practice of massage therapy involving
761 prostitution; or

762 3. A conviction or a plea of guilty or nolo contendere to
763 any misdemeanor or felony crime, regardless of adjudication,
764 related to prostitution or related acts as described in s.
765 796.06 or s. 796.07.

766 Section 15. 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.

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- 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, 796.06,
802 or s. 796.07, relating to prostitution.
- 803 18. Chapter 806, relating to arson.
- 804 19. Section 810.02(2)(c), relating to specified burglary of
805 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.

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- 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 with
- 830 jurors and evidence.
- 831 Section 16. Paragraph (a) of subsection (3) of section
- 832 787.01, Florida Statutes, is amended to read:
- 833 787.01 Kidnapping; kidnapping of child under age 13,
- 834 aggravating circumstances.—
- 835 (3) (a) A person who commits the offense of kidnapping upon
- 836 a child under the age of 13 and who, in the course of committing
- 837 the offense, commits one or more of the following:
- 838 1. Aggravated child abuse, as defined in s. 827.03;
- 839 2. Sexual battery, as defined in chapter 794, against the
- 840 child;
- 841 3. Lewd or lascivious battery, lewd or lascivious

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842 molestation, lewd or lascivious conduct, or lewd or lascivious
843 exhibition, in violation of s. 800.04 or s. 847.0135(5);

844 4. A violation of former s. 796.03 or former s. 796.04,
845 relating to prostitution, upon the child;

846 5. Exploitation of the child or allowing the child to be
847 exploited, in violation of s. 450.151; or

848 6. A violation of s. 787.06(3)(g), relating to human
849 trafficking,

850
851 commits a life felony, punishable as provided in s. 775.082, s.
852 775.083, or s. 775.084.

853 Section 17. Paragraph (a) of subsection (3) of section
854 787.02, Florida Statutes, is amended to read:

855 787.02 False imprisonment; false imprisonment of child
856 under age 13, aggravating circumstances.—

857 (3)(a) A person who commits the offense of false
858 imprisonment upon a child under the age of 13 and who, in the
859 course of committing the offense, commits any offense enumerated
860 in subparagraphs 1.-6. ~~subparagraphs 1.-5.~~, commits a felony of
861 the first degree, punishable by imprisonment for a term of years
862 not exceeding life or as provided in s. 775.082, s. 775.083, or
863 s. 775.084.

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

865 2. Sexual battery, as defined in chapter 794, against the
866 child;

867 3. Lewd or lascivious battery, lewd or lascivious
868 molestation, lewd or lascivious conduct, or lewd or lascivious
869 exhibition, in violation of s. 800.04 or s. 847.0135(5);

870 4. A violation of former s. 796.03 or former s. 796.04,

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871 relating to prostitution, upon the child;

872 5. Exploitation of the child or allowing the child to be
873 exploited, in violation of s. 450.151; or

874 6. A violation of s. 787.06(3)(g) relating to human
875 trafficking.

876 Section 18. Subsection (1) of section 794.056, Florida
877 Statutes, is amended to read:

878 794.056 Rape Crisis Program Trust Fund.—

879 (1) The Rape Crisis Program Trust Fund is created within
880 the Department of Health for the purpose of providing funds for
881 rape crisis centers in this state. Trust fund moneys shall be
882 used exclusively for the purpose of providing services for
883 victims of sexual assault. Funds credited to the trust fund
884 consist of those funds collected as an additional court
885 assessment in each case in which a defendant pleads guilty or
886 nolo contendere to, or is found guilty of, regardless of
887 adjudication, an offense provided in s. 775.21(6) and (10)(a),
888 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
889 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
890 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
891 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
892 former s. 796.03; former s. 796.035; former s. 796.04; s.
893 796.05; s. 796.06; s. 796.07(1) ~~s. 796.07(2)(a)-(d) and (i)~~; s.
894 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s.
895 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s.
896 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s.
897 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s.
898 985.701(1). Funds credited to the trust fund also shall include
899 revenues provided by law, moneys appropriated by the

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900 Legislature, and grants from public or private entities.

901 Section 19. Subsection (3) of section 796.08, Florida
902 Statutes, is amended to read:

903 796.08 Screening for HIV and sexually transmissible
904 diseases; providing penalties.—

905 (3) A person convicted under s. 796.07 of providing, or
906 offering to provide, something of value in exchange for sexual
907 activity ~~prostitution or procuring another to commit~~
908 ~~prostitution~~ must undergo screening for a sexually transmissible
909 disease, including, but not limited to, screening to detect
910 exposure to the human immunodeficiency virus, under direction of
911 the Department of Health. If the person is infected, he or she
912 must submit to treatment and counseling prior to release from
913 probation, community control, or incarceration. Notwithstanding
914 the provisions of s. 384.29, the results of tests conducted
915 pursuant to this subsection shall be made available by the
916 Department of Health to the offender, medical personnel,
917 appropriate state agencies, state attorneys, and courts of
918 appropriate jurisdiction in need of such information in order to
919 enforce the provisions of this chapter.

920 Section 20. Subsection (2) of section 796.09, Florida
921 Statutes, is amended to read:

922 796.09 Coercion; civil cause of action; evidence; defenses;
923 attorney's fees.—

924 (2) As used in this section, the term "prostitution" has
925 the same meaning as in s. 796.011 ~~s. 796.07~~.

926 Section 21. Subsection (2) of section 893.138, Florida
927 Statutes, is amended to read:

928 893.138 Local administrative action to abate certain

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929 activities declared public nuisances.—

930 (2) Any place or premises that has been used:

931 (a) On more than two occasions within a 6-month period, as
932 the site of a violation of s. 796.06 or s. 796.07;

933 (b) On more than two occasions within a 6-month period, as
934 the site of the unlawful sale, delivery, manufacture, or
935 cultivation of any controlled substance;

936 (c) On one occasion as the site of the unlawful possession
937 of a controlled substance, where such possession constitutes a
938 felony and that has been previously used on more than one
939 occasion as the site of the unlawful sale, delivery,
940 manufacture, or cultivation of any controlled substance;

941 (d) By a criminal gang for the purpose of conducting
942 criminal gang activity as defined by s. 874.03;

943 (e) On more than two occasions within a 6-month period, as
944 the site of a violation of s. 812.019 relating to dealing in
945 stolen property;

946 (f) On two or more occasions within a 6-month period, as
947 the site of a violation of chapter 499; or

948 (g) On more than two occasions within a 6-month period, as
949 the site of a violation of any combination of the following:

950 1. Section 782.04, relating to murder;

951 2. Section 782.051, relating to attempted felony murder;

952 3. Section 784.045(1)(a)2., relating to aggravated battery
953 with a deadly weapon; or

954 4. Section 784.021(1)(a), relating to aggravated assault
955 with a deadly weapon without intent to kill,

956

957 may be declared to be a public nuisance, and such nuisance may

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958 be abated pursuant to the procedures provided in this section.

959 Section 22. Paragraph (a) of subsection (8) of section
960 895.02, Florida Statutes, is amended to read:

961 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

962 (8) "Racketeering activity" means to commit, to attempt to
963 commit, to conspire to commit, or to solicit, coerce, or
964 intimidate another person to commit:

965 (a) Any crime that is chargeable by petition, indictment,
966 or information under the following provisions of the Florida
967 Statutes:

968 1. Section 210.18, relating to evasion of payment of
969 cigarette taxes.

970 2. Section 316.1935, relating to fleeing or attempting to
971 elude a law enforcement officer and aggravated fleeing or
972 eluding.

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

976 4. Section 403.727(3)(b), relating to environmental
977 control.

978 5. Section 409.920 or s. 409.9201, relating to Medicaid
979 fraud.

980 6. Section 414.39, relating to public assistance fraud.

981 7. Section 440.105 or s. 440.106, relating to workers'
982 compensation.

983 8. Section 443.071(4), relating to creation of a fictitious
984 employer scheme to commit reemployment assistance fraud.

985 9. Section 465.0161, relating to distribution of medicinal
986 drugs without a permit as an Internet pharmacy.

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- 987 10. Section 499.0051, relating to crimes involving
988 contraband, adulterated, or misbranded drugs.
- 989 11. Part IV of chapter 501, relating to telemarketing.
- 990 12. Chapter 517, relating to sale of securities and
991 investor protection.
- 992 13. Section 550.235 or s. 550.3551, relating to dogracing
993 and horseracing.
- 994 14. Chapter 550, relating to jai alai frontons.
- 995 15. Section 551.109, relating to slot machine gaming.
- 996 16. Chapter 552, relating to the manufacture, distribution,
997 and use of explosives.
- 998 17. Chapter 560, relating to money transmitters, if the
999 violation is punishable as a felony.
- 1000 18. Chapter 562, relating to beverage law enforcement.
- 1001 19. Section 624.401, relating to transacting insurance
1002 without a certificate of authority, s. 624.437(4)(c)1., relating
1003 to operating an unauthorized multiple-employer welfare
1004 arrangement, or s. 626.902(1)(b), relating to representing or
1005 aiding an unauthorized insurer.
- 1006 20. Section 655.50, relating to reports of currency
1007 transactions, when such violation is punishable as a felony.
- 1008 21. Chapter 687, relating to interest and usurious
1009 practices.
- 1010 22. Section 721.08, s. 721.09, or s. 721.13, relating to
1011 real estate timeshare plans.
- 1012 23. Section 775.13(5)(b), relating to registration of
1013 persons found to have committed any offense for the purpose of
1014 benefiting, promoting, or furthering the interests of a criminal
1015 gang.

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- 1016 24. Section 777.03, relating to commission of crimes by
1017 accessories after the fact.
- 1018 25. Chapter 782, relating to homicide.
- 1019 26. Chapter 784, relating to assault and battery.
- 1020 27. Chapter 787, relating to kidnapping, human smuggling,
1021 or human trafficking.
- 1022 28. Chapter 790, relating to weapons and firearms.
- 1023 29. Chapter 794, relating to sexual battery, but only if
1024 such crime was committed with the intent to benefit, promote, or
1025 further the interests of a criminal gang, or for the purpose of
1026 increasing a criminal gang member's own standing or position
1027 within a criminal gang.
- 1028 30. Former s. 796.03, former s. 796.035, former s. 796.04,
1029 s. 796.05, s. 796.06, or s. 796.07, relating to prostitution.
- 1030 31. Chapter 806, relating to arson and criminal mischief.
- 1031 32. Chapter 810, relating to burglary and trespass.
- 1032 33. Chapter 812, relating to theft, robbery, and related
1033 crimes.
- 1034 34. Chapter 815, relating to computer-related crimes.
- 1035 35. Chapter 817, relating to fraudulent practices, false
1036 pretenses, fraud generally, credit card crimes, and patient
1037 brokering.
- 1038 36. Chapter 825, relating to abuse, neglect, or
1039 exploitation of an elderly person or disabled adult.
- 1040 37. Section 827.071, relating to commercial sexual
1041 exploitation of children.
- 1042 38. Section 828.122, relating to fighting or baiting
1043 animals.
- 1044 39. Chapter 831, relating to forgery and counterfeiting.

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1045 40. Chapter 832, relating to issuance of worthless checks
1046 and drafts.

1047 41. Section 836.05, relating to extortion.

1048 42. Chapter 837, relating to perjury.

1049 43. Chapter 838, relating to bribery and misuse of public
1050 office.

1051 44. Chapter 843, relating to obstruction of justice.

1052 45. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1053 s. 847.07, relating to obscene literature and profanity.

1054 46. Chapter 849, relating to gambling, lottery, gambling or
1055 gaming devices, slot machines, or any of the provisions within
1056 that chapter.

1057 47. Chapter 874, relating to criminal gangs.

1058 48. Chapter 893, relating to drug abuse prevention and
1059 control.

1060 49. Chapter 896, relating to offenses related to financial
1061 transactions.

1062 50. Sections 914.22 and 914.23, relating to tampering with
1063 or harassing a witness, victim, or informant, and retaliation
1064 against a witness, victim, or informant.

1065 51. Sections 918.12 and 918.13, relating to tampering with
1066 jurors and evidence.

1067 Section 23. Section 938.085, Florida Statutes, is amended
1068 to read:

1069 938.085 Additional cost to fund rape crisis centers.—In
1070 addition to any sanction imposed when a person pleads guilty or
1071 nolo contendere to, or is found guilty of, regardless of
1072 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
1073 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;

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1074 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 1075 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 1076 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 1077 796.03; former s. 796.035; former s. 796.04; s. 796.05; s.
 1078 796.06; s. 796.07(1) ~~s. 796.07(2)(a)-(d) and (i)~~; s. 800.03; s.
 1079 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s.
 1080 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s.
 1081 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7),
 1082 (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court
 1083 shall impose a surcharge of \$151. Payment of the surcharge shall
 1084 be a condition of probation, community control, or any other
 1085 court-ordered supervision. The sum of \$150 of the surcharge
 1086 shall be deposited into the Rape Crisis Program Trust Fund
 1087 established within the Department of Health by chapter 2003-140,
 1088 Laws of Florida. The clerk of the court shall retain \$1 of each
 1089 surcharge that the clerk of the court collects as a service
 1090 charge of the clerk's office.

1091 Section 24. Subsection (1) and paragraphs (a) and (b) of
 1092 subsection (2) of section 943.0433, Florida Statutes, are
 1093 amended to read:

1094 943.0433 Soliciting for Prostitution Public Database.—

1095 (1) The department shall create and administer the
 1096 Soliciting for Prostitution Public Database. The clerk of the
 1097 court shall forward to the department the criminal history
 1098 record of a person in accordance with s. 796.07(3)(e) ~~s.~~
 1099 ~~796.07(5)(e)~~, and the department shall add the criminal history
 1100 record to the database.

1101 (2)(a) The department shall automatically remove the
 1102 criminal history record of a person from the database if, after

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1103 5 years following the commission of an offense that meets the
1104 criteria set forth in s. 796.07(3)(e) ~~s. 796.07(5)(e)~~, such
1105 person has not subsequently committed a violation that meets
1106 such criteria or any other offense within that time that would
1107 constitute a sexual offense, including, but not limited to,
1108 human trafficking, or an offense that would require registration
1109 as a sexual offender.

1110 (b) The department may not remove a criminal history record
1111 from the database if a person commits a violation that meets the
1112 criteria set forth in s. 796.07(3)(e) ~~s. 796.07(5)(e)~~ a second
1113 or subsequent time.

1114 Section 25. This act shall take effect October 1, 2024.