

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

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1 Committee/Subcommittee hearing bill: Justice Appropriations  
2 Subcommittee

3 Representative Spano offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove lines 316-385 and insert:

7 Section 4. Subsection (5) of section 456.074, Florida  
8 Statutes, is amended to read:

9 456.074 Certain health care practitioners; immediate  
10 suspension of license.—

11 (5) The department shall issue an emergency order  
12 suspending the license of a massage therapist or establishment  
13 as defined in chapter 480 upon receipt of information that the  
14 massage therapist, a person with an ownership interest in the  
15 establishment, or, for a corporation that has more than \$250,000  
16 of business assets in this state, the owner, officer, or  
17 individual directly involved in the management of the

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18 establishment has been convicted or found guilty of, or has  
19 entered a plea of guilty or nolo contendere to, regardless of  
20 adjudication, a violation of s. 796.07(2)(a) which is  
21 reclassified under s. 796.07(7) or a felony offense under any of  
22 the following provisions of state law or a similar provision in  
23 another jurisdiction:

24 (a) Section 787.01, relating to kidnapping.

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

26 (c) Section 787.025, relating to luring or enticing a  
27 child.

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

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

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

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

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

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

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

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

40 (l) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a  
41 felony of the third degree for a third or subsequent violation  
42 of s. 796.07, relating to prohibiting prostitution and related  
43 acts.

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

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

50 (o) Section 827.071, relating to sexual performance by a  
51 child.

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

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

54 (r) Section 847.0138, relating to the transmission of  
55 material harmful to minors to a minor by electronic device or  
56 equipment.

57 Section 5. Subsection (7) of section 480.041, Florida  
58 Statutes, is amended to read:

59 480.041 Massage therapists; qualifications; licensure;  
60 endorsement.—

61 (7) The board shall deny an application for a new or  
62 renewal license if an applicant has been convicted or found  
63 guilty of, or enters a plea of guilty or nolo contendere to,  
64 regardless of adjudication, a violation of s. 796.07(2)(a) which  
65 is reclassified under s. 796.07(7) or a felony offense under any  
66 of the following provisions of state law or a similar provision  
67 in another jurisdiction:

68 (a) Section 787.01, relating to kidnapping.

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

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70 (c) Section 787.025, relating to luring or enticing a  
71 child.

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

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

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

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

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

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

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

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

84 (l) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a  
85 felony of the third degree for a third or subsequent violation  
86 of s. 796.07, relating to prohibiting prostitution and related  
87 acts.

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

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

94 (o) Section 827.071, relating to sexual performance by a  
95 child.

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

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

98 (r) Section 847.0138, relating to the transmission of  
99 material harmful to minors to a minor by electronic device or  
100 equipment.

101 (s) Section 847.0145, relating to the selling or buying of  
102 minors.

103 Section 6. Subsection (8) of section 480.043, Florida  
104 Statutes, is amended to read:

105 480.043 Massage establishments; requisites; licensure;  
106 inspection.—

107 (8) The department shall deny an application for a new or  
108 renewal license if a person with an ownership interest in the  
109 establishment or, for a corporation that has more than \$250,000  
110 of business assets in this state, the owner, officer, or  
111 individual directly involved in the management of the  
112 establishment has been convicted or found guilty of, or entered  
113 a plea of guilty or nolo contendere to, regardless of  
114 adjudication, a violation of s. 796.07(2)(a) which is  
115 reclassified under s. 796.07(7) or a felony offense under any of  
116 the following provisions of state law or a similar provision in  
117 another jurisdiction:

118 (a) Section 787.01, relating to kidnapping.

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

120 (c) Section 787.025, relating to luring or enticing a  
121 child.

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- 122 (d) Section 787.06, relating to human trafficking.  
123 (e) Section 787.07, relating to human smuggling.  
124 (f) Section 794.011, relating to sexual battery.  
125 (g) Section 794.08, relating to female genital mutilation.  
126 (h) Former s. 796.03, relating to procuring a person under  
127 the age of 18 for prostitution.  
128 (i) Former s. 796.035, relating to selling or buying of  
129 minors into prostitution.  
130 (j) Section 796.04, relating to forcing, compelling, or  
131 coercing another to become a prostitute.  
132 (k) Section 796.05, relating to deriving support from the  
133 proceeds of prostitution.  
134 (l) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a  
135 felony of the third degree for a third or subsequent violation  
136 of s. 796.07, relating to prohibiting prostitution and related  
137 acts.  
138 (m) Section 800.04, relating to lewd or lascivious offenses  
139 committed upon or in the presence of persons less than 16 years  
140 of age.  
141 (n) Section 825.1025(2)(b), relating to lewd or lascivious  
142 offenses committed upon or in the presence of an elderly or  
143 disabled person.  
144 (o) Section 827.071, relating to sexual performance by a  
145 child.  
146 (p) Section 847.0133, relating to the protection of minors.  
147 (q) Section 847.0135, relating to computer pornography.

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148 (r) Section 847.0138, relating to the transmission of  
149 material harmful to minors to a minor by electronic device or  
150 equipment.

151 (s) Section 847.0145, relating to the selling or buying of  
152 minors.

153 Section 7. Subsection (2) of section 796.06, Florida  
154 Statutes, is amended to read:

155 796.06 Renting space to be used for lewdness, assignation,  
156 or prostitution.—

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

158 (a) A misdemeanor of the first ~~second~~ degree for a first  
159 violation, punishable as provided in s. 775.082 or s. 775.083.

160 (b) A felony ~~misdemeanor~~ of the third ~~first~~ degree for a  
161 second or subsequent violation, punishable as provided in s.  
162 775.082, ~~or~~ s. 775.083, or s. 775.084.

163 Section 8. Paragraph (e) of subsection (2) and paragraph  
164 (b) of subsection (5) of section 796.07, Florida Statutes, are  
165 amended, and a new subsection (7) is added to that section, to  
166 read:

167 796.07 Prohibiting prostitution and related acts.—

168 (2) It is unlawful:

169 (e) For a person 18 years of age or older to offer to  
170 commit, or to commit, or to engage in, prostitution, lewdness,  
171 or assignation.

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173 (b) In addition to any other penalty imposed, the court  
174 shall order a person convicted of a violation of paragraph  
175 (2) (f) to:

- 176 1. Perform 100 hours of community service; and  
177 2. Pay for and attend an educational program about the  
178 negative effects of prostitution and human trafficking, such as  
179 a sexual violence prevention education program, including such  
180 programs offered by faith-based providers, if such programs  
181 exist program exists in the judicial circuit in which the  
182 offender is sentenced.

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

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

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

194 (c) A felony of the third degree for a third or subsequent  
195 violation is reclassified as a felony of the second degree,  
196 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



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**T I T L E   A M E N D M E N T**

Remove lines 13-37 and insert:

specified intent; amending s. 456.074, providing that the Department of Health shall issue an emergency order suspending the license of a massage therapist or establishment if the massage therapist or massage establishment is convicted of owning, establishing, maintaining, or operating a place, structure, building, or conveyance for lewdness, assignation, or prostitution in conjunction with a massage establishment, correcting a cross-reference; amending s. 480.041, F.S.; providing that a licensed massage therapist may not receive a new or renewal license if the applicant is convicted of owning, establishing, maintaining, or operating a place, structure, building, or conveyance for lewdness, assignation, or prostitution in conjunction with a massage establishment, correcting a cross-reference; amending s. 480.043, F.S.; providing that a licensed massage establishment may not receive a new or renewal license if specified persons connected to the establishment are convicted of owning, establishing, maintaining, or operating a place, structure, building, or conveyance for lewdness, assignation, or prostitution in conjunction with it, correcting a cross-references; amending s. 796.06, F.S.; increasing criminal penalties for the offense of renting space to be used for lewdness, assignation, or prostitution; amending s. 796.07, F.S.; providing that minors

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225 | may not be charged with specified prostitution offenses;  
226 | specifying that certain educational programs may be offered by  
227 | faith-based providers; providing for the reclassification of the  
228 | offense of owning, establishing, maintaining, or operating a  
229 | place, structure, building, or conveyance for lewdness,  
230 | assignation, or prostitution if the offense is committed in  
231 | conjunction with a massage establishment;