

26 | circumstances; providing criminal penalties; requiring
 27 | a court to order that certain defendants perform
 28 | community service, pay for and attend an educational
 29 | program, pay a civil penalty, and receive sexually
 30 | transmitted disease testing; providing requirements
 31 | for the proceeds of the civil penalty; authorizing a
 32 | judicial circuit to establish a certain educational
 33 | program; deleting a minimum mandatory period of
 34 | incarceration for the commission of a certain offense;
 35 | deleting obsolete provisions; conforming provisions to
 36 | changes made by the act; amending ss. 60.05, 322.28,
 37 | 397.4073, 397.417, 420.6241, 435.07, 456.074, 480.041,
 38 | 480.043, 480.046, 772.102, 787.01, 787.02, 794.056,
 39 | 796.08, 796.09, 893.138, 895.02, and 938.085, F.S.;
 40 | conforming provisions to changes made by the act;
 41 | providing an effective date.

42 |

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

44 |

45 | **Section 1. Section 796.011, Florida Statutes, is created**
 46 | **to read:**

47 | 796.011 Definitions.—As used in this chapter, the term:

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

49 | (2) "Assignment" means the making of any appointment or
 50 | engagement for prostitution or lewdness, or any act in

51 furtherance of such appointment or engagement.

52 (3) "Commercial sex" means any violation of s. 787.06 or
 53 any violation of this chapter.

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

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

57 (6) "Prostitution" means engaging in, agreeing to engage
 58 in, or offering to engage in sexual activity in exchange for
 59 something of value but excludes sexual activity between spouses.

60 (7) "Sexual activity" means oral, anal, or female genital
 61 penetration by, or union with, the sexual organ of another; anal
 62 or female genital penetration of another by any other object; or
 63 the handling or fondling of the sexual organ of another for the
 64 purpose of masturbation. The term does not include acts done for
 65 bona fide medical purposes.

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

68 796.031 Prostitution, lewdness, and assignation
 69 prohibited; penalties.—

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

72 (2) In the trial of a person charged with a violation of
 73 this section, testimony concerning the reputation of any place,
 74 structure, building, or conveyance involved in the charge;
 75 testimony concerning the reputation of any person residing in,

76 operating, or frequenting such place, structure, building, or
 77 conveyance; and testimony concerning the reputation of the
 78 defendant is admissible in evidence in support of the charge.

79 (3) (a) A person who violates this section commits a
 80 misdemeanor of the second degree, punishable as provided in s.
 81 775.082 or s. 775.083.

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

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

90 1. The relationship between demand for commercial sex and
 91 human trafficking.

92 2. The impact of human trafficking on victims.

93 3. Coercion, consent, and sexual violence.

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

95 5. The negative impact of commercial sex on prostituted
 96 persons and the community.

97 6. The reasons and motivations for engaging in
 98 prostitution.

99 **Section 3.** Section 796.04, Florida Statutes, is repealed.

100 **Section 4.** **Section 796.06, Florida Statutes, is amended to**

101 **read:**

102 796.06 Maintaining ~~Renting~~ space to be used for commercial
 103 sex lewdness, assignation, or prostitution.-

104 (1) It is unlawful to:

105 (a) Own, establish, maintain, operate, use, let, or rent a
 106 building, residence, any place, or structure, in whole or in or
 107 part thereof, or a trailer or any other conveyance, with the
 108 knowledge or reckless disregard that it will be used for the
 109 purpose of commercial sex lewdness, assignation, or
 110 prostitution.

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

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

116 (a) A felony ~~misdemeanor~~ of the third ~~first~~ degree for a
 117 first violation, punishable as provided in s. 775.082 or s.
 118 775.083.

119 (b) A felony of the second ~~third~~ degree for a second ~~or~~
 120 ~~subsequent~~ violation, punishable as provided in s. 775.082, s.
 121 775.083, or s. 775.084.

122 (c) A felony of the first degree for a third or subsequent
 123 violation, punishable as provided in s. 775.082, s. 775.083, or
 124 s. 775.084.

125 (3) In the trial of a person charged with a violation of

126 this section, testimony concerning the reputation of any place,
127 structure, building, or conveyance involved in the charge;
128 testimony concerning the reputation of any person residing in,
129 operating, or frequenting such place, structure, building, or
130 conveyance; and testimony concerning the reputation of the
131 defendant is admissible in evidence in support of the charge.

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

137 (a) A felony of the third degree is reclassified as a
138 felony of the second degree, punishable as provided in s.
139 775.082, s. 775.083, or s. 775.084.

140 (b) A felony of the second degree is reclassified as a
141 felony of the first degree, punishable as provided in s.
142 775.082, s. 775.083, or s. 775.084.

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

146 **Section 5. Section 796.07, Florida Statutes, is amended to**
147 **read:**

148 796.07 Prohibiting prostitution ~~and related acts.~~

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

150 ~~(a) "Assignment" means the making of any appointment or~~

151 ~~engagement for prostitution or lewdness, or any act in~~
152 ~~furtherance of such appointment or engagement.~~

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

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

156 ~~(d) "Prostitution" means the giving or receiving of the~~
157 ~~body for sexual activity for hire but excludes sexual activity~~
158 ~~between spouses.~~

159 ~~(e) "Sexual activity" means oral, anal, or female genital~~
160 ~~penetration by, or union with, the sexual organ of another; anal~~
161 ~~or female genital penetration of another by any other object; or~~
162 ~~the handling or fondling of the sexual organ of another for the~~
163 ~~purpose of masturbation; however, the term does not include acts~~
164 ~~done for bona fide medical purposes.~~

165 ~~(1)(2) It is unlawful for a person:~~

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

170 ~~(b) To offer, or to offer or agree to secure, another for~~
171 ~~the purpose of prostitution or for any other lewd or indecent~~
172 ~~act.~~

173 ~~(c) To receive, or to offer or agree to receive, any~~
174 ~~person into any place, structure, building, or conveyance for~~
175 ~~the purpose of prostitution, lewdness, or assignation, or to~~

176 ~~permit any person to remain there for such purpose.~~

177 ~~(d) To direct, take, or transport, or to offer or agree to~~
178 ~~direct, take, or transport, any person to any place, structure,~~
179 ~~or building, or to any other person, with knowledge or~~
180 ~~reasonable cause to believe that the purpose of such directing,~~
181 ~~taking, or transporting is prostitution, lewdness, or~~
182 ~~assignation.~~

183 ~~(e) For a person 18 years of age or older to offer to~~
184 ~~commit, or to commit, or to engage in, prostitution, lewdness,~~
185 ~~or assignation.~~

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

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

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

193 ~~(i) To purchase the services of any person engaged in~~
194 ~~prostitution.~~

195 (2)(3)(a) In the trial of a person charged with a
196 violation of this section, testimony concerning the reputation
197 of any place, structure, building, or conveyance involved in the
198 charge, testimony concerning the reputation of any person
199 residing in, operating, or frequenting such place, structure,
200 building, or conveyance, and testimony concerning the reputation

201 of the defendant is admissible in evidence in support of the
 202 charge.

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

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

208 1. A felony misdemeanor of the third ~~second~~ degree for a
 209 first violation, punishable as provided in s. 775.082 or s.
 210 775.083.

211 2. A felony misdemeanor of the second ~~first~~ degree for a
 212 second violation, punishable as provided in s. 775.082 or s.
 213 775.083.

214 3. A felony of the first ~~third~~ degree for a third or
 215 subsequent violation, punishable as provided in s. 775.082, s.
 216 775.083, or s. 775.084.

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

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

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

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

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

229 (b) In addition to any other penalty imposed, if a
230 violation of this section results in any judicial disposition
231 other than acquittal or dismissal, the court must ~~shall~~ order
232 the defendant a person convicted of a violation of paragraph
233 ~~(2)(f)~~ to:

234 1. Perform 100 hours of community service;~~-~~

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

240 3. Pay a civil penalty of \$5,000. Of the proceeds from
241 each penalty assessed under this subparagraph, the first \$500
242 must be paid to the circuit court administrator for the sole
243 purpose of paying the administrative costs of treatment-based
244 drug court programs provided under s. 397.334. The remainder of
245 the penalty assessed must be deposited in the Operations and
246 Maintenance Trust Fund of the Department of Children and
247 Families for the sole purpose of funding safe houses and safe
248 foster homes as provided in s. 409.1678; and

249 4. Receive sexually transmitted disease testing at a
250 recognized medical facility.

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

254 1. The relationship between demand for commercial sex and
255 human trafficking;

256 2. The impact of human trafficking on victims;

257 3. Coercion, consent, and sexual violence;

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

259 5. The negative impact of commercial sex on prostituted
260 persons and the community; and

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

266 (d)1. If a person who violates this section ~~paragraph~~
267 ~~(2) (f)~~ uses a vehicle in the course of the violation, the judge,
268 upon the person's conviction, may issue an order for the
269 impoundment or immobilization of the vehicle for a period of up
270 to 60 days. The order of impoundment or immobilization must
271 include the names and telephone numbers of all immobilization
272 agencies meeting all of the conditions of s. 316.193(13). Within
273 7 business days after the date that the court issues the order
274 of impoundment or immobilization, the clerk of the court must
275 send notice by certified mail, return receipt requested, to the

276 registered owner of the vehicle, if the registered owner is a
 277 person other than the defendant, and to each person of record
 278 claiming a lien against the vehicle.

279 2. The owner of the vehicle may request the court to
 280 dismiss the order. The court must dismiss the order, and the
 281 owner of the vehicle will incur no costs, if the owner of the
 282 vehicle alleges and the court finds to be true any of the
 283 following:

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

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

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

290 d. The vehicle is owned by the defendant but is operated
 291 solely by employees of the defendant or employees of a business
 292 owned by the defendant.

293 3. If the court denies the request to dismiss the order,
 294 the petitioner may request an evidentiary hearing. If, at the
 295 evidentiary hearing, the court finds to be true any of the
 296 circumstances described in subparagraph 2. ~~sub-subparagraphs~~
 297 ~~(d)2.a.-d.~~, the court must dismiss the order and the owner of
 298 the vehicle will incur no costs.

299 ~~(6) A person who violates paragraph (2) (f) shall be~~
 300 ~~assessed a civil penalty of \$5,000 if the violation results in~~

301 ~~any judicial disposition other than acquittal or dismissal. Of~~
302 ~~the proceeds from each penalty assessed under this subsection,~~
303 ~~the first \$500 shall be paid to the circuit court administrator~~
304 ~~for the sole purpose of paying the administrative costs of~~
305 ~~treatment-based drug court programs provided under s. 397.334.~~
306 ~~The remainder of the penalty assessed shall be deposited in the~~
307 ~~Operations and Maintenance Trust Fund of the Department of~~
308 ~~Children and Families for the sole purpose of funding safe~~
309 ~~houses and safe foster homes as provided in s. 409.1678.~~

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

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

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

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

324 ~~(8)(a) A judicial circuit may establish an educational~~
325 ~~program for persons convicted of or charged with a violation of~~

326 ~~paragraph (2) (f), to include education on:~~

327 ~~1. The relationship between demand for commercial sex and~~
 328 ~~human trafficking.~~

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

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

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

332 ~~5. The negative impact of commercial sex on prostituted~~
 333 ~~persons and the community.~~

334 ~~6. The reasons and motivations for engaging in~~
 335 ~~prostitution.~~

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

338 **Section 6. Paragraph (b) of subsection (4) of section**
 339 **397.4073, Florida Statutes, is amended to read:**

340 397.4073 Background checks of service provider personnel.—

341 (4) EXEMPTIONS FROM DISQUALIFICATION.—

342 (b) For service providers that treat adolescents 13 years
 343 of age and older, service provider personnel whose background
 344 checks indicate crimes under s. 796.031(1), former s.

345 796.07(2) (e), s. 810.02(4), s. 812.014(2) (c), s. 817.563, s.

346 831.01, s. 831.02, s. 893.13, or s. 893.147, and any related

347 criminal attempt, solicitation, or conspiracy under s. 777.04:

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

350 a. At least 5 years, or at least 3 years in the case of an

351 individual seeking certification as a peer specialist under s.
 352 397.417, have elapsed since the applicant requesting an
 353 exemption has completed or has been lawfully released from any
 354 confinement, supervision, or nonmonetary condition imposed by a
 355 court for the applicant's most recent disqualifying offense
 356 under this paragraph.

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

360 2. May be exempted from disqualification from employment
 361 for such offenses without a waiting period as provided under s.
 362 435.07(2).

363 **Section 7. Subsection (5) of section 60.05, Florida**
 364 **Statutes, is amended to read:**

365 60.05 Abatement of nuisances.—

366 (5) On trial if the existence of a nuisance is shown, the
 367 court shall issue a permanent injunction and order the costs to
 368 be paid by the persons establishing or maintaining the nuisance
 369 and shall adjudge that the costs are a lien on all personal
 370 property found in the place of the nuisance and on the failure
 371 of the property to bring enough to pay the costs, then on the
 372 real estate occupied by the nuisance. A lien may not attach to
 373 the real estate of any other than such persons unless a second
 374 written notice has been given in accordance with paragraph
 375 (3) (a) to the owner or his or her agent who fails to begin to

376 abate the nuisance within the time specified therein. In a
377 proceeding abating a nuisance pursuant to s. 823.10 or s.
378 823.05, if a tenant has been convicted of an offense under
379 chapter 893, s. 796.06, or s. 796.07, the court may order the
380 tenant to vacate the property within 72 hours if the tenant and
381 owner of the premises are parties to the nuisance abatement
382 action and the order will lead to the abatement of the nuisance.

383 **Section 8. Subsection (7) of section 322.28, Florida**
384 **Statutes, is amended to read:**

385 322.28 Period of suspension or revocation.—

386 (7) Following a second or subsequent violation of s.
387 796.07(1) ~~s. 796.07(2)(f)~~ which involves a motor vehicle and
388 which results in any judicial disposition other than acquittal
389 or dismissal, in addition to any other sentence imposed, the
390 court shall revoke the person's driver license or driving
391 privilege, effective upon the date of the disposition, for a
392 period of at least 1 year. A person sentenced under this
393 subsection may request a hearing under s. 322.271.

394 **Section 9. Paragraph (e) of subsection (4) of section**
395 **397.417, Florida Statutes, is amended to read:**

396 397.417 Peer specialists.—

397 (4) BACKGROUND SCREENING.—

398 (e) The background screening conducted under this
399 subsection must ensure that a peer specialist has not been
400 arrested for and is awaiting final disposition of, found guilty

401 of, regardless of adjudication, or entered a plea of nolo
402 contendere or guilty to, or been adjudicated delinquent and the
403 record has not been sealed or expunged for, any offense
404 prohibited under any of the following state laws or similar laws
405 of another jurisdiction:

406 1. Section 393.135, relating to sexual misconduct with
407 certain developmentally disabled clients and reporting of such
408 sexual misconduct.

409 2. Section 394.4593, relating to sexual misconduct with
410 certain mental health patients and reporting of such sexual
411 misconduct.

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

414 4. Section 415.111, relating to abuse, neglect, or
415 exploitation of vulnerable adults.

416 5. Any offense that constitutes domestic violence as
417 defined in s. 741.28.

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

420 7. Section 782.04, relating to murder.

421 8. Section 782.07, relating to manslaughter; aggravated
422 manslaughter of an elderly person or a disabled adult;
423 aggravated manslaughter of a child; or aggravated manslaughter
424 of an officer, a firefighter, an emergency medical technician,
425 or a paramedic.

- 426 9. Section 782.071, relating to vehicular homicide.
- 427 10. Section 782.09, relating to killing an unborn child by
428 injury to the mother.
- 429 11. Chapter 784, relating to assault, battery, and
430 culpable negligence, if the offense was a felony.
- 431 12. Section 787.01, relating to kidnapping.
- 432 13. Section 787.02, relating to false imprisonment.
- 433 14. Section 787.025, relating to luring or enticing a
434 child.
- 435 15. Section 787.04(2), relating to leading, taking,
436 enticing, or removing a minor beyond state limits, or concealing
437 the location of a minor, with criminal intent pending custody
438 proceedings.
- 439 16. Section 787.04(3), relating to leading, taking,
440 enticing, or removing a minor beyond state limits, or concealing
441 the location of a minor, with criminal intent pending dependency
442 proceedings or proceedings concerning alleged abuse or neglect
443 of a minor.
- 444 17. Section 790.115(1), relating to exhibiting firearms or
445 weapons within 1,000 feet of a school.
- 446 18. Section 790.115(2)(b), relating to possessing an
447 electric weapon or device, a destructive device, or any other
448 weapon on school property.
- 449 19. Section 794.011, relating to sexual battery.
- 450 20. Former s. 794.041, relating to prohibited acts of

451 persons in familial or custodial authority.

452 21. Section 794.05, relating to unlawful sexual activity
453 with certain minors.

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

455 23. Section 796.07, relating to providing, or offering to
456 provide, something of value in exchange for sexual activity
457 ~~procuring another to commit prostitution~~, except for those
458 offenses expunged pursuant to s. 943.0583.

459 24. Section 798.02, relating to lewd and lascivious
460 behavior.

461 25. Chapter 800, relating to lewdness and indecent
462 exposure.

463 26. Section 806.01, relating to arson.

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

466 28. Section 810.14, relating to voyeurism, if the offense
467 was a felony.

468 29. Section 810.145, relating to digital voyeurism, if the
469 offense was a felony.

470 30. Section 812.13, relating to robbery.

471 31. Section 812.131, relating to robbery by sudden
472 snatching.

473 32. Section 812.133, relating to carjacking.

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

475 34. Section 817.034, relating to communications fraud, if

476 | the offense was a felony of the first degree.

477 | 35. Section 817.234, relating to false and fraudulent
478 | insurance claims, if the offense was a felony of the first or
479 | second degree.

480 | 36. Section 817.50, relating to fraudulently obtaining
481 | goods or services from a health care provider and false reports
482 | of a communicable disease.

483 | 37. Section 817.505, relating to patient brokering.

484 | 38. Section 817.568, relating to fraudulent use of
485 | personal identification, if the offense was a felony of the
486 | first or second degree.

487 | 39. Section 825.102, relating to abuse, aggravated abuse,
488 | or neglect of an elderly person or a disabled adult.

489 | 40. Section 825.1025, relating to lewd or lascivious
490 | offenses committed upon or in the presence of an elderly person
491 | or a disabled person.

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

494 | 42. Section 826.04, relating to incest.

495 | 43. Section 827.03, relating to child abuse, aggravated
496 | child abuse, or neglect of a child.

497 | 44. Section 827.04, relating to contributing to the
498 | delinquency or dependency of a child.

499 | 45. Former s. 827.05, relating to negligent treatment of
500 | children.

501 46. Section 827.071, relating to sexual performance by a
502 child.

503 47. Section 831.30, relating to fraud in obtaining
504 medicinal drugs.

505 48. Section 831.31, relating to the sale; manufacture;
506 delivery; or possession with intent to sell, manufacture, or
507 deliver of any counterfeit controlled substance, if the offense
508 was a felony.

509 49. Section 843.01, relating to resisting arrest with
510 violence.

511 50. Section 843.025, relating to depriving a law
512 enforcement, correctional, or correctional probation officer of
513 the means of protection or communication.

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

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

517 53. Chapter 847, relating to obscenity.

518 54. Section 874.05, relating to encouraging or recruiting
519 another to join a criminal gang.

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

523 56. Section 895.03, relating to racketeering and
524 collection of unlawful debts.

525 57. Section 896.101, relating to the Florida Money

526 Laundering Act.

527 58. Section 916.1075, relating to sexual misconduct with
528 certain forensic clients and reporting of such sexual
529 misconduct.

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

532 60. Section 944.40, relating to escape.

533 61. Section 944.46, relating to harboring, concealing, or
534 aiding an escaped prisoner.

535 62. Section 944.47, relating to introduction of contraband
536 into a correctional institution.

537 63. Section 985.701, relating to sexual misconduct in
538 juvenile justice programs.

539 64. Section 985.711, relating to introduction of
540 contraband into a detention facility.

541 **Section 10. Paragraph (b) of subsection (4) of section**
542 **420.6241, Florida Statutes, is amended to read:**

543 420.6241 Persons with lived experience.—

544 (4) BACKGROUND SCREENING.—

545 (b) The background screening conducted under this
546 subsection must ensure that the qualified applicant has not been
547 arrested for and is not awaiting final disposition of, has not
548 been found guilty of, regardless of adjudication, or entered a
549 plea of nolo contendere or guilty to, or has not been
550 adjudicated delinquent and the record has been sealed or

551 expunged for, any offense prohibited under any of the following
552 state laws or similar laws of another jurisdiction:

553 1. Section 393.135, relating to sexual misconduct with
554 certain developmentally disabled clients and reporting of such
555 sexual misconduct.

556 2. Section 394.4593, relating to sexual misconduct with
557 certain mental health patients and reporting of such sexual
558 misconduct.

559 3. Section 409.920, relating to Medicaid provider fraud,
560 if the offense is a felony of the first or second degree.

561 4. Section 415.111, relating to criminal penalties for
562 abuse, neglect, or exploitation of vulnerable adults.

563 5. Any offense that constitutes domestic violence, as
564 defined in s. 741.28.

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

567 7. Section 782.04, relating to murder.

568 8. Section 782.07, relating to manslaughter, aggravated
569 manslaughter of an elderly person or a disabled adult,
570 aggravated manslaughter of a child, or aggravated manslaughter
571 of an officer, a firefighter, an emergency medical technician,
572 or a paramedic.

573 9. Section 782.071, relating to vehicular homicide.

574 10. Section 782.09, relating to killing of an unborn child
575 by injury to the mother.

- 576 11. Chapter 784, relating to assault, battery, and
577 culpable negligence, if the offense is a felony.
- 578 12. Section 787.01, relating to kidnapping.
- 579 13. Section 787.02, relating to false imprisonment.
- 580 14. Section 787.025, relating to luring or enticing a
581 child.
- 582 15. Section 787.04(2), relating to leading, taking,
583 enticing, or removing a minor beyond the state limits, or
584 concealing the location of a minor, with criminal intent pending
585 custody proceedings.
- 586 16. Section 787.04(3), relating to leading, taking,
587 enticing, or removing a minor beyond the state limits, or
588 concealing the location of a minor, with criminal intent pending
589 dependency proceedings or proceedings concerning alleged abuse
590 or neglect of a minor.
- 591 17. Section 790.115(1), relating to exhibiting firearms or
592 weapons within 1,000 feet of a school.
- 593 18. Section 790.115(2)(b), relating to possessing an
594 electric weapon or device, a destructive device, or any other
595 weapon on school property.
- 596 19. Section 794.011, relating to sexual battery.
- 597 20. Former s. 794.041, relating to prohibited acts of
598 persons in familial or custodial authority.
- 599 21. Section 794.05, relating to unlawful sexual activity
600 with certain minors.

- 601 22. Section 794.08, relating to female genital mutilation.
- 602 23. Former s. Section 796.07, relating to procuring
- 603 another to commit prostitution, except for those offenses
- 604 expunged pursuant to s. 943.0583.
- 605 24. Section 798.02, relating to lewd and lascivious
- 606 behavior.
- 607 25. Chapter 800, relating to lewdness and indecent
- 608 exposure.
- 609 26. Section 806.01, relating to arson.
- 610 27. Section 810.02, relating to burglary, if the offense
- 611 is a felony of the first degree.
- 612 28. Section 810.14, relating to voyeurism, if the offense
- 613 is a felony.
- 614 29. Section 810.145, relating to video voyeurism, if the
- 615 offense is a felony.
- 616 30. Section 812.13, relating to robbery.
- 617 31. Section 812.131, relating to robbery by sudden
- 618 snatching.
- 619 32. Section 812.133, relating to carjacking.
- 620 33. Section 812.135, relating to home-invasion robbery.
- 621 34. Section 817.034, relating to communications fraud, if
- 622 the offense is a felony of the first degree.
- 623 35. Section 817.234, relating to false and fraudulent
- 624 insurance claims, if the offense is a felony of the first or
- 625 second degree.

626 36. Section 817.50, relating to fraudulently obtaining
627 goods or services from a health care provider and false reports
628 of a communicable disease.

629 37. Section 817.505, relating to patient brokering.

630 38. Section 817.568, relating to fraudulent use of
631 personal identification, if the offense is a felony of the first
632 or second degree.

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

635 40. Section 825.1025, relating to lewd or lascivious
636 offenses committed upon or in the presence of an elderly person
637 or a disabled person.

638 41. Section 825.103, relating to exploitation of an
639 elderly person or a disabled adult, if the offense is a felony.

640 42. Section 826.04, relating to incest.

641 43. Section 827.03, relating to child abuse, aggravated
642 child abuse, or neglect of a child.

643 44. Section 827.04, relating to contributing to the
644 delinquency or dependency of a child.

645 45. Former s. 827.05, relating to negligent treatment of
646 children.

647 46. Section 827.071, relating to sexual performance by a
648 child.

649 47. Section 831.30, relating to fraud in obtaining
650 medicinal drugs.

651 48. Section 831.31, relating to the sale, manufacture,
 652 delivery, or possession with intent to sell, manufacture, or
 653 deliver any counterfeit controlled substance, if the offense is
 654 a felony.

655 49. Section 843.01, relating to resisting arrest with
 656 violence.

657 50. Section 843.025, relating to depriving a law
 658 enforcement, correctional, or correctional probation officer of
 659 the means of protection or communication.

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

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

663 53. Chapter 847, relating to obscenity.

664 54. Section 874.05, relating to encouraging or recruiting
 665 another to join a criminal gang.

666 55. Chapter 893, relating to drug abuse prevention and
 667 control, if the offense is a felony of the second degree or
 668 greater severity.

669 56. Section 895.03, relating to racketeering and
 670 collection of unlawful debts.

671 57. Section 896.101, relating to the Florida Money
 672 Laundering Act.

673 58. Section 916.1075, relating to sexual misconduct with
 674 certain forensic clients and reporting of such sexual
 675 misconduct.

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

678 60. Section 944.40, relating to escape.

679 61. Section 944.46, relating to harboring, concealing, or
680 aiding an escaped prisoner.

681 62. Section 944.47, relating to introduction of contraband
682 into a correctional institution.

683 63. Section 985.701, relating to sexual misconduct in
684 juvenile justice programs.

685 64. Section 985.711, relating to introduction of
686 contraband into a detention facility.

687 **Section 11. Subsection (2) of section 435.07, Florida**
688 **Statutes, is amended to read:**

689 435.07 Exemptions from disqualification.—Unless otherwise
690 provided by law, the provisions of this section apply to
691 exemptions from disqualification for disqualifying offenses
692 revealed pursuant to background screenings required under this
693 chapter, regardless of whether those disqualifying offenses are
694 listed in this chapter or other laws.

695 (2) Persons employed, or applicants for employment, by
696 treatment providers who treat adolescents 13 years of age and
697 older who are disqualified from employment solely because of
698 crimes under s. 796.031, s. 796.07(1) ~~s. 796.07(2)(e)~~, s.
699 810.02(4), s. 812.014(2)(c), s. 817.563, s. 831.01, s. 831.02,
700 s. 893.13, or s. 893.147, or any related criminal attempt,

701 solicitation, or conspiracy under s. 777.04, may be exempted
702 from disqualification from employment pursuant to this chapter
703 without application of the waiting period in subparagraph
704 (1)(a)1.

705 **Section 12. Subsection (4) and paragraphs (o) and (q) of**
706 **subsection (5) of section 456.074, Florida Statutes, are amended**
707 **to read:**

708 456.074 Certain health care practitioners; immediate
709 suspension of license.—

710 (4) The department shall issue an emergency order
711 suspending the license of a massage therapist and establishment
712 as those terms are defined in chapter 480 upon receipt of
713 information that the massage therapist; the designated
714 establishment manager as defined in chapter 480; an employee of
715 the establishment; a person with an ownership interest in the
716 establishment; or, for a corporation that has more than \$250,000
717 of business assets in this state, the owner, officer, or
718 individual directly involved in the management of the
719 establishment has been arrested for committing or attempting,
720 soliciting, or conspiring to commit, or convicted or found
721 guilty of, or has entered a plea of guilty or nolo contendere
722 to, regardless of adjudication, a violation of s. 796.06(1) that
723 is reclassified under s. 796.06(4) ~~s. 796.07~~ or a felony offense
724 under any of the following provisions of state law or a similar
725 provision in another jurisdiction:

- 726 (a) Section 787.01, relating to kidnapping.
- 727 (b) Section 787.02, relating to false imprisonment.
- 728 (c) Section 787.025, relating to luring or enticing a
- 729 child.
- 730 (d) Section 787.06, relating to human trafficking.
- 731 (e) Section 787.07, relating to human smuggling.
- 732 (f) Section 794.011, relating to sexual battery.
- 733 (g) Section 794.08, relating to female genital mutilation.
- 734 (h) Former s. 796.03, relating to procuring a person under
- 735 the age of 18 for prostitution.
- 736 (i) Former s. 796.035, relating to the selling or buying
- 737 of minors into prostitution.
- 738 (j) Former s. 796.04 ~~section 796.04~~, relating to forcing,
- 739 compelling, or coercing another to become a prostitute.
- 740 (k) Section 796.05, relating to deriving support from the
- 741 proceeds of prostitution.
- 742 (l) Section 796.07(3)(a)3. ~~Section 796.07(4)(a)3.~~,
- 743 relating to a felony of the first ~~third~~ degree for a third or
- 744 subsequent violation of s. 796.07, relating to prohibiting
- 745 prostitution ~~and related acts~~.
- 746 (m) Section 800.04, relating to lewd or lascivious
- 747 offenses committed upon or in the presence of persons less than
- 748 16 years of age.
- 749 (n) Section 825.1025(2)(b), relating to lewd or lascivious
- 750 offenses committed upon or in the presence of an elderly or

751 disabled person.

752 (o) Section 827.071, relating to sexual performance by a
753 child.

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

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

757 (r) Section 847.0138, relating to the transmission of
758 material harmful to minors to a minor by electronic device or
759 equipment.

760 (s) Section 847.0145, relating to the selling or buying of
761 minors.

762 (5) The department shall issue an emergency order
763 suspending the license of any health care practitioner who is
764 arrested for committing or attempting, soliciting, or conspiring
765 to commit any act that would constitute a violation of any of
766 the following criminal offenses in this state or similar
767 offenses in another jurisdiction:

768 (o) Former s. 796.04 ~~section 796.04~~, relating to forcing,
769 compelling, or coercing another to become a prostitute.

770 (q) Section 796.07(3)(a)3. ~~Section 796.07(4)(a)3.~~,
771 relating to a felony of the first ~~third~~ degree for a third or
772 subsequent violation of s. 796.07, relating to prohibiting
773 prostitution ~~and related acts~~.

774 **Section 13. Subsection (6) of section 480.041, Florida**
775 **Statutes, is amended to read:**

776 480.041 Massage therapists; qualifications; licensure;
 777 endorsement.—

778 (6) The board shall deny an application for a new or
 779 renewal license if an applicant has been convicted or found
 780 guilty of, or enters a plea of guilty or nolo contendere to,
 781 regardless of adjudication, a violation of s. 796.06(1) ~~s.~~
 782 ~~796.07(2)(a)~~ which is reclassified under s. 796.06(4) ~~s.~~
 783 ~~796.07(7)~~ or a felony offense under any of the following
 784 provisions of state law or a similar provision in another
 785 jurisdiction:

- 786 (a) Section 787.01, relating to kidnapping.
- 787 (b) Section 787.02, relating to false imprisonment.
- 788 (c) Section 787.025, relating to luring or enticing a
 789 child.
- 790 (d) Section 787.06, relating to human trafficking.
- 791 (e) Section 787.07, relating to human smuggling.
- 792 (f) Section 794.011, relating to sexual battery.
- 793 (g) Section 794.08, relating to female genital mutilation.
- 794 (h) Former s. 796.03, relating to procuring a person under
 795 the age of 18 for prostitution.
- 796 (i) Former s. 796.035, relating to the selling or buying
 797 of minors into prostitution.
- 798 (j) Former s. 796.04 ~~section 796.04~~, relating to forcing,
 799 compelling, or coercing another to become a prostitute.
- 800 (k) Section 796.05, relating to deriving support from the

801 proceeds of prostitution.

802 (l) Section 796.07(3)(a)3. ~~Section 796.07(4)(a)3.,~~
 803 relating to a felony of the first ~~third~~ degree for a third or
 804 subsequent violation of s. 796.07, relating to prohibiting
 805 prostitution ~~and related acts.~~

806 (m) Section 800.04, relating to lewd or lascivious
 807 offenses committed upon or in the presence of persons less than
 808 16 years of age.

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

812 (o) Section 827.071, relating to sexual performance by a
 813 child.

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

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

817 (r) Section 847.0138, relating to the transmission of
 818 material harmful to minors to a minor by electronic device or
 819 equipment.

820 (s) Section 847.0145, relating to the selling or buying of
 821 minors.

822 **Section 14. Subsection (8) of section 480.043, Florida**
 823 **Statutes, is amended to read:**

824 480.043 Massage establishments; requisites; licensure;
 825 inspection; human trafficking awareness training and policies.-

826 (8) The department shall deny an application for a new or
 827 renewal license if an establishment owner or a designated
 828 establishment manager or, for a corporation that has more than
 829 \$250,000 of business assets in this state, an establishment
 830 owner, a designated establishment manager, or any individual
 831 directly involved in the management of the establishment has
 832 been convicted of or entered a plea of guilty or nolo contendere
 833 to any misdemeanor or felony crime, regardless of adjudication,
 834 related to prostitution or related acts as described in s.
 835 796.031, s. 796.06, or s. 796.07 or a felony offense under any
 836 of the following provisions of state law or a similar provision
 837 in another jurisdiction:

- 838 (a) Section 787.01, relating to kidnapping.
- 839 (b) Section 787.02, relating to false imprisonment.
- 840 (c) Section 787.025, relating to luring or enticing a
 841 child.
- 842 (d) Section 787.06, relating to human trafficking.
- 843 (e) Section 787.07, relating to human smuggling.
- 844 (f) Section 794.011, relating to sexual battery.
- 845 (g) Section 794.08, relating to female genital mutilation.
- 846 (h) Former s. 796.03, relating to procuring a person under
 847 the age of 18 for prostitution.
- 848 (i) Former s. 796.035, relating to selling or buying of
 849 minors into prostitution.
- 850 (j) Former s. 796.04 ~~section 796.04~~, relating to forcing,

851 compelling, or coercing another to become a prostitute.

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

854 (l) Section 800.04, relating to lewd or lascivious
855 offenses committed upon or in the presence of persons less than
856 16 years of age.

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

860 (n) Section 827.071, relating to sexual performance by a
861 child.

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

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

865 (q) Section 847.0138, relating to the transmission of
866 material harmful to minors to a minor by electronic device or
867 equipment.

868 (r) Section 847.0145, relating to the selling or buying of
869 minors.

870 **Section 15. Paragraph (c) of subsection (3) of section**
871 **480.046, Florida Statutes, is amended to read:**

872 480.046 Grounds for disciplinary action by the board.—

873 (3) The board shall revoke or suspend the license of a
874 massage establishment licensed under this act, or deny
875 subsequent licensure of such an establishment, if any of the

876 following occurs:

877 (c) The establishment owner, the designated establishment
878 manager, or any individual providing massage therapy services
879 for the establishment has had the entry in any jurisdiction of:

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

882 2. A final order or other disciplinary action taken for
883 crimes related to the practice of massage therapy involving
884 prostitution; or

885 3. A conviction or a plea of guilty or nolo contendere to
886 any misdemeanor or felony crime, regardless of adjudication,
887 related to prostitution or related acts as described in s.
888 796.031, s. 796.06, or s. 796.07.

889 **Section 16. Paragraph (a) of subsection (1) of section**
890 **772.102, Florida Statutes, is amended to read:**

891 772.102 Definitions.—As used in this chapter, the term:

892 (1) "Criminal activity" means to commit, to attempt to
893 commit, to conspire to commit, or to solicit, coerce, or
894 intimidate another person to commit:

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

897 1. Section 210.18, relating to evasion of payment of
898 cigarette taxes.

899 2. Section 414.39, relating to public assistance fraud.

900 3. Section 440.105 or s. 440.106, relating to workers'

- 901 compensation.
- 902 4. Part IV of chapter 501, relating to telemarketing.
- 903 5. Chapter 517, relating to securities transactions.
- 904 6. Section 550.235 or s. 550.3551, relating to dogracing
- 905 and horseracing.
- 906 7. Chapter 550, relating to jai alai frontons.
- 907 8. Chapter 552, relating to the manufacture, distribution,
- 908 and use of explosives.
- 909 9. Chapter 562, relating to beverage law enforcement.
- 910 10. Section 624.401, relating to transacting insurance
- 911 without a certificate of authority, s. 624.437(4)(c)1., relating
- 912 to operating an unauthorized multiple-employer welfare
- 913 arrangement, or s. 626.902(1)(b), relating to representing or
- 914 aiding an unauthorized insurer.
- 915 11. Chapter 687, relating to interest and usurious
- 916 practices.
- 917 12. Section 721.08, s. 721.09, or s. 721.13, relating to
- 918 real estate timeshare plans.
- 919 13. Chapter 782, relating to homicide.
- 920 14. Chapter 784, relating to assault and battery.
- 921 15. Chapter 787, relating to kidnapping or human
- 922 trafficking.
- 923 16. Chapter 790, relating to weapons and firearms.
- 924 17. Former s. 796.03, s. 796.031, former s. 796.04, s.
- 925 796.05, s. 796.06, or s. 796.07, relating to prostitution.

- 926 | 18. Chapter 806, relating to arson.
- 927 | 19. Section 810.02(2)(c), relating to specified burglary
- 928 | of a dwelling or structure.
- 929 | 20. Chapter 812, relating to theft, robbery, and related
- 930 | crimes.
- 931 | 21. Chapter 815, relating to computer-related crimes.
- 932 | 22. Chapter 817, relating to fraudulent practices, false
- 933 | pretenses, fraud generally, and credit card crimes.
- 934 | 23. Section 827.071, relating to commercial sexual
- 935 | exploitation of children.
- 936 | 24. Chapter 831, relating to forgery and counterfeiting.
- 937 | 25. Chapter 832, relating to issuance of worthless checks
- 938 | and drafts.
- 939 | 26. Section 836.05, relating to extortion.
- 940 | 27. Chapter 837, relating to perjury.
- 941 | 28. Chapter 838, relating to bribery and misuse of public
- 942 | office.
- 943 | 29. Chapter 843, relating to obstruction of justice.
- 944 | 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 945 | s. 847.07, relating to obscene literature and profanity.
- 946 | 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 947 | 849.25, relating to gambling.
- 948 | 32. Chapter 893, relating to drug abuse prevention and
- 949 | control.
- 950 | 33. Section 914.22 or s. 914.23, relating to witnesses,

951 victims, or informants.

952 34. Section 918.12 or s. 918.13, relating to tampering
953 with jurors and evidence.

954 **Section 17. Paragraph (a) of subsection (3) of section**
955 **787.01, Florida Statutes, is amended to read:**

956 787.01 Kidnapping; kidnapping of child under age 13,
957 aggravating circumstances.—

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

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

962 2. Sexual battery, as defined in chapter 794, against the
963 child;

964 3. Lewd or lascivious battery, lewd or lascivious
965 molestation, lewd or lascivious conduct, or lewd or lascivious
966 exhibition, in violation of s. 800.04 or s. 847.0135(5);

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

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

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

973
974 commits a life felony, punishable as provided in s. 775.082, s.
975 775.083, or s. 775.084.

Section 18. Paragraph (a) of subsection (3) of section 787.02, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

Section 19. Subsection (1) of section 794.056, Florida Statutes, is amended to read:

1001 794.056 Rape Crisis Program Trust Fund.—
 1002 (1) The Rape Crisis Program Trust Fund is created within
 1003 the Department of Health for the purpose of providing funds for
 1004 rape crisis centers in this state. Trust fund moneys shall be
 1005 used exclusively for the purpose of providing services for
 1006 victims of sexual assault. Funds credited to the trust fund
 1007 consist of those funds collected as an additional court
 1008 assessment in each case in which a defendant pleads guilty or
 1009 nolo contendere to, or is found guilty of, regardless of
 1010 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 1011 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 1012 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 1013 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 1014 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 1015 former s. 796.03; s.796.031, former s. 796.035; former s.
 1016 796.04; s. 796.05; s. 796.06; s. 796.07(1) ~~s. 796.07(2)(a)-(d)~~
 1017 ~~and (i)~~; s. 800.03; s. 800.04; s. 810.14; s. 810.145; s.
 1018 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s.
 1019 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145;
 1020 s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s.
 1021 985.701(1). Funds credited to the trust fund also shall include
 1022 revenues provided by law, moneys appropriated by the
 1023 Legislature, and grants from public or private entities.

1024 **Section 20. Subsection (3) of section 796.08, Florida**
 1025 **Statutes, is amended to read:**

1026 796.08 Screening for HIV and sexually transmissible
 1027 diseases; providing penalties.—

1028 (3) A person convicted under s. 796.07 of providing, or
 1029 offering to provide, something of value in exchange for sexual
 1030 activity ~~prostitution or procuring another to commit~~
 1031 ~~prostitution~~ must undergo screening for a sexually transmissible
 1032 disease, including, but not limited to, screening to detect
 1033 exposure to the human immunodeficiency virus, under direction of
 1034 the Department of Health. If the person is infected, he or she
 1035 must submit to treatment and counseling prior to release from
 1036 probation, community control, or incarceration. Notwithstanding
 1037 the provisions of s. 384.29, the results of tests conducted
 1038 pursuant to this subsection shall be made available by the
 1039 Department of Health to the offender, medical personnel,
 1040 appropriate state agencies, state attorneys, and courts of
 1041 appropriate jurisdiction in need of such information in order to
 1042 enforce the provisions of this chapter.

1043 **Section 21. Subsection (2) of section 796.09, Florida**
 1044 **Statutes, is amended to read:**

1045 796.09 Coercion; civil cause of action; evidence;
 1046 defenses; attorney's fees.—

1047 (2) As used in this section, the term "prostitution" has
 1048 the same meaning as in s. 796.011 ~~s. 796.07~~.

1049 **Section 22. Paragraph (a) of subsection (2) of section**
 1050 **893.138, Florida Statutes, is amended to read:**

1051 893.138 Local administrative action to abate certain
 1052 activities declared public nuisances.—

1053 (2) Any place or premises that has been used:

1054 (a) On more than two occasions within a 6-month period, as
 1055 the site of a violation of s. 796.06 or s. 796.07;

1056
 1057 may be declared to be a public nuisance, and such nuisance may
 1058 be abated pursuant to the procedures provided in this section.

1059 **Section 23. Paragraph (a) of subsection (8) of section**
 1060 **895.02, Florida Statutes, is amended to read:**

1061 895.02 Definitions.—As used in ss. 895.01–895.08, the
 1062 term:

1063 (8) "Racketeering activity" means to commit, to attempt to
 1064 commit, to conspire to commit, or to solicit, coerce, or
 1065 intimidate another person to commit:

1066 (a) Any crime that is chargeable by petition, indictment,
 1067 or information under the following provisions of the Florida
 1068 Statutes:

1069 1. Section 210.18, relating to evasion of payment of
 1070 cigarette taxes.

1071 2. Section 316.1935, relating to fleeing or attempting to
 1072 elude a law enforcement officer and aggravated fleeing or
 1073 eluding.

1074 3. Chapter 379, relating to the illegal sale, purchase,
 1075 collection, harvest, capture, or possession of wild animal life,

- 1076 freshwater aquatic life, or marine life, and related crimes.
 1077 4. Section 403.727(3)(b), relating to environmental
 1078 control.
 1079 5. Section 409.920 or s. 409.9201, relating to Medicaid
 1080 fraud.
 1081 6. Section 414.39, relating to public assistance fraud.
 1082 7. Section 440.105 or s. 440.106, relating to workers'
 1083 compensation.
 1084 8. Section 443.071(4), relating to creation of a
 1085 fictitious employer scheme to commit reemployment assistance
 1086 fraud.
 1087 9. Section 465.0161, relating to distribution of medicinal
 1088 drugs without a permit as an Internet pharmacy.
 1089 10. Section 499.0051, relating to crimes involving
 1090 contraband, adulterated, or misbranded drugs.
 1091 11. Part IV of chapter 501, relating to telemarketing.
 1092 12. Chapter 517, relating to sale of securities and
 1093 investor protection.
 1094 13. Section 550.235 or s. 550.3551, relating to dogracing
 1095 and horseracing.
 1096 14. Chapter 550, relating to jai alai frontons.
 1097 15. Section 551.109, relating to slot machine gaming.
 1098 16. Chapter 552, relating to the manufacture,
 1099 distribution, and use of explosives.
 1100 17. Chapter 560, relating to money transmitters, if the

- 1101 violation is punishable as a felony.
- 1102 18. Chapter 562, relating to beverage law enforcement.
- 1103 19. Section 624.401, relating to transacting insurance
1104 without a certificate of authority, s. 624.437(4)(c)1., relating
1105 to operating an unauthorized multiple-employer welfare
1106 arrangement, or s. 626.902(1)(b), relating to representing or
1107 aiding an unauthorized insurer.
- 1108 20. Section 655.50, relating to reports of currency
1109 transactions, when such violation is punishable as a felony.
- 1110 21. Chapter 687, relating to interest and usurious
1111 practices.
- 1112 22. Section 721.08, s. 721.09, or s. 721.13, relating to
1113 real estate timeshare plans.
- 1114 23. Section 775.13(5)(b), relating to registration of
1115 persons found to have committed any offense for the purpose of
1116 benefiting, promoting, or furthering the interests of a criminal
1117 gang.
- 1118 24. Section 777.03, relating to commission of crimes by
1119 accessories after the fact.
- 1120 25. Chapter 782, relating to homicide.
- 1121 26. Chapter 784, relating to assault and battery.
- 1122 27. Chapter 787, relating to kidnapping, human smuggling,
1123 or human trafficking.
- 1124 28. Chapter 790, relating to weapons and firearms.
- 1125 29. Chapter 794, relating to sexual battery, but only if

1126 | such crime was committed with the intent to benefit, promote, or
 1127 | further the interests of a criminal gang, or for the purpose of
 1128 | increasing a criminal gang member's own standing or position
 1129 | within a criminal gang.

1130 | 30. Former s. 796.03, s. 796.031, former s. 796.035,
 1131 | former s. 796.04, s. 796.05, s. 796.06, or s. 796.07, relating
 1132 | to prostitution.

1133 | 31. Chapter 806, relating to arson and criminal mischief.

1134 | 32. Chapter 810, relating to burglary and trespass.

1135 | 33. Chapter 812, relating to theft, robbery, and related
 1136 | crimes.

1137 | 34. Chapter 815, relating to computer-related crimes.

1138 | 35. Chapter 817, relating to fraudulent practices, false
 1139 | pretenses, fraud generally, credit card crimes, and patient
 1140 | brokering.

1141 | 36. Chapter 825, relating to abuse, neglect, or
 1142 | exploitation of an elderly person or disabled adult.

1143 | 37. Section 827.071, relating to commercial sexual
 1144 | exploitation of children.

1145 | 38. Section 828.122, relating to fighting or baiting
 1146 | animals.

1147 | 39. Chapter 831, relating to forgery and counterfeiting.

1148 | 40. Chapter 832, relating to issuance of worthless checks
 1149 | and drafts.

1150 | 41. Section 836.05, relating to extortion.

- 1151 42. Chapter 837, relating to perjury.
- 1152 43. Chapter 838, relating to bribery and misuse of public
1153 office.
- 1154 44. Chapter 843, relating to obstruction of justice.
- 1155 45. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1156 s. 847.07, relating to obscene literature and profanity.
- 1157 46. Chapter 849, relating to gambling, lottery, gambling
1158 or gaming devices, slot machines, or any of the provisions
1159 within that chapter.
- 1160 47. Chapter 874, relating to criminal gangs.
- 1161 48. Chapter 893, relating to drug abuse prevention and
1162 control.
- 1163 49. Chapter 896, relating to offenses related to financial
1164 transactions.
- 1165 50. Sections 914.22 and 914.23, relating to tampering with
1166 or harassing a witness, victim, or informant, and retaliation
1167 against a witness, victim, or informant.
- 1168 51. Sections 918.12 and 918.13, relating to tampering with
1169 jurors and evidence.

1170 **Section 24. Section 938.085, Florida Statutes, is amended**
1171 **to read:**

1172 938.085 Additional cost to fund rape crisis centers.—In
1173 addition to any sanction imposed when a person pleads guilty or
1174 nolo contendere to, or is found guilty of, regardless of
1175 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and

1176 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
1177 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
1178 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
1179 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
1180 796.03; s. 796.031, former s. 796.035; former s. 796.04; s.
1181 796.05; s. 796.06; s. 796.07(1) ~~s. 796.07(2)(a)-(d) and (i)~~; s.
1182 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s.
1183 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s.
1184 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s.
1185 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s.
1186 985.701(1), the court shall impose a surcharge of \$151. Payment
1187 of the surcharge shall be a condition of probation, community
1188 control, or any other court-ordered supervision. The sum of \$150
1189 of the surcharge shall be deposited into the Rape Crisis Program
1190 Trust Fund established within the Department of Health by
1191 chapter 2003-140, Laws of Florida. The clerk of the court shall
1192 retain \$1 of each surcharge that the clerk of the court collects
1193 as a service charge of the clerk's office.

1194 **Section 25.** This act shall take effect October 1, 2025.