

Amendment No. 2

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WITHDRAWN	—	(Y/N)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	—	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Spano offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 377-395 and insert:

7 Section 4. Present paragraphs (m) through (s) of
8 subsection (7) of section 480.041, Florida Statutes, are
9 redesignated as paragraphs (n) through (t), respectively, and a
10 new paragraph (m) is added to that subsection, to read:

11 480.041 Massage therapists; qualifications; licensure;
12 endorsement.—

13 (7) The board shall deny an application for a new or
14 renewal license if an applicant has been convicted or found
15 guilty of, or enters a plea of guilty or nolo contendere to,
16 regardless of adjudication, a felony offense under any of the

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17 following provisions of state law or a similar provision in
18 another jurisdiction:

19 (m) Section 796.07(7), relating to owning, establishing,
20 maintaining, or operating a specified massage establishment for
21 the purpose of lewdness, assignation, or prostitution.

22 Section 5. Present paragraphs (m) through (s) of
23 subsection (8) of section 480.043, Florida Statutes, are
24 redesignated as paragraphs (n) through (t), respectively, and a
25 new paragraph (m) is added to that subsection, to read:

26 480.043 Massage establishments; requisites; licensure;
27 inspection.—

28 (8) The department shall deny an application for a new or
29 renewal license if a person with an ownership interest in the
30 establishment or, for a corporation that has more than \$250,000
31 of business assets in this state, the owner, officer, or
32 individual directly involved in the management of the
33 establishment has been convicted or found guilty of, or entered
34 a plea of guilty or nolo contendere to, regardless of
35 adjudication, a felony offense under any of the following
36 provisions of state law or a similar provision in another
37 jurisdiction:

38 (m) Section 796.07(7), relating to owning, establishing,
39 maintaining, or operating a specified massage establishment for
40 the purpose of lewdness, assignation, or prostitution.

41 Section 6. Subsection (2) of section 796.06, Florida
42 Statutes, is amended to read:

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43 796.06 Renting space to be used for lewdness, assignation,
44 or prostitution.—

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

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

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

51 Section 7. Paragraph (e) of subsection (2) and paragraph
52 (b) of subsection (5) of section 796.07, Florida Statutes, are
53 amended, and a new subsection (7) is added to that section, to
54 read:

55 796.07 Prohibiting prostitution and related acts.—

56 (2) It is unlawful:

57 (e) For a person 18 years of age or older to offer to
58 commit, or to commit, or to engage in, prostitution, lewdness,
59 or assignation.

60 (5)

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

64 1. Perform 100 hours of community service; and

65 2. Pay for and attend an educational program about the
66 negative effects of prostitution and human trafficking, such as
67 a sexual violence prevention education program, including such
68 programs offered by faith-based providers, if such programs

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69 exist ~~program exists~~ in the judicial circuit in which the
70 offender is sentenced.

71 (7) If the place, structure, building, or conveyance that
72 is owned, established, maintained, or operated in violation of
73 paragraph (2) (a) is a massage establishment required to be
74 licensed under s. 480.043, the offense shall be reclassified as
75 a felony of the third degree, punishable as provided in s.
76 775.082, 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

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Remove lines 17-25 and insert:

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amending s. 480.041, F.S.; providing that a licensed massage

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therapist may not receive a new or renewal license if the

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applicant is convicted of owning, establishing, maintaining, or

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operating any place, structure, building, or conveyance for

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prostitution in conjunction with a massage establishment;

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amending s. 480.043, F.S.; providing that a licensed massage

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establishment may not receive a new or renewal license if

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specified person connected with it are convicted of owning,

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establishing, maintaining, or operating any place, structure,

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building, or conveyance for prostitution in conjunction with a

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massage establishment; amending 796.06, F.S.; increasing

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criminal penalties for the offense of renting space to be used

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for lewdness, assignation, or prostitution; amending s. 796.07,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 545 (2016)

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95 F.S.; providing that minors may not be charged with specified
96 prostitution offenses; specifying that certain education
97 programs may be offered by faith-based providers; providing for
98 the reclassification of the offense of owning, establishing,
99 maintaining, or operating any place, structure, building, or
100 conveyance to be used for lewdness, assignation, or prostitution
101 if the offense is committed in conjunction with a massage
102 establishment; amending ss. 775.21 and 943.0435,

PCS for HB 545 a2

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