

CS/SB 760 – Human Trafficking

This bill amends s. 787.06, F.S., expanding the definition of coercion, including the withholding of earned income, as well as providing alcohol or any drug. Language is also added stating that coercion includes, but is not limited to, the acts described in its definition. This expanded language would impact the felonies under this statute where coercion is used. This bill also amends, s. 796.07, F.S., expanding the definition of s. 796.07(2)(c), F.S. to read as follows (new language in bold): “to receive, or to offer or agree to receive, **or facilitate or enable the receiving of** any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to **facilitate, enable, or** permit any person to remain there for such purpose.” While this is currently a misdemeanor, a third or subsequent violation is a Level 1, 3rd degree felony.

Additionally, multiple other offenses that are not currently felonies until the third violation are now elevated to felonies. “To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution” is now an **unranked, 2nd degree felony (Level 4 by default)**. “To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation” is now an **unranked, 2nd degree felony (Level 4 by default)**, with a second or subsequent offense elevated to an **unranked, 1st degree felony (Level 7 by default)**. Furthermore, an additional offense is added “for a person to knowingly, or in reckless disregard of the facts...engage in the soliciting, recruiting, harboring, enticing, purchasing, or procuring of another person for the purpose of prostitution...and...benefit financially or receive anything of value, or intend to benefit financially or receive anything of value, by participating in such soliciting, recruiting, harboring, enticing, purchasing, or procuring, of another person.” This is also an **unranked, 2nd degree felony (Level 4 by default)**. This bill also deletes language related to offense reclassification for massage parlors, which now subsumes it under the new Level 4, 2nd degree felony for owning, establishing, maintaining, or operating any place for the purpose of lewdness, assignation, or prostitution.

Per DOC, in FY 18-19, there were 6 new commitments for coercion related offenses under s. 787.06, F.S. There were 4 new commitments in FY 19-20 and 3 new commitments in FY 20-21. It is not known how many additional offenders would fall under the expanded definition of coercion. Per FDLE, in FY 18-19, there were 29 misdemeanor arrests and 3 felony arrests, for the prostitution activity impacted under s. 796.07, with 8 guilty/convicted and one adjudication withheld for misdemeanors. There were 41 misdemeanor arrests and no felony arrests in FY 19-20, with 9 guilty/convicted and 4 adjudication withheld for misdemeanors. In FY 20-21, there were 30 misdemeanor arrests and one felony arrest, with 4 guilty/convicted and 5 adjudication withheld for misdemeanors. Nobody was sentenced under the felonies. Per DOC, in FY 18-19, there were 8 new commitments for third or subsequent prostitution offenses

under s. 796.07, F.S. There were 10 new commitments in FY 19-20 and one new commitment in FY 20-21. The data does not break it down by specific offense.

Relatively few offenders are incarcerated under the current language in these statutes, and a small number of those arrested for misdemeanors that would now be felonies are ultimately convicted under s. 796.07, F.S. However, it is not known how the expanded definition for coercion under s. 787.06, F.S. or the new felony offense added to s. 796.07, F.S. will impact the prison population.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate