

## CS/SB 1590 – Prostitution and Related Acts (Similar HB 1385)

This bill creates and amends multiple statutes. First, it creates s. 796.011, F.S., providing definitions for multiple terms and creates s. 796.031, F.S., creating a **2<sup>nd</sup> degree misdemeanor** for “an adult to offer to commit, to commit, or to engage in prostitution, lewdness, or assignation.” It also repeals the Level 1, 3<sup>rd</sup> degree felony for forcing, compelling, or coercing another to become a prostitute (s. 796.04, F.S.), although language pertaining to these acts is embodied under s. 787.06, F.S.

Furthermore, this bill amends 796.06, F.S., adding the following (new language in bold): “It is unlawful to...**own, establish, maintain, operate, use**, let, or rent **a building, residence, place, or structure, in whole or in part**, or a trailer or **any** other conveyance, with knowledge **or reckless disregard** that it will be used for the purpose of **commercial sex...receive, or to offer or agree to receive, a person into a building, residence, place, or structure, or a trailer or any other conveyance, for the purpose of commercial sexual activity or to allow a person to remain there for such purpose.**” The current 1<sup>st</sup> degree misdemeanor for a first violation is raised to an **unranked, 3<sup>rd</sup> degree felony (Level 1 by default)**, and the current Level 1, 3<sup>rd</sup> degree felony for a second or subsequent violation is raised to an **unranked, 2<sup>nd</sup> degree felony (Level 4 by default)**. The addition of this new language coincides with the removal of similar language from s. 796.07, F.S., thus increasing the misdemeanors for first and second violations to these new felonies. Furthermore, also removing similar language from s. 796.07, F.S., and adding it into this statute, it states that “if such building, residence, place, structure, or trailer or any other conveyance that is owned, established, maintained, or operated is a massage establishment that is or should be licensed under s. 480.043, F.S., the offense must be reclassified,” with a 3<sup>rd</sup> degree felony increased to a 2<sup>nd</sup> degree felony, a 2<sup>nd</sup> degree felony increased to a 1<sup>st</sup> degree felony, and a 1<sup>st</sup> degree felony increased to a 1<sup>st</sup> degree felony punishable by life in prison. Currently, under s. 796.07, F.S., a 2<sup>nd</sup> degree misdemeanor for a first violation is increased to a 1<sup>st</sup> degree misdemeanor, a 1<sup>st</sup> degree misdemeanor is increased to a 3<sup>rd</sup> degree felony, and a 3<sup>rd</sup> degree felony is increased to a 2<sup>nd</sup> degree felony.

This bill also amends s. 796.07, F.S., removing much of the language that was moved into other statutes, and including that (new language in bold) “it is unlawful **for a person...to provide, or offer to provide, something of value in exchange for sexual activity.**” With the language removed, it adjusts the penalties that are currently a 2<sup>nd</sup> degree misdemeanor for a first violation, a 1<sup>st</sup> degree misdemeanor for a 2<sup>nd</sup> violation, and a Level 1, 3<sup>rd</sup> degree felony for a third or subsequent violation. Now a first violation is an **unranked, 3<sup>rd</sup> degree felony (Level 1 by default)**, a second violation is an **unranked, 2<sup>nd</sup> degree felony (Level 4 by default)**, and a third or subsequent violation is an **unranked, 1<sup>st</sup> degree felony (Level 7 by default)**. While this fits the now deleted “to purchase the services of any person engaged in prostitution,” which fell under the prior penalties changed in this bill, it also fits the deleted “to solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation,” which had a 1<sup>st</sup> degree misdemeanor for a first violation, a Level 1, 3<sup>rd</sup> degree felony for a second violation, and a Level 4, 2<sup>nd</sup> degree felony for a third violation.

Per FDLE, in FY 22-23, there were 711 arrests associated with a first violation of the many acts related to prostitution currently under s. 796.07, F.S., 318 guilty convicted charges, and 165 adjudications withheld. For a second violation, there were 113 arrest charges, 44 guilty/convicted charges, and 7 adjudications withheld. Per DOC, in FY 22-23, there were two prison admissions for a third or subsequent offense, and 12 admissions to supervision. There were 3 admissions to supervision for misdemeanor acts. It is not known which of these acts involved offering to commit, or to commit, or to engage in, prostitution, lewdness, or assignation, nor is it known which acts involved purchasing the services of any person engaged in prostitution. Also, it is not known how many of these acts involved owning, establishing, maintaining, or operating any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution, nor is it known how many acts involved receiving, or offering or agreeing to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or permitting any person to remain there for such purpose.

Per FDLE, in FY 22-23, there were 12 arrests for the misdemeanor violation of letting or renting any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used for the purpose of lewdness, assignation, or prostitution (s. 796.06, F.S.). There were no guilty/convicted charges or adjudications withheld. Per DOC, in FY 22-23, for the second or subsequent felony violation, there were no admissions to prison or supervision. Per FDLE, there were 3 arrests for a first violation (increased to 1<sup>st</sup> degree misdemeanor) when current s. 796.07, F.S. violations involve a “place, structure, building, or conveyance that is owned, established, maintained, or operated...is a massage establishment that is or should be licensed under s. 480.043, F.S.” There were no guilty/convicted charges or adjudications withheld. Per DOC, there were no prison admissions or supervision admissions for this activity.

Per FDLE, in FY 22-23, there were 303 arrests, 85 guilty/convicted charges, and 159 adjudications withheld for a first violation of soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation. Under the new language, this misdemeanor would be a Level 1, 3<sup>rd</sup> degree felony. Per DOC, in FY 22-23, for a second violation, there were no prison admissions and two supervision admissions, and for a third or subsequent violation, there were no prison admissions and one supervision admission.

Per DOC, in FY 22-23, there were no admissions to prison and one admission to supervision for a violation of forcing, compelling, or coercing another to become a prostitute (s. 796.04, F.S.).

In FY 22-23, the incarceration rate for a Level 1, 3<sup>rd</sup> degree felony was 9.5% and the incarceration rate for a Level 4, 2<sup>nd</sup> degree felony was 27.6%. The incarceration rate for a Level 7, 1<sup>st</sup> degree felony was 67.6% and the incarceration rate for a Level 9, 1<sup>st</sup> degree felony was 67.8%.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: House**