

By Senator Smith

5-317-02

1                                   A bill to be entitled  
2           An act relating to the offense of prostitution;  
3           amending s. 796.07, F.S.; providing that a  
4           third or subsequent violation of provisions  
5           prohibiting prostitution, certain activities  
6           related to prostitution, or the purchase of  
7           services from a person engaged in prostitution  
8           is a third-degree felony rather than a  
9           second-degree misdemeanor; providing an  
10          effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Section 796.07, Florida Statutes, is  
15 amended to read:

16           796.07 Prohibiting prostitution, etc.; evidence;  
17 penalties; definitions.--

18           (1) As used in this section:

19           (a) "Prostitution" means the giving or receiving of  
20 the body for sexual activity for hire but excludes sexual  
21 activity between spouses.

22           (b) "Lewdness" means any indecent or obscene act.

23           (c) "Assignment" means the making of any appointment  
24 or engagement for prostitution or lewdness, or any act in  
25 furtherance of such appointment or engagement.

26           (d) "Sexual activity" means oral, anal, or vaginal  
27 penetration by, or union with, the sexual organ of another;  
28 anal or vaginal penetration of another by any other object; or  
29 the handling or fondling of the sexual organ of another for  
30 the purpose of masturbation; however, the term does not  
31 include acts done for bona fide medical purposes.

1           (2) It is unlawful:

2           (a) To own, establish, maintain, or operate any place,  
3 structure, building, or conveyance for the purpose of  
4 lewdness, assignation, or prostitution.

5           (b) To offer, or to offer or agree to secure, another  
6 for the purpose of prostitution or for any other lewd or  
7 indecent act.

8           (c) To receive, or to offer or agree to receive, any  
9 person into any place, structure, building, or conveyance for  
10 the purpose of prostitution, lewdness, or assignation, or to  
11 permit any person to remain there for such purpose.

12           (d) To direct, take, or transport, or to offer or  
13 agree to direct, take, or transport, any person to any place,  
14 structure, or building, or to any other person, with knowledge  
15 or reasonable cause to believe that the purpose of such  
16 directing, taking, or transporting is prostitution, lewdness,  
17 or assignation.

18           (e) To offer to commit, or to commit, or to engage in,  
19 prostitution, lewdness, or assignation.

20           (f) To solicit, induce, entice, or procure another to  
21 commit prostitution, lewdness, or assignation.

22           (g) To reside in, enter, or remain in, any place,  
23 structure, or building, or to enter or remain in any  
24 conveyance, for the purpose of prostitution, lewdness, or  
25 assignation.

26           (h) To aid, abet, or participate in any of the acts or  
27 things enumerated in this subsection.

28           (i) To purchase the services of any person engaged in  
29 prostitution.

30           (3) In the trial of a person charged with a violation  
31 of this section, testimony concerning the reputation of any

1 place, structure, building, or conveyance involved in the  
2 charge, testimony concerning the reputation of any person  
3 residing in, operating, or frequenting such place, structure,  
4 building, or conveyance, and testimony concerning the  
5 reputation of the defendant is admissible in evidence in  
6 support of the charge.

7 (4) A person who violates any provision of this  
8 section commits:

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

11 (b) A misdemeanor of the first degree for a second ~~or~~  
12 ~~subsequent~~ violation, punishable as provided in s. 775.082 or  
13 s. 775.083.

14 (c) A felony of the third degree for a third or  
15 subsequent violation, punishable as provided in s. 775.082, s.  
16 775.083, or s. 775.084.

17 Section 2. This act shall take effect July 1, 2002.

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20 SENATE SUMMARY

21 Provides that it is a third-degree felony rather than a  
22 second-degree misdemeanor for a person to violate any  
23 provision of law prohibiting prostitution and other  
24 activities related to prostitution.  
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