

728-134AXB-22

Bill No. CS/HB 415

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Farkas offered the following:

13 **Amendment (with title amendment)**

14 On page 2, lines 25 and 26,  
15 remove: all of said lines

17 and insert:

18 Section 4. Section 796.07, Florida Statutes, is  
19 amended to read:

20 796.07 Prohibiting prostitution, etc.; evidence;  
21 penalties; definitions.--

22 (1) As used in this section:

23 (a) "Prostitution" means the giving or receiving of  
24 the body for sexual activity for hire but excludes sexual  
25 activity between spouses.

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

27 (c) "Assignment" means the making of any appointment  
28 or engagement for prostitution or lewdness, or any act in  
29 furtherance of such appointment or engagement.

30 (d) "Sexual activity" means oral, anal, or vaginal  
31 penetration by, or union with, the sexual organ of another;

1 anal or vaginal penetration of another by any other object; or  
2 the handling or fondling of the sexual organ of another for  
3 the purpose of masturbation; however, the term does not  
4 include acts done for bona fide medical purposes.

5 (2) It is unlawful:

6 (a) To own, establish, maintain, or operate any place,  
7 structure, building, or conveyance for the purpose of  
8 lewdness, assignation, or prostitution.

9 (b) To offer, or to offer or agree to secure, another  
10 for the purpose of prostitution or for any other lewd or  
11 indecent act.

12 (c) To receive, or to offer or agree to receive, any  
13 person into any place, structure, building, or conveyance for  
14 the purpose of prostitution, lewdness, or assignation, or to  
15 permit any person to remain there for such purpose.

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

22 (e) To offer to commit, or to commit, or to engage in,  
23 prostitution, lewdness, or assignation.

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

26 (g) To reside in, enter, or remain in, any place,  
27 structure, or building, or to enter or remain in any  
28 conveyance, for the purpose of prostitution, lewdness, or  
29 assignation.

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

1 (i) To purchase the services of any person engaged in  
2 prostitution.

3 (3) In the trial of a person charged with a violation  
4 of this section, testimony concerning the reputation of any  
5 place, structure, building, or conveyance involved in the  
6 charge, testimony concerning the reputation of any person  
7 residing in, operating, or frequenting such place, structure,  
8 building, or conveyance, and testimony concerning the  
9 reputation of the defendant is admissible in evidence in  
10 support of the charge.

11 (4) A person who violates any provision of this  
12 section commits:

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

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

18 (c) A felony of the third degree for a third or  
19 subsequent violation, punishable as provided in s. 775.082, s.  
20 775.083, or s. 775.084.

21 (5) A person who is charged with a third or subsequent  
22 violation of this section shall be offered admission to a  
23 pretrial intervention program or a substance abuse treatment  
24 program, as provided in s. 948.08, after screening and  
25 evaluation for substance abuse.

26 (6) A person who violates paragraph (2)(f) shall be  
27 assessed a civil penalty of \$500 if the violation results in  
28 any judicial disposition other than acquittal or dismissal.  
29 The proceeds from penalties assessed under this subsection  
30 shall be paid to the circuit courts administrator for the sole  
31 purpose of paying the administrative costs of mandatory

1 treatment-based drug court programs provided under s. 397.334.

2 Section 5. Subsection (7) is added to section 322.28,  
3 Florida Statutes, to read:

4 322.28 Period of suspension or revocation.--

5 (7) Following a second or subsequent violation of s.  
6 796.07(2)(f) which involves a motor vehicle and which results  
7 in any judicial disposition other than acquittal or dismissal,  
8 in addition to any other sentence imposed, the court shall  
9 revoke the person's driver's license or driving privilege,  
10 effective upon the date of the disposition, for a period of  
11 not less than 1 year. A person sentenced under this subsection  
12 may request a hearing under s. 322.271.

13 Section 6. Paragraph (a) of subsection (6) of section  
14 948.08, Florida Statutes, is amended to read:

15 948.08 Pretrial intervention program.--

16 (6)(a) Notwithstanding any provision of this section,  
17 a person who is charged with a felony of the second or third  
18 degree for purchase or possession of a controlled substance  
19 under chapter 893, prostitution, tampering with evidence,  
20 solicitation for purchase of a controlled substance, or  
21 obtaining a prescription by fraud; who has not been charged  
22 with a crime involving violence, including, but not limited  
23 to, murder, sexual battery, robbery, carjacking, home-invasion  
24 robbery, or any other crime involving violence; and who has  
25 not previously been convicted of a felony nor been admitted to  
26 a felony pretrial program referred to in this section is  
27 eligible for admission into a pretrial substance abuse  
28 education and treatment intervention program approved by the  
29 chief judge of the circuit, for a period of not less than 1  
30 year in duration, upon motion of either party or the court's  
31 own motion, except:

1           1. If a defendant was previously offered admission to  
 2 a pretrial substance abuse education and treatment  
 3 intervention program at any time prior to trial and the  
 4 defendant rejected that offer on the record, then the court or  
 5 the state attorney may deny the defendant's admission to such  
 6 a program.

7           2. If the state attorney believes that the facts and  
 8 circumstances of the case suggest the defendant's involvement  
 9 in the dealing and selling of controlled substances, the court  
 10 shall hold a preadmission hearing. If the state attorney  
 11 establishes, by a preponderance of the evidence at such  
 12 hearing, that the defendant was involved in the dealing or  
 13 selling of controlled substances, the court shall deny the  
 14 defendant's admission into a pretrial intervention program.

15           Section 7. This act shall take effect July 1, 2002.

18 ===== T I T L E   A M E N D M E N T =====

19 And the title is amended as follows:

20           On page 1, line 11, after the semicolon,

21  
 22 insert:

23           amending s. 796.07, F.S.; providing that a  
 24 third or subsequent violation of provisions  
 25 prohibiting prostitution, certain activities  
 26 related to prostitution, or the purchase of  
 27 services from a person engaged in prostitution  
 28 is a third degree felony rather than a second  
 29 degree misdemeanor; providing that a person  
 30 charged with such offense may be offered  
 31 admission to a pretrial intervention program or

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1 substance abuse treatment program; amending s.  
2 322.28, F.S.; requiring that the court revoke a  
3 person's driver's license or driving privilege  
4 following a second or subsequent conviction of  
5 certain offenses of solicitation for  
6 prostitution which involve a motor vehicle;  
7 amending s. 948.08, F.S., relating to the  
8 pretrial intervention program; conforming  
9 provisions to changes made by the act;  
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