

By Representative Farkas

1                                   A bill to be entitled  
2           An act relating to prostitution; amending s.  
3           796.07, F.S.; requiring certain offenders to be  
4           screened for substance abuse; requiring an  
5           offender who tests positive for substance abuse  
6           to attend a treatment program under certain  
7           circumstances; providing requirements for  
8           sentencing a defendant for failure to complete  
9           the treatment program; providing an effective  
10          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. An offender referred to treatment under subsection  
14 (5) who fails to report for and complete the substance abuse  
15 treatment program shall be sentenced under this paragraph to a  
16 term of imprisonment, at the discretion of the judge.

17 (c) A misdemeanor of the first degree for a third or  
18 subsequent violation, punishable as provided in s. 775.082 or  
19 s. 775.083. An offender referred to treatment under subsection  
20 (5) who fails to report for and complete the substance abuse  
21 treatment program shall be sentenced under this paragraph to  
22 the maximum term of imprisonment.

23 (5) A person who violates the provisions of this  
24 section two or more times shall undergo screening and  
25 evaluation for substance abuse prior to sentencing. After  
26 screening and evaluation for substance abuse, he or she shall  
27 enter into an authorized substance abuse treatment program, if  
28 recommended.

29 Section 2. This act shall take effect October 1, 2002.  
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HOUSE SUMMARY

Requires certain offenders to be screened for substance abuse. Requires an offender who tests positive for substance abuse to attend a treatment program, under certain circumstances. Provides requirements for sentencing a defendant for failure to complete the treatment program.