

1                   A bill to be entitled  
2           An act relating to prostitution; creating a  
3           community-based pilot program entitled Project  
4           HOPE in Pinellas County and Hillsborough  
5           County; specifying that certain persons  
6           convicted of violations of s. 796.07, F.S., are  
7           required to participate in the program;  
8           providing for program components; providing  
9           appropriations; requiring a review by the  
10          Office of Program Policy Analysis and  
11          Government Accountability and a report to the  
12          Legislature; amending s. 796.07, F.S.;  
13          providing that a third or subsequent violation  
14          of provisions prohibiting prostitution, certain  
15          activities related to prostitution, or the  
16          purchase of services from a person engaged in  
17          prostitution is a third degree felony rather  
18          than a second degree misdemeanor; providing  
19          that a person charged with such offense may be  
20          offered admission to a pretrial intervention  
21          program or substance abuse treatment program;  
22          amending s. 322.28, F.S.; requiring that the  
23          court revoke a person's driver's license or  
24          driving privilege following a second or  
25          subsequent conviction of certain offenses of  
26          solicitation for prostitution which involve a  
27          motor vehicle; amending s. 948.08, F.S.,  
28          relating to the pretrial intervention program;  
29          conforming provisions to changes made by the  
30          act; providing an effective date.  
31

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

2  
3 Section 1. Project HOPE.--

4 (1) There is created a 2-year community-based program  
5 in Pinellas County and Hillsborough County that shall include  
6 early intervention for a person convicted of prostitution, as  
7 defined in s. 796.07(1)(a), Florida Statutes. Any person  
8 convicted two or more times under s. 796.07, Florida Statutes,  
9 shall undergo screening and evaluation for substance abuse  
10 prior to sentencing. After screening and evaluation for  
11 substance abuse, the person shall enter into a  
12 court-authorized substance abuse treatment program, if  
13 recommended.

14 (2) The proposed program shall be called Project HOPE  
15 (Healthy Options Promoting Esteem). Project HOPE shall provide  
16 services that include intake and screening, initial drug  
17 screening and urinalysis tests, psychosocial assessments, case  
18 management, short-term supportive counseling, community  
19 referrals, and referrals to residential and nonresidential  
20 drug treatment.

21 (3) In order to successfully curb the prostitution  
22 cycle, intervention efforts must target the solicitor or buyer  
23 of prostitute services as described in s. 796.07(2)(f),  
24 Florida Statutes. A person convicted for a first or second  
25 time under s. 796.07, Florida Statutes, shall be given the  
26 option to attend a rehabilitative educational program  
27 recommended by the court for solicitors or buyers of  
28 prostitution services. If the person convicted chooses this  
29 option, adjudication shall be withheld pending the completion  
30 of the requirements of such program. The person is required to  
31 attend six classes within 6 months and pay \$350 in fees. The

1 program provider shall provide monthly tracking of the  
2 person's attendance, progress, and attitude to the court until  
3 the classes are completed.

4 Section 2. There is hereby appropriated for the  
5 2002-2003 fiscal year from the General Revenue Fund \$100,000  
6 to Pinellas County and \$100,000 to Hillsborough County for  
7 Project HOPE.

8 Section 3. The Office of Program Policy Analysis and  
9 Government Accountability shall conduct a program review of  
10 Project HOPE for fiscal years 2002-2003 and 2003-2004 and  
11 shall present a report of its findings and recommendations to  
12 the President of the Senate and the Speaker of the House of  
13 Representatives on or before December 1, 2004.

14 Section 4. 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 (5) A person who is charged with a third or subsequent  
18 violation of this section shall be offered admission to a  
19 pretrial intervention program or a substance abuse treatment  
20 program, as provided in s. 948.08, after screening and  
21 evaluation for substance abuse.

22 (6) A person who violates paragraph (2)(f) shall be  
23 assessed a civil penalty of \$500 if the violation results in  
24 any judicial disposition other than acquittal or dismissal.  
25 The proceeds from penalties assessed under this subsection  
26 shall be paid to the circuit courts administrator for the sole  
27 purpose of paying the administrative costs of mandatory  
28 treatment-based drug court programs provided under s. 397.334.

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

31 322.28 Period of suspension or revocation.--

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

9           Section 6. Paragraph (a) of subsection (6) of section  
10 948.08, Florida Statutes, is amended to read:

11           948.08 Pretrial intervention program.--

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

28           1. If a defendant was previously offered admission to  
29 a pretrial substance abuse education and treatment  
30 intervention program at any time prior to trial and the  
31 defendant rejected that offer on the record, then the court or

1 the state attorney may deny the defendant's admission to such  
2 a program.

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

11           Section 7. This act shall take effect July 1, 2002.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31