

Bill No. CS for SB 570

Amendment No. Barcode 153036

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Smith moved the following amendment:

Senate Amendment (with title amendment)

On page 2, lines 29 and 30, delete those lines

and insert:

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

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

(1) As used in this section:

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

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

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

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

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1 the handling or fondling of the sexual organ of another for
2 the purpose of masturbation; however, the term does not
3 include acts done for bona fide medical purposes.

4 (2) It is unlawful:

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

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

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

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

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

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

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

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

31 (i) To purchase the services of any person engaged in

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1 prostitution.

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

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

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

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

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

20 (5) A person who is charged with a third or subsequent
21 violation of this section shall be offered admission to a
22 pretrial intervention program or a substance-abuse treatment
23 program as provided in s. 948.08.

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

31 Section 5. Subsection (7) is added to section 322.28,

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1 Florida Statutes, to read:

2 322.28 Period of suspension or revocation.--

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

11 Section 6. Paragraph (a) of subsection (6) of section
12 948.08, Florida Statutes, is amended to read:

13 948.08 Pretrial intervention program.--

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

30 1. If a defendant was previously offered admission to
31 a pretrial substance abuse education and treatment

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1 intervention program at any time prior to trial and the
2 defendant rejected that offer on the record, then the court or
3 the state attorney may deny the defendant's admission to such
4 a program.

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

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

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

17 And the title is amended as follows:

18 On page 1, line 12, after the semicolon,

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20 insert:

21 amending s. 796.07, F.S.; providing that a
22 third or subsequent violation of provisions
23 prohibiting prostitution, certain activities
24 related to prostitution, or the purchase of
25 services from a person engaged in prostitution
26 is a third-degree felony rather than a
27 second-degree misdemeanor; providing that a
28 person charged with such offense may be offered
29 admission to a pretrial intervention program or
30 substance-abuse treatment program; amending s.
31 322.28, F.S.; requiring that the court revoke a

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