

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 570

SPONSOR: Criminal Justice Committee and Senator Miller

SUBJECT: Prostitution/Substance Abuse

DATE: February 26, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The CS/SB 570 would create a two-year, community-based early intervention pilot program (Project HOPE) in Pinellas and Hillsborough Counties requiring participation for those convicted two or more times of prostitution related offenses as defined in s. 796.07, F.S. The CS would also provide that a person who is convicted for the first or second time of soliciting or buying prostitution services under s. 796.07, F.S., could choose to complete a six-class rehabilitation educational program and pay \$350 in fees. Adjudication would be withheld pending the completion of the program requirements.

The CS would also provide an appropriation for fiscal year 2002-2003 of \$100,000 to Pinellas County and \$100,000 to Hillsborough County for this project.

This bill would create a new unnumbered section of the Florida Statutes.

II. Present Situation:

Section 796.07, F.S., proscribes numerous activities involving prostitution, lewdness, or assignation as defined under the statute. The following activities are punishable as second degree misdemeanors (potential fine not exceeding \$500 and/or potential incarceration not exceeding 60 days) for the first violation under this section:

- keeping or operating any place for the purpose of lewdness, assignation, or prostitution;
- offering or agreeing to secure another for the purpose of prostitution or other lewd acts;
- receiving or offering to receive any person into any place or conveyance for the purpose of prostitution, lewdness, or assignation;

- transporting or offering to transport any person to any place or to any other person knowing that the purpose is for prostitution, lewdness, or assignation;
- offering or engaging in prostitution, lewdness, or assignation;
- soliciting or procuring another to commit prostitution, lewdness, or assignation with himself or herself;
- residing in, entering, or remaining in any place or conveyance for the purpose of prostitution, lewdness, or assignation; or
- purchasing the services of any person engaged in prostitution.

A second or subsequent violation is punishable as a first degree misdemeanor (potential fine not exceeding \$1,000 and/or potential incarceration not exceeding one year).

III. Effect of Proposed Changes:

The CS/SB 570 would create a two-year, community-based early intervention pilot program (Project HOPE- Healthy Options Promoting Esteem) in Pinellas and Hillsborough Counties requiring participation for those convicted two or more times of prostitution related offenses as defined in s. 796.07, F.S. The Project HOPE program will provide services including intake and screening, initial drug screening and urinalysis tests, psychosocial assessments, case management, short-term supportive counseling, community referrals, and referrals to residential and nonresidential drug treatment.

The CS would also provide that a person who is convicted for the first or second time of soliciting or buying prostitution services under s. 796.07, F.S., could choose to complete a six-class rehabilitation educational program and pay \$350 in fees. Adjudication would be withheld pending the completion of the program requirements. The offender's attendance, progress, and attitude in the program would be monitored until the classes are completed.

The Office of Program Policy Analysis and Government Accountability would be required to conduct a program review of Project HOPE for fiscal years 2002-2003 and 2003-2004 and report to the Legislature on or before December 1, 2004.

The CS would also provide an appropriation for fiscal year 2002-2003 of \$100,000 to Pinellas County and \$100,000 to Hillsborough County for this project.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Persons who are convicted for the first or second time of soliciting or buying prostitution services and choose to complete a six-class rehabilitation educational program will pay \$350 in fees.

C. Government Sector Impact:

The fiscal impact on the General Revenue Fund under the CS would be \$200,000 for FY 2002-03.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
