

By Senator Miller

21-692-02

See HB 415

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to prostitution; amending s.
796.07, F.S.; requiring certain offenders to be
screened for substance abuse; requiring an
offender who tests positive for substance abuse
to attend a treatment program under certain
circumstances; providing requirements for
sentencing a defendant for failure to complete
the treatment program; providing an effective
date.

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

Section 1. 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
the handling or fondling of the sexual organ of another for
the purpose of masturbation; however, the term does not
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.
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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.