

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 an
9 appropriation; requiring the Office of Program
10 Policy Analysis and Government Accountability
11 to review Project HOPE and report its findings
12 and recommendations to the Legislature;
13 amending s. 796.07, F.S.; providing that a
14 third or subsequent violation of provisions
15 prohibiting prostitution, certain activities
16 related to prostitution, or the purchase of
17 services from a person engaged in prostitution
18 is a third-degree felony rather than a
19 second-degree misdemeanor; providing that a
20 person charged with such offense may be offered
21 admission to a pretrial intervention program or
22 substance-abuse treatment program; amending s.
23 322.28, F.S.; requiring that the court revoke a
24 person's driver's license or driving privilege
25 following a second or subsequent conviction of
26 certain offenses of solicitation for
27 prostitution which involve a motor vehicle;
28 amending s. 948.08, F.S., relating to the
29 pretrial intervention program; conforming
30 provisions to changes made by the act;
31 providing an effective date.

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 section 796.07(1)(a), Florida Statutes. Any person
8 convicted two or more times under section 796.07, Florida
9 Statutes, shall undergo screening and evaluation for substance
10 abuse 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 section 796.07(2)(f),
24 Florida Statutes. A person convicted for a first or second
25 time under section 796.07, Florida Statutes, shall be given
26 the 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 appropriated from the General
5 Revenue Fund to Pinellas County the sum of \$100,000 and to
6 Hillsborough County the sum of \$100,000 for fiscal year
7 2002-2003 to fund Project HOPE.

8 Section 3. The Office of Program Policy Analysis and
9 Government Accountability shall conduct a program review of
10 Project HOPE as created by this act for the 2002-2003 and
11 2003-2004 fiscal years and shall present a report of its
12 findings and recommendations to the President of the Senate
13 and the Speaker of the House of Representatives by December 1,
14 2004.

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

17 796.07 Prohibiting prostitution, etc.; evidence;
18 penalties; definitions.--

19 (1) As used in this section:

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

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

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

27 (d) "Sexual activity" means oral, anal, or vaginal
28 penetration by, or union with, the sexual organ of another;
29 anal or vaginal penetration of another by any other object; or
30 the handling or fondling of the sexual organ of another for
31

1 the purpose of masturbation; however, the term does not
2 include acts done for bona fide medical purposes.

3 (2) It is unlawful:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 322.28 Period of suspension or revocation.--
2 (7) Following a second or subsequent violation of s.
3 796.07(2)(f) which involves a motor vehicle and which results
4 in any judicial disposition other than acquittal or dismissal,
5 in addition to any other sentence imposed, the court shall
6 revoke the person's driver's license or driving privilege,
7 effective upon the date of the disposition, for a period of
8 not less than 1 year. A person sentenced under this subsection
9 may request a hearing under s. 322.271.

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

12 948.08 Pretrial intervention program.--

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

29 1. If a defendant was previously offered admission to
30 a pretrial substance abuse education and treatment
31 intervention program at any time prior to trial and the

1 defendant rejected that offer on the record, then the court or
2 the state attorney may deny the defendant's admission to such
3 a program.

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

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

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31