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LEGISLATIVE ACTION

Senate

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House

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Senator Book moved the following:

**Senate Amendment to Amendment (143836)**

Delete lines 497 - 595

and insert:

Section 7. Effective January 1, 2021, subsection (5) of section 796.07, Florida Statutes, is amended, and subsection (2) of that section is republished, to read:

796.07 Prohibiting prostitution and related acts.—

(2) It is unlawful:

(a) To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness,



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12 assignment, or prostitution.

13 (b) To offer, or to offer or agree to secure, another for  
14 the purpose of prostitution or for any other lewd or indecent  
15 act.

16 (c) To receive, or to offer or agree to receive, any person  
17 into any place, structure, building, or conveyance for the  
18 purpose of prostitution, lewdness, or assignation, or to permit  
19 any person to remain there for such purpose.

20 (d) To direct, take, or transport, or to offer or agree to  
21 direct, take, or transport, any person to any place, structure,  
22 or building, or to any other person, with knowledge or  
23 reasonable cause to believe that the purpose of such directing,  
24 taking, or transporting is prostitution, lewdness, or  
25 assignation.

26 (e) For a person 18 years of age or older to offer to  
27 commit, or to commit, or to engage in, prostitution, lewdness,  
28 or assignation.

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

31 (g) To reside in, enter, or remain in, any place,  
32 structure, or building, or to enter or remain in any conveyance,  
33 for the purpose of prostitution, lewdness, or assignation.

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

36 (i) To purchase the services of any person engaged in  
37 prostitution.

38 (5) (a) A person who violates paragraph (2) (f) commits:

39 1. A misdemeanor of the first degree for a first violation,  
40 punishable as provided in s. 775.082 or s. 775.083.



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41           2. A felony of the third degree for a second violation,  
42 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

43           3. A felony of the second degree for a third or subsequent  
44 violation, punishable as provided in s. 775.082, s. 775.083, or  
45 s. 775.084.

46           (b) In addition to any other penalty imposed, the court  
47 shall order a person convicted of a violation of paragraph  
48 (2) (f) to:

49           1. Perform 100 hours of community service; and

50           2. Pay for and attend an educational program about the  
51 negative effects of prostitution and human trafficking, such as  
52 a sexual violence prevention education program, including such  
53 programs offered by faith-based providers, if such programs  
54 exist in the judicial circuit in which the offender is  
55 sentenced.

56           (c) In addition to any other penalty imposed, the court  
57 shall sentence a person convicted of a second or subsequent  
58 violation of paragraph (2) (f) to a minimum mandatory period of  
59 incarceration of 10 days.

60           (d)1. If a person who violates paragraph (2) (f) uses a  
61 vehicle in the course of the violation, the judge, upon the  
62 person's conviction, may issue an order for the impoundment or  
63 immobilization of the vehicle for a period of up to 60 days. The  
64 order of impoundment or immobilization must include the names  
65 and telephone numbers of all immobilization agencies meeting all  
66 of the conditions of s. 316.193(13). Within 7 business days  
67 after the date that the court issues the order of impoundment or  
68 immobilization, the clerk of the court must send notice by  
69 certified mail, return receipt requested, to the registered



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70 owner of the vehicle, if the registered owner is a person other  
71 than the defendant, and to each person of record claiming a lien  
72 against the vehicle.

73 2. The owner of the vehicle may request the court to  
74 dismiss the order. The court must dismiss the order, and the  
75 owner of the vehicle will incur no costs, if the owner of the  
76 vehicle alleges and the court finds to be true any of the  
77 following:

78 a. The owner's family has no other private or public means  
79 of transportation;

80 b. The vehicle was stolen at the time of the offense;

81 c. The owner purchased the vehicle after the offense was  
82 committed, and the sale was not made to circumvent the order and  
83 allow the defendant continued access to the vehicle; or

84 d. The vehicle is owned by the defendant but is operated  
85 solely by employees of the defendant or employees of a business  
86 owned by the defendant.

87 3. If the court denies the request to dismiss the order,  
88 the petitioner may request an evidentiary hearing. If, at the  
89 evidentiary hearing, the court finds to be true any of the  
90 circumstances described in sub-subparagraphs (d)2.a.-d., the  
91 court must dismiss the order and the owner of the vehicle will  
92 incur no costs.

93 (e) The Soliciting for Prostitution Public Database created  
94 pursuant to s. 943.0433 must include the criminal history record  
95 of a person who is found guilty as a result of a trial or who  
96 enters a plea of guilty or nolo contendere, regardless of  
97 whether adjudication is withheld, of paragraph (2) (f), and there  
98 is evidence that such person provided a form of payment or



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99 arranged for the payment of such services. Upon conviction, the  
100 clerk of the court shall forward the criminal history record of  
101 the person to the Department of Law Enforcement, pursuant to s.  
102 943.052(2), for inclusion in the database.

103 Section 8. Effective January 1, 2021, section 943.0433,