

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Toledo offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove lines 53-63 and insert:

6 (4) (a) A person who violates any provision of this
7 section, other than paragraph (2) (f) or paragraph (2) (i),
8 commits:

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

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

13 3. A felony of the third degree for a third or subsequent
14 violation, punishable as provided in s. 775.082, s. 775.083, or
15 s. 775.084.

Amendment No. 1

16 (b) A person who is charged with a third or subsequent
17 violation of this section, other than paragraph (2) (f) or
18 paragraph (2) (i), shall be offered admission to a pretrial
19 intervention program or a substance abuse treatment program as
20 provided in s. 948.08.

21 (5) (a) A person who violates paragraph (2) (f) or paragraph
22 (2) (i) commits:

23 1. A felony of the third ~~misdemeanor of the first~~ degree
24 for a first violation, punishable as provided in s. 775.082, ~~or~~
25 s. 775.083, or s. 775.084.

26 2. A felony of the second ~~third~~ degree for a second
27 violation, punishable as provided in s. 775.082, s. 775.083, or
28 s. 775.084.

29 3. A felony of the first ~~second~~ degree for a third or
30 subsequent violation, punishable as provided in s. 775.082, s.
31 775.083, or s. 775.084.

32 (b) In addition to any other penalty imposed, the court
33 shall order a person convicted of a violation of paragraph
34 (2) (f) or paragraph (2) (i) to:

35 1. Perform 100 hours of community service; and

36 2. Pay for and attend an educational program about the
37 negative effects of prostitution and human trafficking, such as
38 a sexual violence prevention education program, including such
39 programs offered by faith-based providers, if such programs

Amendment No. 1

40 exist in the judicial circuit in which the offender is
41 sentenced.

42 (c) In addition to any other penalty imposed, the court
43 shall sentence a person convicted of a second or subsequent
44 violation of paragraph (2)(f) or paragraph (2)(i) to a minimum
45 mandatory period of incarceration of 10 days.

46 (d)1. If a person who violates paragraph (2)(f) or
47 paragraph (2)(i) uses a vehicle in the course of the violation,
48 the judge, upon the person's conviction, may issue an order for
49 the impoundment or immobilization of the vehicle for a period of
50 up to 60 days. The order of impoundment or immobilization must
51 include the names and telephone numbers of all immobilization
52 agencies meeting all of the conditions of s. 316.193(13). Within
53 7 business days after the date that the court issues the order
54 of impoundment or immobilization, the clerk of the court must
55 send notice by certified mail, return receipt requested, to the
56 registered owner of the vehicle, if the registered owner is a
57 person other than the defendant, and to each person of record
58 claiming a lien against the vehicle.

59 2. The owner of the vehicle may request the court to
60 dismiss the order. The court must dismiss the order, and the
61 owner of the vehicle will incur no costs, if the owner of the
62 vehicle alleges and the court finds to be true any of the
63 following:

Amendment No. 1

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

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

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

70 d. The vehicle is owned by the defendant but is operated
71 solely by employees of the defendant or employees of a business
72 owned by the defendant.

73 3. If the court denies the request to dismiss the order,
74 the petitioner may request an evidentiary hearing. If, at the
75 evidentiary hearing, the court finds to be true any of the
76 circumstances described in sub-subparagraphs (d)2.a.-d., the
77 court must dismiss the order and the owner of the vehicle will
78 incur no costs.

79 (e) The Soliciting for Prostitution Public Database
80 created pursuant to s. 943.0433 must include the criminal
81 history record of a person who is found guilty as a result of a
82 trial or who enters a plea of guilty or nolo contendere,
83 regardless of whether adjudication is withheld, of paragraph
84 (2)(f) or paragraph (2)(i), and there is evidence that such
85 person provided a form of payment or arranged for the payment of
86 such services. Upon conviction, the clerk of the court shall
87 forward the criminal history record of the person to the
88 Department of Law Enforcement, pursuant to s. 943.052(2), for

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Amendment No. 1

89 inclusion in the database. This paragraph shall stand repealed
90 on January 1, 2024, unless reviewed and saved from repeal by the
91 Legislature.

92 (6) A person who violates paragraph (2) (f) or paragraph
93 (2) (i) shall be assessed a civil penalty of \$5,000 if the
94 violation results in any judicial disposition other than
95 acquittal or dismissal. Of the proceeds from each penalty
96 assessed under this subsection, the first \$500 shall be paid to
97 the circuit court administrator for the sole purpose of paying
98 the administrative costs of treatment-based drug court programs
99 provided under s. 397.334. The remainder of the penalty assessed
100 shall be deposited in the Operations and Maintenance Trust Fund
101 of the Department of Children and Families for the sole purpose
102 of funding safe houses and safe foster homes as provided in s.
103 409.1678.

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105
106 -----
107 **D I R E C T O R Y A M E N D M E N T**

108 Remove lines 44-45 and insert:

109 Section 3. Subsections (4) through (6) of section 796.07,
110 Florida Statutes, are amended, and paragraphs (f) and (i)

111
112 -----
113 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1439 (2022)

Amendment No. 1

114 Remove line 14 and insert:
115 engaged in prostitution; requiring a person convicted of
116 purchasing the services of a person engaged in prostitution to
117 complete additional court-ordered requirements; authorizing a
118 court to impound a vehicle for a specified conviction; requiring
119 the criminal history record of a person with a specified
120 conviction to be included in the Soliciting for Prostitution
121 Public Database; requiring a person to pay a fine for a
122 specified conviction of purchasing the services of a person
123 engaged in prostitution; amending s. 943.0583, F.S.;