

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                        (Y/N)  
ADOPTED AS AMENDED                        (Y/N)  
ADOPTED W/O OBJECTION                    (Y/N)  
FAILED TO ADOPT                            (Y/N)  
WITHDRAWN                                    (Y/N)  
OTHER                                            

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

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

5       Remove lines 55-122 and insert:

6           (2) It is unlawful:

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

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

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

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

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

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

- 20 1. Perform 100 hours of community service; ~~and~~  
21 2. Pay for and attend an educational program as described  
22 in subsection (7) ~~about the negative effects of prostitution and~~  
23 ~~human trafficking, such as a sexual violence prevention~~  
24 ~~education program, including such programs offered by faith-~~  
25 ~~based providers, if such a program exists~~ programs exist in the  
26 judicial circuit in which the offender is sentenced; and  
27 3. Serve a minimum of:  
28 a. 10 days in county jail for a first violation.  
29 b. 30 days in county jail for a second or subsequent  
30 violation.

31 ~~(c) In addition to any other penalty imposed, the court~~  
32 ~~shall sentence a person convicted of a second or subsequent~~  
33 ~~violation of paragraph (2) (f) to a minimum mandatory period of~~  
34 ~~incarceration of 10 days.~~

35 (c)~~(d)~~1. If a person who violates paragraph (2) (f) uses a  
36 vehicle in the course of the violation, the judge, upon the  
37 person's conviction, may issue an order for the impoundment or  
38 immobilization of the vehicle for a period of up to 60 days. The  
39 order of impoundment or immobilization must include the names  
40 and telephone numbers of all immobilization agencies meeting all  
41 of the conditions of s. 316.193(13). Within 7 business days

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42 after the date that the court issues the order of impoundment or  
43 immobilization, the clerk of the court must send notice by  
44 certified mail, return receipt requested, to the registered  
45 owner of the vehicle, if the registered owner is a person other  
46 than the defendant, and to each person of record claiming a lien  
47 against the vehicle.

48 2. The owner of the vehicle may request the court to  
49 dismiss the order. The court must dismiss the order, and the  
50 owner of the vehicle will incur no costs, if the owner of the  
51 vehicle alleges and the court finds to be true any of the  
52 following:

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

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

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

59 d. The vehicle is owned by the defendant but is operated  
60 solely by employees of the defendant or employees of a business  
61 owned by the defendant.

62 3. If the court denies the request to dismiss the  
63 order, the petitioner may request an evidentiary hearing. If, at  
64 the evidentiary hearing, the court finds to be true any of the  
65 circumstances described in sub-subparagraphs (d)2.a.-d., the

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66 court must dismiss the order and the owner of the vehicle will  
67 incur no costs.

68 (7) A judicial circuit may establish an educational  
69 program for persons convicted of or charged with a violation of  
70 paragraph (2)(f), to include education on:

71 (a) The relationship between demand for commercial sex and  
72 human trafficking.

73 (b) The impact of human trafficking on victims.

74 (c) Coercion, consent, and sexual violence.

75 (d) The health and legal consequences of commercial sex.

76 (e) The negative impact of commercial sex on prostituted  
77 persons and the community.

78 (f) The reasons and motivations for engaging in  
79 prostitution.

80  
81 An educational program under this paragraph may include a  
82 program offered by a faith-based provider.

83  
84 -----  
85 **D I R E C T O R Y A M E N D M E N T**

86 Remove line 51 and insert:

87 Statutes, is amended, subsection (7) is added to that section,  
88

89 -----  
90 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 219 (2019)

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91           Remove lines 9-12 and insert:  
92   assignment conviction; authorizing a judicial circuit to offer  
93   an educational program to a person convicted of soliciting  
94   prostitution, lewdness, or assignment; providing topics for the  
95   educational program; amending s.