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LEGISLATIVE ACTION

Senate

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House

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Floor: 1a/RE/2R

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05/02/2019 02:04 PM

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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,