

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Overdorf offered the following:

**Amendment (with title amendment)**

Between lines 385 and 386, insert:

Section 7. Paragraph (d) is added to subsection (3) of section 450.045, Florida Statutes, and paragraphs (a), (b), and (c) of that subsection are republished, to read:

450.045 Proof of identity and age; posting of notices.—

(3) (a) In order to provide the department and law enforcement agencies the means to more effectively identify, investigate, and arrest persons engaging in human trafficking, an adult theater, as defined in s. 847.001(2) (b), shall obtain proof of the identity and age of each of its employees or

875435

Approved For Filing: 4/24/2019 12:37:40 PM

Amendment No.

14 independent contractors, and shall verify the validity of the  
15 identification and age verification document with the issuer,  
16 before his or her employment or provision of services as an  
17 independent contractor.

18 (b) The adult theater shall obtain and keep on record a  
19 photocopy of the person's driver license or state or federal  
20 government-issued photo identification card, along with a record  
21 of the verification of the validity of the identification and  
22 age verification document with the issuer, during the entire  
23 period of employment or business relationship with the  
24 independent contractor and for at least 3 years after the  
25 employee or independent contractor ceases employment or the  
26 provision of services.

27 (c) The department and its agents have the authority to  
28 enter during operating hours, unannounced and without prior  
29 notice, and inspect at any time a place or establishment covered  
30 by this subsection and to have access to age verification  
31 documents kept on file by the adult theater and such other  
32 records as may aid in the enforcement of this subsection.

33 (d) A person who owns, operates, or manages an adult  
34 theater in violation of the requirements of this subsection  
35 commits a misdemeanor in the first degree, punishable as  
36 provided in s. 775.082 or s. 775.083.

37 Section 8. Subsection (5) of section 796.07, Florida  
38 Statutes, is amended, subsection (7) is added to that section,

875435

Approved For Filing: 4/24/2019 12:37:40 PM

Amendment No.

39 and paragraph (f) of subsection (2) of that section is  
40 republished, to read:

41 796.07 Prohibiting prostitution and related acts.—

42 (2) It is unlawful:

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

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

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

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

50 3. A felony of the second degree for a third or subsequent  
51 violation, punishable as provided in s. 775.082, s. 775.083, or  
52 s. 775.084.

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

56 1. Perform 100 hours of community service; ~~and~~

57 2. Pay for and attend an educational program as described  
58 in subsection (7) ~~about the negative effects of prostitution and~~  
59 ~~human trafficking, such as a sexual violence prevention~~  
60 ~~education program, including such programs offered by faith-~~  
61 ~~based providers, if such a program exists~~ programs exist in the  
62 judicial circuit in which the offender is sentenced; and

63 3. Serve a minimum of:

875435

Approved For Filing: 4/24/2019 12:37:40 PM

Amendment No.

64 a. Five days in county jail for a first violation.

65 b. Fifteen days in county jail for a second or subsequent  
66 violation.

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

71 (c)(d)1. If a person who violates paragraph (2) (f) uses a  
72 vehicle in the course of the violation, the judge, upon the  
73 person's conviction, may issue an order for the impoundment or  
74 immobilization of the vehicle for a period of up to 60 days. The  
75 order of impoundment or immobilization must include the names  
76 and telephone numbers of all immobilization agencies meeting all  
77 of the conditions of s. 316.193(13). Within 7 business days  
78 after the date that the court issues the order of impoundment or  
79 immobilization, the clerk of the court must send notice by  
80 certified mail, return receipt requested, to the registered  
81 owner of the vehicle, if the registered owner is a person other  
82 than the defendant, and to each person of record claiming a lien  
83 against the vehicle.

84 2. The owner of the vehicle may request the court to  
85 dismiss the order. The court must dismiss the order, and the  
86 owner of the vehicle will incur no costs, if the owner of the  
87 vehicle alleges and the court finds to be true any of the  
88 following:

875435

Approved For Filing: 4/24/2019 12:37:40 PM

Amendment No.

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

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

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

95 d. The vehicle is owned by the defendant but is operated  
96 solely by employees of the defendant or employees of a business  
97 owned by the defendant.

98 3. If the court denies the request to dismiss the order,  
99 the petitioner may request an evidentiary hearing. If, at the  
100 evidentiary hearing, the court finds to be true any of the  
101 circumstances described in sub-subparagraphs (d)2.a.-d., the  
102 court must dismiss the order and the owner of the vehicle will  
103 incur no costs.

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

107 (a) The relationship between demand for commercial sex and  
108 human trafficking.

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

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

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

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

875435

Approved For Filing: 4/24/2019 12:37:40 PM

Amendment No.

114 (f) The reasons and motivations for engaging in  
115 prostitution.

116  
117 An educational program under this subsection may include a  
118 program offered by a faith-based provider.

119 Section 9. Paragraph (b) of subsection (2) of section  
120 847.001, Florida Statutes, is amended to read:

121 847.001 Definitions.—As used in this chapter, the term:

122 (2) "Adult entertainment establishment" means the  
123 following terms as defined:

124 (b) "Adult theater" means an enclosed building or an  
125 enclosed space within a building used for presenting either  
126 films, live plays, dances, or other performances that are  
127 distinguished or characterized by an emphasis on matter  
128 depicting, describing, or relating to specific sexual activities  
129 for observation by patrons, and which restricts or purports to  
130 restrict admission only to adults, or any business that features  
131 a person who engages in specific sexual activities for  
132 observation by a patron, and which restricts or purports to  
133 restrict admission to only adults.

134  
135 -----

136 **T I T L E A M E N D M E N T**

137 Remove line 53 and insert:

875435

Approved For Filing: 4/24/2019 12:37:40 PM

Amendment No.

138 specified time period; amending s. 450.045, F.S.;

139 penalizing the failure to verify and maintain

140 specified documentation of an adult theater employee

141 or contractor; amending s. 796.07, F.S.; requiring a

142 mandatory minimum term of incarceration for a

143 solicitation of prostitution, lewdness, or assignation

144 conviction; authorizing a judicial circuit to offer an

145 educational program to a person convicted of

146 soliciting prostitution, lewdness, or assignation;

147 providing topics for the educational program; amending

148 s. 847.001, F.S.; expanding the definition of the term

149 "adult theater"; providing appropriations; providing

875435

Approved For Filing: 4/24/2019 12:37:40 PM