

STORAGE NAME: h0415s1.hcc.doc
DATE: February 20, 2002

HOUSE OF REPRESENTATIVES
COUNCIL FOR HEALTHY COMMUNITIES
ANALYSIS

BILL #: CS/HB 415
RELATING TO: Prostitution/Substance Abuse
SPONSOR(S): Council for Healthy Communities and Representative Farkas
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CRIME PREVENTION CORRECTIONS & SAFETY YEAS 6 NAYS 3
 - (2) CRIMINAL JUSTICE APPROPRIATIONS YEAS 9 NAYS 1
 - (3) COUNCIL FOR HEALTHY COMMUNITIES YEAS 15 NAYS 0
 - (4)
 - (5)
-

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING OR MODIFYING ANY LEGISLATION OR STATUTE.

CS/HB 415 creates a two (2) year community-based prostitution intervention program in Pinellas and Hillsborough Counties to be called Project HOPE (Healthy Options Promoting Esteem). The program has two (2) components, substance abuse treatment and prostitution rehabilitative education. A person convicted two or more times of prostitution under section 796.07, Florida Statutes, shall be substance abuse screened and evaluated prior to sentencing and, if recommended by the court, enter substance abuse treatment. Eligibility for prostitution rehabilitative education applies to both solicitors and buyers of prostitute services and requires one or two convictions under section 796.07, Florida Statutes. This is an optional education program and adjudication will be withheld if successfully completed.

The Office of Program Policy Analysis and Government Accountability (OPPGA) will conduct a program review of the project for FY 2002-03 and 2003-04. The reviews are to be reported to the President of the Senate and Speaker of the House

The fiscal impact on the bill is \$200,000, general revenue.

This bill takes effect upon becoming law.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

Creates a new pilot project in Pinellas and Hillsborough counties costing \$200,000 general revenue.

B. PRESENT SITUATION:

Section 796.07(4) provides programmed penalties for violations of specified forms of prostitution and prostitution related offenses. These offenses include persons who transport those engaged in prostitution, persons who purchase services of persons engaged in prostitution and persons who house prostitution. Under current law there are no enhanced penalties for failure to report to or complete a substance abuse treatment program. The penalties provided for under current law are a misdemeanor in the 2nd degree for the first violation and a misdemeanor in the first degree for a second violation.

C. EFFECT OF PROPOSED CHANGES:

The bill creates a two (2) year community-based prostitution intervention program in Pinellas and Hillsborough Counties to be called Project HOPE (Healthy Options Promoting Esteem). The program has two (2) components, substance abuse treatment and prostitution rehabilitative education. A person convicted two or more times of prostitution under section 796.07, Florida Statutes, shall be substance abuse screened and evaluated prior to sentencing and, if recommended by the court, enter substance abuse treatment. Eligibility for prostitution rehabilitative education applies to both solicitors and buyers of prostitute services and requires one or two convictions under section 796.07, Florida Statutes. This is an optional education program and adjudication will be withheld if successfully completed.

The Office of Program Policy Analysis and Government Accountability (OPPGA) will conduct a program review of the project for FY 2002-03 and 2003-04. The reviews are to be reported to the President of the Senate and Speaker of the House

D. SECTION-BY-SECTION ANALYSIS:

See Section II.C., and Section V.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill calls for the appropriation of \$200,000 general revenue dollars. See also fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. See fiscal comments.

2. Expenditures:

Indeterminate. See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This committee substitute creates a community-based pilot program (Project HOPE) in Pinellas and Hillsborough Counties specifying participation for those convicted two or more times of prostitution related offenses as defined in s. 796.07, F.S. This provision has an \$200,000 fiscal impact on General Revenue.

The committee substitute also provides that if a person is convicted for the first or second time under s. 796.07, F.S., the individual may choose to complete a six-class rehabilitation educational program and pay \$350 in fees. There is an indeterminate fiscal impact on local governments because there is no way to determine the numbers of people who will enroll in these classes or if the fees collected could offset the costs of adjudication.

The bill requires that an offender be sentenced to one (1) year in county jail for failure to complete drug treatment after a third conviction for a prostitution offense. This requirement will have an indeterminate fiscal impact on counties. The Criminal Justice Estimating Conference has not met to consider the prison bed impact of this bill on the Department of Corrections but it is not expected to be significant.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill is exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The bill as originally filed amended § 796.07, F.S., providing substantially similar requirements for substance abuse screening, treatment programs and rehabilitative education. The bill also contained a penalty provision of imprisonment, at the discretion of the judge, for failure to report for and complete the substance abuse treatment program. The amendment adopted in the Committee on Crime Prevention, Corrections & Safety changed the scope of the bill to a two (2) year community-based prostitution intervention program in Pinellas County to be called Project HOPE (Healthy Options Promoting Esteem) with a general revenue appropriation of \$180,000. It also eliminated the penalty provision. An additional amendment in the Committee on Criminal Justice Appropriations expanded the pilot to Hillsborough County and increased the general revenue appropriation to \$200,000.

VI. SIGNATURES:

COMMITTEE ON CRIME PREVENTION CORRECTIONS & SAFETY:

Prepared by:

Staff Director:

Eric S. Haug

Trina Kramer

AS REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:

Prepared by:

Staff Director:

Gregory M. Davis

James P. DeBeaugrine

STORAGE NAME: h0415s1.hcc.doc

DATE: February 20, 2002

PAGE: 5

AS FURTHER REVISED BY THE COUNCIL FOR HEALTHY COMMUNITIES:

Prepared by:

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Eric S. Haug

David M. De la Paz