

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: SB 2274

INTRODUCER: Senator Crist

SUBJECT: Prostitution

DATE: April 21, 2006

REVISED: 04/24/06

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Vickers</u>	<u>Yeatman</u>	<u>CA</u>	<b>Fav/1 amendment</b>
3.	<u>                    </u>	<u>                    </u>	<u>JA</u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
6.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

**Please see last section for Summary of Amendments**

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

**I. Summary:**

This bill increases criminal penalties for prostitution offenses committed within 1,000 feet of the following locations:

- child care facility;
- school;
- place of worship;
- park;
- community center; or
- recreational facility.

A second prostitution offense will be reclassified from a first degree misdemeanor to a third degree felony, and a third or subsequent prostitution offense will be reclassified from a third degree felony to a second degree felony if the offense is committed within 1,000 feet of the above listed locations. A first prostitution violation will remain a second degree misdemeanor regardless of its location.

This bill substantially amends section 796.07 of the Florida Statutes.

## II. Present Situation:

Section 796.07(2), F.S., provides that it is unlawful:

- To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution.
- To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.
- To receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose.
- To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation.
- To offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation.
- To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.
- To reside in, enter, or remain in, any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation.
- To aid, abet, or participate in any of the acts or things enumerated in this subsection.
- To purchase the services of any person engaged in prostitution.

Section 796.07(4), F.S., provides that a first offense under s. 796.07, F.S., is a second degree misdemeanor<sup>1</sup>, a second offense is a first degree misdemeanor<sup>2</sup>, and a third or subsequent offense is a third degree felony.<sup>3</sup>

## III. Effect of Proposed Changes:

This bill amends s. 796.07(4), F.S., to increase criminal penalties for prostitution offenses committed within 1,000 feet of the following:

- a child care facility as defined in s. 402.302, F.S.,<sup>4</sup> that is in compliance with the signage requirements of s. 893.13(1)(c), F.S.;<sup>5</sup>
- a public or private elementary, middle, or secondary school;

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<sup>1</sup> Punishable by a term of imprisonment not exceeding 60 days and a fine of \$500. ss. 775.082(4)(b) and 775.083(1)(e), F.S.

<sup>2</sup> Punishable by a term of imprisonment not exceeding 1 year and a fine of \$1,000. ss. 775.082(4)(a) and 775.083(1)(d), F.S.

<sup>3</sup> Punishable by a term of imprisonment not exceeding 5 years and a fine of \$5,000. ss. 775.082(3)(d) and 775.083(1)(c), F.S.

<sup>4</sup> This section defines the term as follows: A child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant of any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included: (a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025, F.S.; (b) Summer camps having children in full-time residence; (c) Summer day camps; (d) Bible schools normally conducted during vacation periods; and (e) Operators of transient establishments which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435, F.S.

<sup>5</sup> This section requires a sign that is not less than 2 square feet in size with a word legend identifying the facility as a licensed child care facility and that is posted on the property of the child care facility in a conspicuous place where the sign is reasonably visible to the public.

- a physical place for worship where a church or religious organization regularly conducts religious services;
- a state, county, or municipal park;
- a community center; or
- a publicly owned recreational facility.

Under the bill, a second prostitution offense is increased from a first degree misdemeanor to a third degree felony which is punishable by a term of imprisonment not exceeding 5 years<sup>6</sup> and a fine of \$5,000<sup>7</sup>. A third or subsequent prostitution offense is increased from a third degree felony to a second degree felony which is punishable by a term of imprisonment not exceeding 15 years<sup>8</sup> and a fine of \$10,000<sup>9</sup> if committed within 1,000 feet of one of the locations listed above.

This increase in criminal penalties for prostitution offenses committed within 1,000 feet of certain locations is somewhat similar to s. 893.13(1)(c), F.S., which has increased penalties for the sale, manufacture, or delivery of a controlled substance or the possession with intent to sell, manufacture, or deliver a controlled substance that occurs within 1,000 feet of a child care facility, school, park, community center, or recreational facility.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

Persons subjected to the enhanced penalties under the bill could potentially have increased fines up to \$5,000 for a second prostitution offense and \$10,000 for a third or subsequent prostitution offense.

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<sup>6</sup> Section 775.082(3)(d), F.S.

<sup>7</sup> Section 775.083(1)(c), F.S.

<sup>8</sup> Section 775.082(3)(c), F.S.

<sup>9</sup> Section 775.083(1)(b), F.S.

C. Government Sector Impact:

The Criminal Justice Impact Conference has determined the bill's fiscal impact on the Department of Corrections will be insignificant.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

### **Barcode 45288 by Community Affairs:**

Provides that a first prostitution offense committed within 1,000 feet of the specified locations constitutes a first degree misdemeanor.

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