

CS/CS/HB 1439 – Prostitution, Lewdness, Human Trafficking, and Public Lodging

This bill amends, s. 796.07, F.S., elevating the penalties for soliciting, induce, enticing, or procuring another to commit prostitution, lewdness, or assignation, as well as purchasing the services of any person engaged in prostitution as follows:

- 1st violation: unranked, 3rd degree felony (Level 1 by default)
- 2nd violation: unranked, 2nd degree felony (Level 4 by default)
- 3rd or subsequent violation: unranked, 1st degree felony (Level 7 by default)

Currently, purchasing services is a 1st degree misdemeanor for a first violation, which then elevates to a 2nd degree misdemeanor on a second violation, and a Level 1, 3rd degree felony for a third or subsequent violation. Soliciting is currently a 1st degree misdemeanor for a first violation, which then elevates to a Level 1, 3rd degree felony on a second violation, and a Level 4, 2nd degree felony for a third or subsequent violation.

Per FDLE, in FY 18-19, there were 15 arrests for purchasing, with no guilty/convicted and 4 adjudications withheld. There were 9 arrests in FY 19-20, with no guilty/convicted and no adjudications withheld. In FY 20-21, there were 13 arrests, with no guilty/convicted and no adjudications withheld. For soliciting, in FY 18-19, there were 232 arrests, with 61 guilty/convicted and 77 adjudications withheld. There were 76 arrests in FY 19-20, with 55 guilty/convicted and 67 adjudications withheld. In FY 20-21, there were 180 arrests, with 34 guilty/convicted and 40 adjudications withheld. Per DOC, in FY 18-19, there were 8 new commitments for third or subsequent prostitution offenses under s. 796.07, F.S. There were 10 new commitments in FY 19-20 and 1 new commitment in FY 20-21. The data does not break it down by specific offense. There were no new commitments for soliciting felonies in any of the three fiscal years.

While relatively few offenders are incarcerated under the current language, a high volume of people are arrested and convicted for misdemeanor soliciting, which would now be a Level 1, 3rd degree felony. Even with low incarceration rates for these types of felonies, between 8.1% and 9.5% in the last three fiscal years, this high volume would prevent the effect from remaining within the threshold for insignificance. However, the volume drops off considerably for repeat offenses, and these changes would not add more than a few extra inmates, even with higher incarceration rates.

CONFERENCE ADOPTED ESTIMATE: Positive Moderate

Requested by: House