

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing PCB: Criminal Justice  
 2 Subcommittee

3 Representative Spano offered the following:

4  
 5 **Amendment**

6 Remove lines 262-325 and insert:

7 (h) To aid or, abet, ~~or participate~~ in any of the acts or  
 8 things enumerated in this subsection.

9 (i) To purchase the services of any person engaged in  
 10 prostitution.

11 (4) A person who violates paragraph (2) (e) or (g) any  
 12 ~~provision of this section~~ commits:

13 (a) A misdemeanor of the second degree for a first  
 14 violation, punishable as provided in s. 775.082 or s. 775.083.

15 (b) A misdemeanor of the first degree for a second  
 16 violation, punishable as provided in s. 775.082 or s. 775.083.

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17 (c) A felony of the third degree for a third or subsequent  
18 violation, punishable as provided in s. 775.082, s. 775.083, or  
19 s. 775.084.

20 (5) (a) A person who violates paragraphs (2) (a), (b), (c),  
21 (d), (f), (h), or (i) commits:

22 1. For a first offense, a felony of the third degree,  
23 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

24 2. For a second offense, a felony of the second degree,  
25 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

26 3. For a third or subsequent offense, a felony of the  
27 first degree, punishable as provided in s. 775.082, s. 775.083,  
28 or s. 775.084. A person who is charged with a third or  
29 subsequent violation of this section shall be offered admission  
30 to a pretrial intervention program or a substance abuse  
31 treatment program as provided in s. 948.08.

32 (6) A person who violates paragraphs (2) (a), (b), (c), (d),  
33 (f), (h), or (i) paragraph (2) (f) shall be assessed a criminal  
34 civil penalty of \$5,000 if the violation results in any judicial  
35 disposition other than acquittal or dismissal. Of the proceeds  
36 from each penalty assessed under this subsection, the first \$500  
37 shall be paid to the circuit court administrator for the sole  
38 purpose of paying the administrative costs of treatment-based  
39 drug court programs provided under s. 397.334. The remainder of  
40 the penalty assessed shall be deposited in the Operations and  
41 Maintenance Trust Fund of the Department of Children and Family

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42 Services for the sole purpose of funding safe houses and short-  
43 term safe houses as provided in s. 409.1678.

44 Section 11. Subsection (3) and paragraph (a) of subsection  
45 (8) of section 943.0583, Florida Statutes, are amended to read:

46 943.0583 Human trafficking victim expunction.—

47 (3) A person who is a victim of human trafficking may  
48 petition for the expunction of any criminal history record  
49 resulting from the arrest or filing of charges ~~any conviction~~  
50 for an offense committed or reported to have been committed  
51 while the person ~~he or she~~ was a victim of human trafficking,  
52 which offense was committed or reported to have been committed  
53 as a part of the human trafficking scheme of which the person ~~he~~  
54 ~~or she~~ was a victim or at the direction of an operator of the  
55 scheme, including, but not limited to, violations under chapters  
56 796 and 847, without regard to the disposition of the arrest or  
57 of any charges. However, this section does not apply to any  
58 offense listed in s. 775.084(1)(b)1. Determination of the  
59 petition under this section should be by a preponderance of the  
60 evidence. A conviction expunged under this section is deemed to  
61 have been vacated due to a substantive defect in the underlying  
62 criminal proceedings. If a person is adjudicated not guilty by  
63 reason of insanity or is found to be incompetent to stand trial  
64 for any such charge, the expunction of the criminal history  
65 record shall not prevent the entry of the judgment or finding in  
66 state and national databases for use in determining eligibility  
67 to purchase or possess a firearm or to carry a concealed

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68 firearm, as authorized at s. 790.065(2)(a)4.c., and 18 U.S.C. s.  
69 922(t), nor shall it prevent any governmental agency that is  
70 authorized by state or federal law to determine eligibility to  
71 purchase or possess a firearm or to carry a concealed firearm  
72 from accessing or using the record of the judgment or finding in  
73 the course of such agency's official duties.  
74