

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: CS/SB 1660

INTRODUCER: Criminal Justice Committee and Senator Grall

SUBJECT: Prostitution and Related Acts

DATE: March 26, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	Fav/CS
2.			ACJ	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1660 creates and amends several statutes relating to prostitution and related acts.

***Prostitution***

The bill creates s. 796.011, F.S., to provide definitions for the terms “Adult,” “Assignment,” “Commercial Sex,” “Female genitals,” “Lewdness,” “Prostitution,” and “Sexual Activity.”

The bill creates s. 796.031, F.S., to prohibit an adult from offering to commit, committing, or engaging in prostitution, lewdness, or assignment. The bill permits testimony at trial concerning certain reputation evidence. A person who violates this offense commits a second degree misdemeanor.<sup>1</sup>

In addition to any other penalty imposed, the court must order a person sentenced from a violation of this offense to attend an educational program about the negative effects of commercial sex and human trafficking.

A judicial circuit may establish an educational program for persons convicted or charged with a violation of this offense. The bill provides what such programs may include.

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<sup>1</sup> A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

The bill amends s. 796.06, F.S., to prohibit the owning, establishing, maintaining, operating, using, letting, or renting of a building, residence, place, or structure, in whole or in part, or a trailer or any other conveyance, when such person knows, or should have known that it will be used for the purpose of commercial sex.

This bill prohibits the receiving, or offering or agreeing to receive, a person into a building, residence, place, or structure, or a trailer, or any other conveyance, for the purpose of commercial sexual activity or to allow a person to remain there for such purpose.

A person who commits this offense commits a third degree felony<sup>2</sup> for a first offense. A second or subsequent violation of this offense is a second degree felony.<sup>3</sup>

The bill permits testimony at trial concerning certain reputation evidence.

The bill provides for the reclassification of offenses if a building, residence, place, structure, or trailer or any other conveyance that is owned, established, maintained, or operated is a massage establishment.

The bill amends s. 796.07, F.S., to prohibit providing or offering to provide something of value in exchange for sexual activity. It eliminates provisions related to a police officer testimony, and other crimes related to prostitution.

A person who violates this section commits a:

- Third degree felony for a first violation.
- Third degree felony for a second violation.
- Second degree felony<sup>4</sup> for a third violation.

If a violation of this section results in any judicial disposition other than an acquittal or dismissal, the court must order the defendant to:

- Perform 100 hours of community service;
- Pay for and attend an educational program, which may be offered by a secular or faith-based provider, on the negative effects of commercial sexual activity;
- Pay a civil penalty of \$5,000. Of the proceeds from each penalty assessed under this section, the first \$500 must be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs. The remainder of the penalty assessed must be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Families for the sole purpose of funding safe houses and safe foster homes; and
- Receive sexually transmitted disease testing at a recognized medical facility.

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<sup>2</sup> A third degree felony is punishable by up to five years in prison and a fine of \$5,000 as provided in ss. 775.082, 775.083, and 775.084.

<sup>3</sup> A second degree felony is punishable by a term of imprisonment of 15 years and a \$10,000 fine as provided in ss. 775.082, 775.083, and 775.084.

<sup>4</sup> A first degree felony is punishable by a term of imprisonment of 30 years and a \$10,000 fine as provided in ss. 775.082, 775.083, and 775.084, F.S.

A judicial circuit may establish an education program for persons convicted of or charged with a violation of this section, to include education on:

- The relationship between demand for commercial sex and human trafficking;
- The impact of human trafficking on victims;
- Coercion, consent, and sexual violence;
- The health and legal consequences of commercial sex;
- The negative impact of commercial sex on prostituted person and the community; and
- The reasons and motivations for engaging in prostitution.

The bill amends s. 921.0022, F.S., to provide penalties for specified prostitution and related acts in the offense severity ranking chart (OSRC) of the Criminal Punishment Code.

The bill provides conforming changes to ss. 60.05, 322.28, 397.4073, 397.417, 435.07, 456.074, 480.041, 480.043, 480.046, 772.102, 787.01, 787.02, 794.056, 796.08, 796.09, 893.138, 895.02, and 938.085, F.S.

The bill repeals s. 796.04, F.S., relating to forcing, compelling, or coercing another to become a prostitute.

The bill may have a positive indeterminate fiscal impact (unquantifiable increase in prison and jail beds) on the Department of Corrections and local jails. *See Section V. Fiscal Impact Statement.*

The bill takes effect on October 1, 2025.

## II. Present Situation:

### *Prostitution and related acts*

Chapter 796, F.S., provides for the criminalization of various acts relating to prostitution and establishes penalties for violations. As currently defined, “prostitution” means the giving or receiving of the body for sexual activity for hire but excludes sexual activity between spouses. Current law provides that it is unlawful:

- For anyone to force, compel, or coerce another to become a prostitute and those in violation will be guilty of third degree felony.<sup>5</sup>
- For any person with reasonable belief or knowing another person is engaged in prostitution to live or derive support or maintenance in whole or in part from what is believed to be earnings or proceeds of such person’s prostitution.<sup>6</sup> A person who violates such law commits a second degree felony, a first degree felony for a second offense, and a first degree felony for a third offense with a mandatory minimum term of imprisonment of 10 years.<sup>7</sup>
- To let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used for the purpose of lewdness, assignation, or prostitution. A

<sup>5</sup> Section 796.04, F.S.

<sup>6</sup> Section 796.05(1), F.S.

<sup>7</sup> Section 796.05(2), F.S.

person who violates such commits a first degree misdemeanor<sup>8</sup> or a third degree felony for a second or subsequent violation.<sup>9</sup>

Section 796.07(2), F.S., makes it unlawful to:

- To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution.<sup>10</sup>
- To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.<sup>11</sup>
- 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.<sup>12</sup>
- 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.<sup>13</sup>
- For a person 18 years of age or older to offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation.<sup>14</sup>
- To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.<sup>15</sup>
- 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.<sup>16</sup>
- To aid, abet, or participate in any of the acts or things enumerated in this subsection.<sup>17</sup>
- To purchase the services of any person engaged in prostitution.<sup>18</sup>

In the trial of a person charged with a violation of the above laws, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge, testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance, and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.<sup>19</sup>

A person who violates any provision of this statute other than to solicit, induce, entice or procure another to commit prostitution, lewdness or assignation commits a:

- Second degree misdemeanor for a first violation;<sup>20</sup>

<sup>8</sup> A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in s. 775.082 and s. 775.083, F.S.

<sup>9</sup> Section 796.06, F.S.

<sup>10</sup> Section 796.07(2)(a), F.S.

<sup>11</sup> Section 796.07(2)(b), F.S.

<sup>12</sup> Section 796.07(2)(c), F.S.

<sup>13</sup> Section 796.07(2)(d), F.S.

<sup>14</sup> Section 796.07(2)(e), F.S.

<sup>15</sup> Section 796.07(2)(f), F.S.

<sup>16</sup> Section 796.07(2)(g), F.S.

<sup>17</sup> Section 796.07(2)(h), F.S.

<sup>18</sup> Section 796.07(2)(i), F.S.

<sup>19</sup> Section 796.07(3)(a), F.S.

<sup>20</sup> Section 796.07(4)(a)1., F.S.

- First degree misdemeanor for a second violation;<sup>21</sup> or
- Third degree felony for a third or subsequent violation.<sup>22</sup>

A person who is charged with a third or subsequent violation shall be offered admission to a pretrial intervention program or a substance abuse treatment program.<sup>23</sup>

A person convicted of soliciting, enticing, or procuring another person to commit prostitution, lewdness, or assignation commits a:

- First degree misdemeanor for a first violation;<sup>24</sup>
- Third degree felony for a second violation,<sup>25</sup> or
- Second degree felony for a third violation.<sup>26</sup>

In addition to any other penalty imposed, the court must order a person convicted of a violation of this section to:

- Perform 100 hours of community service<sup>27</sup>
- Pay for and attend an educational program, if such a program exists in the judicial circuit in which the offender is sentenced.<sup>28</sup>
- Sentence such person convicted of a *second or subsequent* violation to a minimum mandatory period of incarceration of 10 days.<sup>29</sup>

If a person who violates the offense of soliciting, enticing, or procuring another person to commit prostitution, lewdness, or assignation, uses a vehicle in the course of the violation, the judge, upon the person's conviction, may issue an order for the impoundment or immobilization of the vehicle for a period of up to 60 days.<sup>30</sup>

In 2014, the Legislature added legislative intent to ch. 796, F.S., directing the prosecutions of adults who involve minors in prostitution to be prosecuted under other chapters of law as minors are unable to consent to an act of prostitution.<sup>31</sup> Adults who use minors in any act prohibited under ch. 796, F.S., should not be prosecuted under ch. 796, F.S., but should rather be prosecuted under other criminal laws, such as, but not limited to s. 787.06, F.S. (human trafficking), ch. 794, F.S. (sexual battery), ch. 800, F.S. (lewdness and indecent exposure), s. 810.145, F.S. (video voyeurism), ch. 827, F.S. (abuse of children), and ch. 847, F.S. (obscenity).

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<sup>21</sup> Section 796.07(4)(a)2., F.S.

<sup>22</sup> Section 796.07(4)(a)3., F.S.

<sup>23</sup> Section 796.07(4)(b), F.S.

<sup>24</sup> Section 796.07(5)(a)1., F.S.

<sup>25</sup> Section 796.07(5)(a)2., F.S.

<sup>26</sup> Section 796.07(5)(a)3., F.S.

<sup>27</sup> Section 796.07(5)(b)1., F.S.

<sup>28</sup> Section 796.07(5)(b)2., F.S.

<sup>29</sup> Section 796.07(5)(c), F.S.

<sup>30</sup> Section 796.07(5)(d), F.S.

<sup>31</sup> Chapter 2014-160, L.O.F.

## Offense Severity Ranking Chart

Felony offenses which are subject to the Criminal Punishment Code<sup>32</sup> are listed in a single OSRC, which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.<sup>33,34</sup> A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense. The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.<sup>35</sup>

### III. Effect of Proposed Changes:

The bill creates and amends several statutes relating to prostitution and related acts.

#### *Prostitution, lewdness, and assignation*

The bill creates s. 796.031, F.S., to prohibit an adult from offering to commit, committing, or engaging in prostitution, lewdness, or assignation. The bill permits testimony at trial concerning certain reputation evidence. A person who violates this offense commits a second degree misdemeanor.

In addition to any other penalty imposed, the court shall order a person sentenced from a violation of this offense to attend an educational program about the negative effects of commercial sex and human trafficking.

A judicial circuit may establish an educational program for persons convicted or charged with a violation of the above offense, to include education on:

- The relationship between demand for commercial sex and human trafficking;
- The impact of human trafficking on victims;
- Coercion, consent, and sexual violence;
- The health and legal consequences of commercial sex;
- The negative impact of commercial sex on prostituted persons and the community; and
- The reasons and motivations for engaging in prostitution.

#### *Maintaining space to be used for commercial sex*

The bill amends s. 796.06, F.S., to prohibit the owning, establishing, maintaining, operating, using, letting, or renting of a building, residence, place, or structure, in whole or in part, or a trailer or any other conveyance, when such person knows, or should have known, that it will be used for the purpose of commercial sex.

<sup>32</sup> All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code.

<sup>33</sup> Section 921.0022, F.S.

<sup>34</sup> Section 921.0022(2), F.S.

<sup>35</sup> Section 921.0024(2), F.S., provides that if a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control.

This bill prohibits the receiving, or offering or agreeing to receive, a person into a building, residence, place, or structure, or a trailer, or any other conveyance, for the purpose of commercial sexual activity or to allow a person to remain there for such purpose.

A person who violates this offense commits a third degree felony. A second or subsequent violation of this offense is a second degree felony.

In the trial of a person charged with a violation of this offense, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge; testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance; and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

The bill provides that if such building, residence, place, structure, or trailer or any other conveyance that is owned, established, maintained, or operated is a massage establishment, the offense must be reclassified to the next higher degree, as follows:

- A third degree felony is reclassified as a second degree felony.
- A second degree felony is reclassified as a first degree felony.

### ***Prohibiting Prostitution and related acts***

The bill amends s. 796.07, F.S., to prohibit providing or offering to provide something of value in exchange for sexual activity.

A person who violates this section commits a:

- Third degree felony for a first violation.
- Third degree felony for a second violation.
- Second degree felony for a third violation.

If a violation of this section results in any judicial disposition other than an acquittal or dismissal, the court must order the defendant to:

- Perform 100 hours of community service
- Pay for and attend an educational program, which may be offered by a secular or faith-based provider, on the negative effects of commercial sexual activity;
- Pay a civil penalty of \$5,000. Of the proceeds from each penalty assessed under this section, the first \$500 must be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs. The remainder of the penalty assessed must be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Families for the sole purpose of funding safe houses and safe foster homes; and
- Receive sexually transmitted disease testing at a recognized medical facility.

A judicial circuit may establish an education program for persons convicted of or charged with a violation of this section, to include education on:

- The relationship between demand for commercial sex and human trafficking;
- The impact of human trafficking on victims;
- Coercion, consent, and sexual violence;

- The health and legal consequences of commercial sex;
- The negative impact of commercial sex on prostituted person and the community; and
- The reasons and motivations for engaging in prostitution.

The bill removes provisions relating to law enforcement test and current crimes of prostitution.<sup>36</sup>

### ***Definitions***

The bill creates s. 796.011, F.S., to provide definitions for the terms:

- “Adult” to mean an individual 18 years of age or older.
- “Assignment” to mean the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.
- “Commercial sex” to mean engaging in sexual activity in exchange for something of value. The term includes prostitution.
- “Female genitals” to include the labia minora, labia majora, clitoris, vulva, hymen, and vagina.
- “Lewdness” to mean any indecent or obscene act.
- “Prostitution” to mean voluntarily engaging in, agreeing to engage in, or offering to engage in commercial sex.
- “Sexual activity” to mean oral, anal, or female genital penetration by, or union with, the sexual organ of another; anal or female genital penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation. The term does not include acts done for bona fide medical reasons.

### ***Forcing, compelling, or coercing another to become a prostitute***

The bill repeals s. 796.04, F.S., relating to forcing, compelling, or coercing another to become a prostitute.

### ***Offense Severity Ranking Chart (OSRC)***

The bill amends s. 921.0022, F.S., to provide increased penalties for a second violation of prostitution or related acts, such a violation is a third degree felony, ranked a Level 4 on the OSRC.

The bill provides conforming changes to ss. 60.05, 322.28, 397.4073, 397.417, 435.07, 456.074, 480.041, 480.043, 480.046, 772.102, 787.01, 787.02, 794.056, 796.08, 796.09, 893.138, 895.02, and 938.085, F.S.

The bill takes effect on October 1, 2025.

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<sup>36</sup> *Id.*

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill may have a positive indeterminate fiscal impact on the jail and prison bed population by providing enhanced penalties that may result in sentences including longer terms of incarceration for persons convicted of such offenses.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 796.06, 796.07, 60.05, 322.28, 397.4073, 397.417, 435.07, 456.074, 480.041, 480.043, 480.046, 772.102, 787.01, 787.02, 794.056, 796.08, 796.09, 893.138, 895.02, 921.0022, and 938.085.

This bill creates the following sections of the Florida Statutes: 796.011 and 796.031.

This bill repeals section 796.04 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on March 25, 2025:**

The committee substitute:

- Incorporates technical and clarifying changes.
- Removes “human trafficking” from the definition of commercial sex and includes a human trafficking component in the educational program that a person may be ordered to take.
- Revises language for owning, establishing, etc a place that will be used for the purpose of commercial sex, to provide that a person must know, or should have known that such place would be used for commercial sex.
- Revises penalties for a violation of the offense of providing or offering to provide something of value in exchange for sexual activity. A person who violates this offense commits:
  - A third degree felony for a 1<sup>st</sup> violation.
  - A third degree felony for a 2<sup>nd</sup> violation, ranked as a Level 4 on the Offense Severity Ranking chart.
  - A second degree felony for a 3<sup>rd</sup> violation.

**B. Amendments:**

None.