

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [HB 1467](#)

**TITLE:** Penalties for Prostitution and Related Acts

**SPONSOR(S):** Tant

**COMPANION BILL:** [SB 1688](#) (Leek)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Criminal Justice](#)

12 Y, 0 N



[Justice Budget](#)



[Judiciary](#)

## SUMMARY

### **Effect of the Bill:**

The bill enhances specified criminal penalties related to facilitating prostitution and related acts, to align such penalties to the current criminal penalties for soliciting prostitution. The bill also repeals the current requirement for a court to offer admission into a pretrial intervention or substance abuse program to a person charged with a specified third or subsequent violation related to prostitution.

### **Fiscal or Economic Impact:**

The bill may have a positive indeterminate impact on jail and prison beds. The bill enhances criminal penalties related to facilitating prostitution and related acts and repeals a requirement for a court to offer specified repeat offenders admission into pretrial diversion programs, which may result in increased jail and prison admissions and offenders being sentenced to longer terms of incarceration.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill increases criminal penalties related to specified [prostitution](#) offenses including:

- Owning, establishing, maintaining, or operating any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution;
- Offering, or offering or agreeing to secure, another for the purpose of prostitution or for any other lewd or indecent act;
- Receiving, or offering or agreeing to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or permitting any person to remain there for such purpose;
- Directing, taking, or transporting, or offering or agreeing 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;
- Purchasing the services of any person engaged in prostitution; or
- Aiding, abetting, or participating in any of the acts described above.

The bill increases the criminal penalty for any offense described above in the following manner:

- A first violation is increased from a second degree misdemeanor<sup>1</sup> to a first degree misdemeanor.<sup>2</sup>
- A second violation is increased from a first degree misdemeanor to a third degree felony.<sup>3</sup>

<sup>1</sup> A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

<sup>2</sup> A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

<sup>3</sup> A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, 775.083,](#) or [775.084, F.S.](#)

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**DATE:** 2/5/2026

- A third or subsequent violation is increased from a third degree felony to a second degree felony.<sup>4</sup> (Section [1](#))

By increasing the penalties for such offenses, the bill:

- Aligns the punishment for such offenses to the current criminal penalties for soliciting, inducing, enticing, or procuring another to commit prostitution.
- Increases the reclassified penalty if a place, structure, building, or conveyance that is owned, established, maintained, or operated in violation of [s. 796.07\(2\)\(a\), F.S.](#), is a [massage establishment](#) that is or should be licensed under [s. 480.043, F.S.](#), so that a:
  - First offense is reclassified as a third degree felony instead of a first degree misdemeanor.
  - Second offense is reclassified as a second degree felony instead of a third degree felony.
  - Third or subsequent offense is reclassified as a first degree felony<sup>5</sup> instead of a second degree felony. (Section [1](#))

The bill maintains the current criminal penalties for the following prostitution related offenses:

- Offering to commit, or committing, or engaging in, prostitution, lewdness, or assignation by a person 18 years of age or older.
- Residing in, entering, or remaining in, any place, structure, or building, or entering or remaining in any conveyance, for the purpose of prostitution, lewdness, or assignation.
- Soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation. (Section [1](#))

The bill repeals the requirement for a court to offer admission to a [pretrial intervention program](#) or a [substance abuse treatment program](#) to a person who is charged with a third or subsequent violation related to prostitution under [s. 796.07, F.S.](#), as long as such violation is not related to soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation. (Section [1](#))

The bill makes organizational and other conforming changes. (Sections [1](#), [2](#) and [3](#))

The effective date of the bill is October 1, 2026. (Section [4](#))

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill may have a positive indeterminate impact on prison beds. The bill enhances specified criminal penalties related to facilitating prostitution and related acts and repeals a requirement for specified repeat offenders to be offered admission into pretrial diversion programs, which may result in increased prison admissions and offenders being sentenced to longer terms of incarceration.

### **LOCAL GOVERNMENT:**

The bill may have a positive indeterminate impact on jail beds. The bill enhances specified criminal penalties related to facilitating prostitution and related acts and repeals a requirement for specified repeat offenders to be offered admission into pretrial diversion programs, which may result in increased jail admissions and offenders being sentenced to longer terms of incarceration.

<sup>4</sup> A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. [Ss. 775.082, 775.083](#), or [775.084, F.S.](#)

<sup>5</sup> A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. [Ss. 775.082, 775.083](#), or [775.084, F.S.](#)

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Prostitution

Under [s. 796.07, F.S.](#), “prostitution” means the giving or receiving of the body for sexual activity<sup>6</sup> for hire but excludes sexual activity between spouses.<sup>7</sup>

Currently, it is unlawful:

- To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness,<sup>8</sup> assignation,<sup>9</sup> 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 purchase the services of any person engaged in prostitution.<sup>17</sup>
- To aid, abet, or participate in any of the acts or things described above.<sup>18</sup>

#### *Prostitution Offenses Other than Soliciting, Inducing, Enticing, or Procuring Another to Commit Prostitution*

A person who commits a prostitution offense *other than soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation* under [s. 796.07\(2\)\(f\), F.S.](#), commits a:

- Second degree misdemeanor for a first violation;
- First degree misdemeanor for a second violation; and
- Third degree felony for a third or subsequent violation.<sup>19</sup>

<sup>6</sup> “Sexual activity” means 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 purposes. [S. 796.07\(1\)\(e\), F.S.](#)

<sup>7</sup> [S. 796.07\(1\)\(d\), F.S.](#)

<sup>8</sup> “Lewdness” means any indecent or obscene act. [S. 796.07\(1\)\(c\), F.S.](#)

<sup>9</sup> “Assignation” means the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement. [S. 796.07\(1\)\(a\), F.S.](#)

<sup>10</sup> [S. 796.07\(2\)\(a\), F.S.](#)

<sup>11</sup> [S. 796.07\(2\)\(b\), F.S.](#)

<sup>12</sup> [S. 796.07\(2\)\(c\), F.S.](#)

<sup>13</sup> [S. 796.07\(2\)\(d\), F.S.](#)

<sup>14</sup> [S. 796.07\(2\)\(e\), F.S.](#)

<sup>15</sup> [S. 796.07\(2\)\(f\), F.S.](#)

<sup>16</sup> [S. 796.07\(2\)\(g\), F.S.](#)

<sup>17</sup> [S. 796.07\(2\)\(i\), F.S.](#)

<sup>18</sup> [S. 796.07\(2\)\(h\), F.S.](#)

<sup>19</sup> [S. 796.07\(4\)\(a\), F.S.](#)

However, a person who is charged with a third or subsequent violation of such an offense must be offered admission to a pretrial intervention program or a substance abuse treatment program as provided in [s. 948.08, F.S.](#)<sup>20</sup>

#### *Soliciting, Inducing, Enticing, or Procuring Another to Commit Prostitution*

A person who solicits, induces, entices, or procures another to commit prostitution, lewdness, or assignation under [s. 796.07\(2\)\(f\), F.S.](#), commits a:

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

The court must sentence a person convicted of such a second or subsequent violation to a minimum mandatory period of incarceration of 10 days in county jail.<sup>22</sup>

In addition to any other penalty imposed, the court must order a person convicted of such an offense to:

- Perform 100 hours of community service.
- Pay for and attend a specified educational program, if such a program exists in the judicial circuit in which the offender is sentenced.<sup>23</sup>
- Pay a civil penalty of \$5,000 if the violation results in any judicial disposition other than acquittal or dismissal.<sup>24</sup>

#### **Vehicle Immobilization**

If a person solicits, induces, entices, or procures another to commit prostitution, lewdness, or assignation, and uses a vehicle in the course of the violation, the judge may issue an order for the impoundment or immobilization of the vehicle for up to 60 days upon the person's conviction, in accordance with [s. 316.193\(13\), F.S.](#) Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vehicle.<sup>25</sup>

The owner of the vehicle may request the court to dismiss the order. The court must dismiss the order, and the owner of the vehicle will incur no costs, if the owner of the vehicle alleges and the court finds to be true any of the following:

- The owner's family has no other private or public means of transportation;
- The vehicle was stolen at the time of the offense;
- The owner purchased the vehicle after the offense was committed, and the sale was not made to circumvent the order and allow the defendant continued access to the vehicle; or
- The vehicle is owned by the defendant but is operated solely by employees of the defendant or employees of a business owned by the defendant.<sup>26</sup>

<sup>20</sup> [S. 796.07\(4\)\(b\), F.S.](#)

<sup>21</sup> [S. 796.07\(5\)\(a\), F.S.](#)

<sup>22</sup> [S. 796.07\(5\)\(c\), F.S.](#)

<sup>23</sup> [S. 796.07\(5\)\(b\), F.S.](#) Such programs 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. [S. 796.07\(8\)\(a\), F.S.](#) An educational program may include a program offered by a faith-based provider. [S. 796.07\(8\)\(b\), F.S.](#)

<sup>24</sup> [S. 796.07\(6\), F.S.](#) Of the proceeds from each penalty assessed, the first \$500 shall be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs provided under [s. 397.334, F.S.](#) The remainder of the penalty assessed shall 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 as provided in [s. 409.1678, F.S.](#)

<sup>25</sup> [S. 796.07\(5\)\(d\), F.S.](#)

<sup>26</sup> *Id.*

### *Offense Reclassification for Massage Establishments*

Under [s. 796.07\(7\), F.S.](#), if the place, structure, building, or conveyance that is owned, established, maintained, or operated for the purpose of lewdness, assignation, or prostitution, is a massage establishment that is or should be licensed under [s. 480.043, F.S.](#), the offense is reclassified to the next higher degree as follows:

- A second degree misdemeanor for a first violation is reclassified as a first degree misdemeanor.
- A first degree misdemeanor for a second violation is reclassified as a third degree felony.
- A third degree felony for a third or subsequent violation is reclassified as a second degree felony.

### **Pretrial Intervention or Substance Abuse Treatment Programs**

#### *Pretrial Intervention Program*

Currently, a person who is charged with a third or subsequent violation related to prostitution, other than an offense related to soliciting, inducing, enticing, or procuring another to commit prostitution, must be offered admission to a pretrial intervention program or a substance abuse treatment program as provided in [s. 948.08, F.S.](#)

Under [s. 948.08\(2\), F.S.](#), any first offender, or any person previously convicted of not more than one nonviolent misdemeanor, who is charged with any misdemeanor or third degree felony, is eligible for release to a pretrial intervention program on the approval of the administrator of the program and the consent of the:

- Victim;
- State attorney; and
- Judge who presided at the offender's initial appearance hearing.

However, a defendant may not be released to the pretrial intervention program unless, after consulting with counsel, he or she voluntarily agrees to enter such program and knowingly and intelligently waives his or her right to a speedy trial for the period of his or her diversion.<sup>27</sup>

The criminal charges against an offender admitted to a pretrial intervention program must be continued without final disposition for a period of 90 days after the date the offender was released to the program, if the offender's participation in the program is satisfactory, and for an additional 90 days upon the request of the program administrator and consent of the state attorney, if the offender's participation in the program is satisfactory.<sup>28</sup> However, pending criminal proceedings must resume if the program administrator or state attorney finds that the offender is not fulfilling his or her obligations under the plan, or if the public interest so requires.<sup>29</sup>

At the end of the intervention period, the administrator must recommend that:

- The case revert to normal channels for prosecution, in instances in which the offender's participation in the program has been unsatisfactory;
- The offender is in need of further supervision; or
- Dismissal of charges without prejudice must be entered in instances in which prosecution is not deemed necessary.<sup>30</sup>

The state attorney must make the final determination as to whether the prosecution must continue.<sup>31</sup>

#### *Substance Abuse Treatment Programs*

Additionally, a person is eligible for voluntary admission into a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program established pursuant to [s. 397.334, F.S.](#), approved by the chief judge of the circuit, for a period to be determined by the court, based on the clinical needs of the defendant, if he or she:

<sup>27</sup> [S. 948.08\(2\), F.S.](#)

<sup>28</sup> [S. 948.08\(3\), F.S.](#)

<sup>29</sup> [S. 948.08\(4\), F.S.](#)

<sup>30</sup> [S. 948.08\(5\), F.S.](#)

<sup>31</sup> *Id.*

- Is identified as having a substance abuse problem and is amenable to treatment.
- Is charged with a nonviolent felony.<sup>32</sup>
- Is not also charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence.
- Has two or fewer felony convictions, provided that the prior convictions are for nonviolent felonies.<sup>33</sup>

Upon motion of either party or the court's own motion, and with the defendant's agreement, the court must admit an eligible person into a pretrial substance abuse education and treatment intervention program, except:

- If the state attorney believes that the facts and circumstances of the case suggest the defendant's involvement in the dealing and selling of controlled substances, the court must hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence, that the defendant was involved in the dealing or selling of controlled substances, the court must deny the defendant's admission into a pretrial intervention program.
- If the defendant has two or fewer prior nonviolent felony convictions, the court, in its discretion, may deny admission to such a program.<sup>34</sup>

While enrolled in a pretrial substance abuse education and treatment intervention program, the participant is subject to a coordinated strategy developed by a drug court team under [s. 397.334\(4\), F.S.](#) The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules, including but not limited to placement in a substance abuse treatment program offered by a licensed service provider as defined in [s. 397.311, F.S.](#), or in a jail-based treatment program, or serving a period of incarceration within the time limits established for contempt of court.<sup>35</sup>

The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial treatment-based drug court program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the treatment-based drug court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under [s. 943.0585, F.S.](#)<sup>36</sup>

At the end of the pretrial intervention period, the court must consider the recommendation of the program administrator and the recommendation of the state attorney as to disposition of the pending charges. The court must determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. Notwithstanding the coordinated strategy developed by a drug court team pursuant to [s. 397.334\(4\), F.S.](#), if the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order that the:

- Person continue in education and treatment, which may include substance abuse treatment programs offered by licensed service providers as defined in [s. 397.311, F.S.](#), or jail-based treatment programs; or
- Charges revert to normal channels for prosecution.<sup>37</sup>

The court must dismiss the charges upon a finding that the defendant has successfully completed the pretrial substance abuse education and treatment intervention program.<sup>38</sup>

<sup>32</sup> "Nonviolent felony" means a third degree felony violation of ch. 810, F.S., or any other felony offense that is not a forcible felony as defined in s. 776.08, F.S.

<sup>33</sup> [S. 948.08\(6\)\(b\), F.S.](#)

<sup>34</sup> [S. 948.08\(6\)\(c\), F.S.](#)

<sup>35</sup> [S. 948.08\(6\)\(d\), F.S.](#)

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

<sup>37</sup> [S. 948.08\(6\)\(e\), F.S.](#)

<sup>38</sup> *Id.*

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Criminal Justice Subcommittee</a>	12 Y, 0 N	2/5/2026	Hall	Butcher
<a href="#">Justice Budget Subcommittee</a>				
<a href="#">Judiciary Committee</a>				