

1 A bill to be entitled
 2 An act relating to penalties for prostitution and
 3 related acts; amending s. 796.07, F.S.; revising
 4 penalties for certain offenses; amending ss. 456.074
 5 and 480.041, F.S.; conforming provisions to changes
 6 made by the act; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

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 10 **Section 1. Subsections (4), (5), and (7) of section**
 11 **796.07, Florida Statutes, are amended, and subsection (2) of**
 12 **that section is republished, to read:**

13 796.07 Prohibiting prostitution and related acts.—

14 (2) It is unlawful:

15 (a) To own, establish, maintain, or operate any place,
 16 structure, building, or conveyance for the purpose of lewdness,
 17 assignation, or prostitution.

18 (b) To offer, or to offer or agree to secure, another for
 19 the purpose of prostitution or for any other lewd or indecent
 20 act.

21 (c) To receive, or to offer or agree to receive, any
 22 person into any place, structure, building, or conveyance for
 23 the purpose of prostitution, lewdness, or assignation, or to
 24 permit any person to remain there for such purpose.

25 (d) To direct, take, or transport, or to offer or agree to

26 | direct, take, or transport, any person to any place, structure,
 27 | or building, or to any other person, with knowledge or
 28 | reasonable cause to believe that the purpose of such directing,
 29 | taking, or transporting is prostitution, lewdness, or
 30 | assignation.

31 | (e) For a person 18 years of age or older to offer to
 32 | commit, or to commit, or to engage in, prostitution, lewdness,
 33 | or assignation.

34 | (f) To solicit, induce, entice, or procure another to
 35 | commit prostitution, lewdness, or assignation.

36 | (g) To reside in, enter, or remain in, any place,
 37 | structure, or building, or to enter or remain in any conveyance,
 38 | for the purpose of prostitution, lewdness, or assignation.

39 | (h) To aid, abet, or participate in any of the acts or
 40 | things enumerated in this subsection.

41 | (i) To purchase the services of any person engaged in
 42 | prostitution.

43 | (4) (a) A person who violates any provision of this
 44 | section, other than paragraph (2) (e) or paragraph (2) (g) ~~(2) (f)~~,
 45 | commits:

46 | 1. A misdemeanor of the first ~~second~~ degree for a first
 47 | violation, punishable as provided in s. 775.082 or s. 775.083.

48 | 2. A felony misdemeanor of the third ~~first~~ degree for a
 49 | second violation, punishable as provided in s. 775.082, ~~or~~ s.
 50 | 775.083, or 775.084.

51 3. A felony of the second ~~third~~ degree for a third or
52 subsequent violation, punishable as provided in s. 775.082, s.
53 775.083, or s. 775.084.

54 (b)1. In addition to any other penalty imposed, the court
55 shall order a person convicted of a violation of paragraph
56 (2) (f) to:

57 a. Perform 100 hours of community service.

58 b. Pay for and attend an educational program as described
59 in subsection (8), if such a program exists in the judicial
60 circuit in which the offender is sentenced.

61 2. In addition to any other penalty imposed, the court
62 shall sentence a person convicted of a second or subsequent
63 violation of paragraph (2) (f) to a minimum mandatory period of
64 incarceration of 10 days.

65 3.a. If a person who violates paragraph (2) (f) uses a
66 vehicle in the course of the violation, the judge, upon the
67 person's conviction, may issue an order for the impoundment or
68 immobilization of the vehicle for a period of up to 60 days. The
69 order of impoundment or immobilization must include the names
70 and telephone numbers of all immobilization agencies meeting all
71 of the conditions of s. 316.193(13). Within 7 business days
72 after the date that the court issues the order of impoundment or
73 immobilization, the clerk of the court must send notice by
74 certified mail, return receipt requested, to the registered
75 owner of the vehicle, if the registered owner is a person other

76 than the defendant, and to each person of record claiming a lien
77 against the vehicle.

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

83 (I) The owner's family has no other private or public
84 means of transportation;

85 (II) The vehicle was stolen at the time of the offense;

86 (III) The owner purchased the vehicle after the offense
87 was committed, and the sale was not made to circumvent the order
88 and allow the defendant continued access to the vehicle; or

89 (IV) The vehicle is owned by the defendant but is operated
90 solely by employees of the defendant or employees of a business
91 owned by the defendant.

92 c. If the court denies the request to dismiss the order,
93 the petitioner may request an evidentiary hearing. If, at the
94 evidentiary hearing, the court finds to be true any of the
95 circumstances described in sub-sub-subparagraphs b.(I)-(IV), the
96 court must dismiss the order and the owner of the vehicle will
97 incur no costs.

98 ~~(b) A person who is charged with a third or subsequent~~
99 ~~violation of this section, other than paragraph (2)(f), shall be~~
100 ~~offered admission to a pretrial intervention program or a~~

101 ~~substance abuse treatment program as provided in s. 948.08.~~

102 (5)(a) A person who violates paragraph (2)(e) or paragraph
103 (2)(g) ~~(2)(f)~~ commits:

104 (a)1. A misdemeanor of the second ~~first~~ degree for a first
105 violation, punishable as provided in s. 775.082 or s. 775.083.

106 (b)2. A misdemeanor ~~felony~~ of the first ~~third~~ degree for a
107 second violation, punishable as provided in s. 775.082 or, s.
108 775.083, ~~or s. 775.084.~~

109 (c)3. A felony of the third ~~second~~ degree for a third or
110 subsequent violation, punishable as provided in s. 775.082, s.
111 775.083, or s. 775.084.

112 ~~(b) In addition to any other penalty imposed, the court
113 shall order a person convicted of a violation of paragraph
114 (2)(f) to:~~

115 ~~1. Perform 100 hours of community service.~~

116 ~~2. Pay for and attend an educational program as described
117 in subsection (8), if such a program exists in the judicial
118 circuit in which the offender is sentenced.~~

119 ~~(c) In addition to any other penalty imposed, the court
120 shall sentence a person convicted of a second or subsequent
121 violation of paragraph (2)(f) to a minimum mandatory period of
122 incarceration of 10 days.~~

123 ~~(d)1. If a person who violates paragraph (2)(f) uses a
124 vehicle in the course of the violation, the judge, upon the
125 person's conviction, may issue an order for the impoundment or~~

126 ~~immobilization of the vehicle for a period of up to 60 days. The~~
127 ~~order of impoundment or immobilization must include the names~~
128 ~~and telephone numbers of all immobilization agencies meeting all~~
129 ~~of the conditions of s. 316.193(13). Within 7 business days~~
130 ~~after the date that the court issues the order of impoundment or~~
131 ~~immobilization, the clerk of the court must send notice by~~
132 ~~certified mail, return receipt requested, to the registered~~
133 ~~owner of the vehicle, if the registered owner is a person other~~
134 ~~than the defendant, and to each person of record claiming a lien~~
135 ~~against the vehicle.~~

136 ~~2. The owner of the vehicle may request the court to~~
137 ~~dismiss the order. The court must dismiss the order, and the~~
138 ~~owner of the vehicle will incur no costs, if the owner of the~~
139 ~~vehicle alleges and the court finds to be true any of the~~
140 ~~following:~~

141 ~~a. The owner's family has no other private or public means~~
142 ~~of transportation;~~

143 ~~b. The vehicle was stolen at the time of the offense;~~

144 ~~c. The owner purchased the vehicle after the offense was~~
145 ~~committed, and the sale was not made to circumvent the order and~~
146 ~~allow the defendant continued access to the vehicle; or~~

147 ~~d. The vehicle is owned by the defendant but is operated~~
148 ~~solely by employees of the defendant or employees of a business~~
149 ~~owned by the defendant.~~

150 ~~3. If the court denies the request to dismiss the order,~~

151 ~~the petitioner may request an evidentiary hearing. If, at the~~
152 ~~evidentiary hearing, the court finds to be true any of the~~
153 ~~circumstances described in sub-subparagraphs (d)2.a.-d., the~~
154 ~~court must dismiss the order and the owner of the vehicle will~~
155 ~~incur no costs.~~

156 (7) If the place, structure, building, or conveyance that
157 is owned, established, maintained, or operated in violation of
158 paragraph (2) (a) is a massage establishment that is or should be
159 licensed under s. 480.043, the offense shall be reclassified to
160 the next higher degree as follows:

161 (a) A misdemeanor of the first ~~second~~ degree for a first
162 violation is reclassified as a felony misdemeanor of the third
163 ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
164 775.083, or s. 775.084.

165 (b) A felony misdemeanor of the third ~~first~~ degree for a
166 second violation is reclassified as a felony of the second ~~third~~
167 degree, punishable as provided in s. 775.082, s. 775.083, or s.
168 775.084.

169 (c) A felony of the second ~~third~~ degree for a third or
170 subsequent violation is reclassified as a felony of the first
171 ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083,
172 or s. 775.084.

173 **Section 2. Paragraph (1) of subsection (4) and paragraph**
174 **(q) of subsection (5) of section 456.074, Florida Statutes, are**
175 **amended to read:**

176 456.074 Certain health care practitioners; immediate
177 suspension of license.—

178 (4) The department shall issue an emergency order
179 suspending the license of a massage therapist and establishment
180 as those terms are defined in chapter 480 upon receipt of
181 information that the massage therapist; the designated
182 establishment manager as defined in chapter 480; an employee of
183 the establishment; a person with an ownership interest in the
184 establishment; or, for a corporation that has more than \$250,000
185 of business assets in this state, the owner, officer, or
186 individual directly involved in the management of the
187 establishment has been arrested for committing or attempting,
188 soliciting, or conspiring to commit, or convicted or found
189 guilty of, or has entered a plea of guilty or nolo contendere
190 to, regardless of adjudication, a violation of s. 796.07 or a
191 felony offense under any of the following provisions of state
192 law or a similar provision in another jurisdiction:

193 (1) Section 796.07(4)(a)3., relating to a felony of the
194 second ~~third~~ degree for a third or subsequent violation of s.
195 796.07, relating to prohibiting prostitution and related acts.

196 (5) The department shall issue an emergency order
197 suspending the license of any health care practitioner who is
198 arrested for committing or attempting, soliciting, or conspiring
199 to commit any act that would constitute a violation of any of
200 the following criminal offenses in this state or similar

201 offenses in another jurisdiction:

202 (q) Section 796.07(4)(a)3., relating to a felony of the
 203 second ~~third~~ degree for a third or subsequent violation of s.
 204 796.07, relating to prohibiting prostitution and related acts.

205 **Section 3. Paragraph (1) of subsection (6) of section**
 206 **480.041, Florida Statutes, is amended to read:**

207 480.041 Massage therapists; qualifications; licensure;
 208 endorsement.—

209 (6) The board shall deny an application for a new or
 210 renewal license if an applicant has been convicted or found
 211 guilty of, or enters a plea of guilty or nolo contendere to,
 212 regardless of adjudication, a violation of s. 796.07(2)(a) which
 213 is reclassified under s. 796.07(7) or a felony offense under any
 214 of the following provisions of state law or a similar provision
 215 in another jurisdiction:

216 (1) Section 796.07(4)(a)3., relating to a felony of the
 217 second ~~third~~ degree for a third or subsequent violation of s.
 218 796.07, relating to prohibiting prostitution and related acts.

219 **Section 4.** This act shall take effect October 1, 2026.