

By Senator Leek

7-00860-26

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A bill to be entitled

An act relating to penalties for prostitution and related acts; amending s. 796.07, F.S.; revising penalties and criminal penalties for certain offenses; amending ss. 456.074 and 480.041, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (4), paragraph (a) of subsection (5), and subsection (7) of section 796.07, Florida Statutes, are amended, and subsection (2) of that section is republished, to read:

796.07 Prohibiting prostitution and related acts.—

(2) It is unlawful:

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

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

(c) 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.

(d) 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

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30 reasonable cause to believe that the purpose of such directing,
31 taking, or transporting is prostitution, lewdness, or
32 assignation.

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

36 (f) To solicit, induce, entice, or procure another to
37 commit prostitution, lewdness, or assignation.

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

41 (h) To aid, abet, or participate in any of the acts or
42 things enumerated in this subsection.

43 (i) To purchase the services of any person engaged in
44 prostitution.

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

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

49 (b)2. A felony ~~misdemeanor~~ of the third ~~first~~ degree for a
50 second violation, punishable as provided in s. 775.082, ~~or~~ s.
51 775.083, or 775.084.

52 (c)3. A felony of the second ~~third~~ degree for a third or
53 subsequent violation, punishable as provided in s. 775.082, s.
54 775.083, or s. 775.084.

55 ~~(b) A person who is charged with a third or subsequent
56 violation of this section, other than paragraph (2) (f), shall be
57 offered admission to a pretrial intervention program or a
58 substance abuse treatment program as provided in s. 948.08.~~

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

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

63 2. A misdemeanor ~~felony~~ of the first ~~third~~ degree for a
64 second violation, punishable as provided in s. 775.082 or ~~or~~ s.
65 775.083, ~~or s. 775.084~~.

66 3. A felony of the third ~~second~~ degree for a third or
67 subsequent violation, punishable as provided in s. 775.082, s.
68 775.083, or s. 775.084.

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

74 (a) A misdemeanor of the first ~~second~~ degree for a first
75 violation is reclassified as a ~~felony~~ misdemeanor of the third
76 ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
77 775.083, or s. 775.084.

78 (b) A ~~felony~~ misdemeanor of the third ~~first~~ degree for a
79 second violation is reclassified as a felony of the second ~~third~~
80 degree, punishable as provided in s. 775.082, s. 775.083, or s.
81 775.084.

82 (c) A felony of the second ~~third~~ degree for a third or
83 subsequent violation is reclassified as a felony of the first
84 ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083,
85 or s. 775.084.

86 Section 2. Paragraph (1) of subsection (4) and paragraph
87 (g) of subsection (5) of section 456.074, Florida Statutes, are

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88 amended to read:

89 456.074 Certain health care practitioners; immediate
90 suspension of license.—91 (4) The department shall issue an emergency order
92 suspending the license of a massage therapist and establishment
93 as those terms are defined in chapter 480 upon receipt of
94 information that the massage therapist; the designated
95 establishment manager as defined in chapter 480; an employee of
96 the establishment; a person with an ownership interest in the
97 establishment; or, for a corporation that has more than \$250,000
98 of business assets in this state, the owner, officer, or
99 individual directly involved in the management of the
100 establishment has been arrested for committing or attempting,
101 soliciting, or conspiring to commit, or convicted or found
102 guilty of, or has entered a plea of guilty or nolo contendere
103 to, regardless of adjudication, a violation of s. 796.07 or a
104 felony offense under any of the following provisions of state
105 law or a similar provision in another jurisdiction:106 (1) Section 796.07(4)(c) ~~796.07(4)(a)3.~~, relating to a
107 felony of the second ~~third~~ degree for a third or subsequent
108 violation of s. 796.07, relating to prohibiting prostitution and
109 related acts.110 (5) The department shall issue an emergency order
111 suspending the license of any health care practitioner who is
112 arrested for committing or attempting, soliciting, or conspiring
113 to commit any act that would constitute a violation of any of
114 the following criminal offenses in this state or similar
115 offenses in another jurisdiction:116 (q) Section 796.07(4)(c) ~~796.07(4)(a)3.~~, relating to a

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117 felony of the second ~~third~~ degree for a third or subsequent
118 violation of s. 796.07, relating to prohibiting prostitution and
119 related acts.

120 Section 3. Paragraph (1) of subsection (6) of section
121 480.041, Florida Statutes, is amended to read:

122 480.041 Massage therapists; qualifications; licensure;
123 endorsement.—

124 (6) The board shall deny an application for a new or
125 renewal license if an applicant has been convicted or found
126 guilty of, or enters a plea of guilty or nolo contendere to,
127 regardless of adjudication, a violation of s. 796.07(2)(a) which
128 is reclassified under s. 796.07(7) or a felony offense under any
129 of the following provisions of state law or a similar provision
130 in another jurisdiction:

131 (1) Section 796.07(4)(c) ~~796.07(4)(a)3.~~, relating to a
132 felony of the second ~~third~~ degree for a third or subsequent
133 violation of s. 796.07, relating to prohibiting prostitution and
134 related acts.

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