

1 A bill to be entitled
2 An act relating to penalties for prostitution and
3 related acts; amending s. 796.07, F.S.; increasing the
4 penalties for certain offenses; amending ss. 456.074,
5 480.041, 480.043, and 480.046, F.S.; conforming
6 provisions to changes made by the act; providing an
7 effective date.

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

10
11 **Section 1. Paragraphs (b), (c), and (d) of subsection (5)**
12 **of section 796.07, Florida Statutes, are redesignated as**
13 **paragraphs (a), (b), and (c), respectively, subsection (4),**
14 **paragraph (a) and present subsection (d) of subsection (5), and**
15 **subsection (7) of that section are amended, and subsection (2)**
16 **of that section is republished, to read:**

17 796.07 Prohibiting prostitution and related acts.—

18 (2) It is unlawful:

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

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

25 (c) To receive, or to offer or agree to receive, any

26 person into any place, structure, building, or conveyance for
27 the purpose of prostitution, lewdness, or assignation, or to
28 permit any person to remain there for such purpose.

29 (d) To direct, take, or transport, or to offer or agree to
30 direct, take, or transport, any person to any place, structure,
31 or building, or to any other person, with knowledge or
32 reasonable cause to believe that the purpose of such directing,
33 taking, or transporting is prostitution, lewdness, or
34 assignation.

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

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

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

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

45 (i) To purchase the services of any person engaged in
46 prostitution.

47 (4) ~~(a)~~ A person who violates ~~any provision of this~~
48 ~~section, other than paragraph (2)(f),~~ commits:

49 (a)1. A felony ~~misdemeanor~~ of the third ~~second~~ degree for
50 a first violation, punishable as provided in s. 775.082 or s.

775.083.

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

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

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

~~(5)(a) A person who violates paragraph (2)(f) commits:~~

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

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

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

(c)(d)1. If a person who violates paragraph (2)(f) 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. The order of impoundment or immobilization must include the names and telephone numbers of all immobilization agencies meeting all

76 of the conditions of s. 316.193(13). Within 7 business days
77 after the date that the court issues the order of impoundment or
78 immobilization, the clerk of the court must send notice by
79 certified mail, return receipt requested, to the registered
80 owner of the vehicle, if the registered owner is a person other
81 than the defendant, and to each person of record claiming a lien
82 against the vehicle.

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

88 a. The owner's family has no other private or public means
89 of transportation;

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

91 c. The owner purchased the vehicle after the offense was
92 committed, and the sale was not made to circumvent the order and
93 allow the defendant continued access to the vehicle; or

94 d. The vehicle is owned by the defendant but is operated
95 solely by employees of the defendant or employees of a business
96 owned by the defendant.

97 3. If the court denies the request to dismiss the order,
98 the petitioner may request an evidentiary hearing. If, at the
99 evidentiary hearing, the court finds to be true any of the
100 circumstances described in sub-subparagraphs 2.a.-d. ~~(d)2.a.-d.~~,

the court must dismiss the order and the owner of the vehicle will incur no costs.

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

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

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

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

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

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

(4) The department shall issue an emergency order

suspending the license of a massage therapist and establishment as those terms are defined in chapter 480 upon receipt of information that the massage therapist; the designated establishment manager as defined in chapter 480; an employee of the establishment; a person with an ownership interest in the establishment; or, for a corporation that has more than \$250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of the establishment has been arrested for committing or attempting, soliciting, or conspiring to commit, or convicted or found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, ~~a violation of s. 796.07 or a~~ felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

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

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

(q) Section 796.07(4)(c) ~~796.07(4)(a)3.~~, relating to a felony of the first ~~third~~ degree for a third or subsequent

violation of s. 796.07, relating to prohibiting prostitution and related acts.

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

480.041 Massage therapists; qualifications; licensure; endorsement.—

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

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

Section 4. Subsection (8) of section 480.043, Florida Statutes, is amended to read:

480.043 Massage establishments; requisites; licensure; inspection; human trafficking awareness training and policies.—

(8) The department shall deny an application for a new or renewal license if an establishment owner or a designated establishment manager or, for a corporation that has more than \$250,000 of business assets in this state, an establishment

owner, a designated establishment manager, or any individual directly involved in the management of the establishment has been convicted of or entered a plea of guilty or nolo contendere to ~~any misdemeanor or felony crime, regardless of adjudication, related to prostitution or related acts as described in s. 796.07~~ or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

- (a) Section 787.01, relating to kidnapping.
- (b) Section 787.02, relating to false imprisonment.
- (c) Section 787.025, relating to luring or enticing a child.
- (d) Section 787.06, relating to human trafficking.
- (e) Section 787.07, relating to human smuggling.
- (f) Section 794.011, relating to sexual battery.
- (g) Section 794.08, relating to female genital mutilation.
- (h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.
- (i) Former s. 796.035, relating to selling or buying of minors into prostitution.
- (j) Section 796.04, relating to forcing, compelling, or coercing another to become a prostitute.
- (k) Section 796.05, relating to deriving support from the proceeds of prostitution.
- (l) Section 796.07, relating to prohibiting prostitution and related acts.

(m)~~(l)~~ Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

(n)~~(m)~~ Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.

(o)~~(n)~~ Section 827.071, relating to sexual performance by a child.

(p)~~(o)~~ Section 847.0133, relating to the protection of minors.

(q)~~(p)~~ Section 847.0135, relating to computer pornography.

(r)~~(q)~~ Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.

(s)~~(r)~~ Section 847.0145, relating to the selling or buying of minors.

Section 5. Paragraph (c) of subsection (3) of section 480.046, Florida Statutes, is amended to read:

480.046 Grounds for disciplinary action by the board.—

(3) The board shall revoke or suspend the license of a massage establishment licensed under this act, or deny subsequent licensure of such an establishment, if any of the following occurs:

(c) The establishment owner, the designated establishment manager, or any individual providing massage therapy services

for the establishment has had the entry in any jurisdiction of:

1. A final order or other disciplinary action taken for sexual misconduct involving prostitution;

2. A final order or other disciplinary action taken for crimes related to the practice of massage therapy involving prostitution; or

3. A conviction or a plea of guilty or nolo contendere to any ~~misdemeanor or felony~~ crime, regardless of adjudication, related to prostitution or related acts as described in s. 796.07.

Section 6. This act shall take effect October 1, 2026.