

By the Committee on Criminal Justice; and Senator Book

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1 A bill to be entitled
2 An act relating to human trafficking; creating s.
3 509.096, F.S.; requiring a public lodging
4 establishment to train certain employees and create
5 certain policies relating to human trafficking by a
6 specified date; providing requirements for such
7 training; permitting the Division of Hotels and
8 Restaurants of the Department of Business and
9 Professional Regulation to take disciplinary action
10 against a public lodging establishment for failure to
11 comply with such requirements; providing that this
12 section does not establish a private cause of action
13 against a public lodging establishment; creating s.
14 787.08, F.S.; requiring the Department of Children and
15 Families, in consultation with the Department of Law
16 Enforcement and the Attorney General, to establish a
17 certain direct-support organization; providing
18 requirements for the direct-support organization;
19 requiring the direct-support organization to focus on
20 human trafficking issues by forming strategic
21 partnerships and serving as a liaison with specified
22 public and private sector partners; requiring the
23 direct-support organization to assist agencies in
24 creating training on certain topics; requiring the
25 direct-support organization to provide resources for
26 such training and strategize the funding of inpatient
27 care for victims of human trafficking in treatment
28 centers throughout the state; requiring the direct-
29 support organization to operate under a written

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30 contract with the Department of Children and Families;
31 providing contractual requirements; providing for the
32 membership of and the appointment of directors to the
33 board of the direct-support organization; providing
34 for future review and repeal by the Legislature;
35 amending s. 796.07, F.S.; requiring that the criminal
36 history record of a person who is convicted of, or
37 enters a plea of guilty or nolo contendere to,
38 soliciting, inducing, enticing, or procuring another
39 to commit prostitution, lewdness, or assignation be
40 added to the Soliciting for Prostitution Registry;
41 requiring the clerk of the court to forward the
42 criminal history record of such persons to the
43 Department of Law Enforcement for certain purposes;
44 creating s. 943.0433, F.S.; requiring the Department
45 of Law Enforcement to create and administer the
46 Soliciting for Prostitution Registry; requiring the
47 department to add certain criminal history records to
48 the registry; requiring the department to adopt rules;
49 amending s. 943.0583, F.S.; creating an exception to a
50 prohibition that bars certain victims of human
51 trafficking from petitioning for the expunction of a
52 criminal history record for offenses committed while
53 the person was a victim of human trafficking as part
54 of the human trafficking scheme or at the direction of
55 an operator of the scheme; creating s. 943.17297,
56 F.S.; requiring each certified law enforcement officer
57 to successfully complete training on identifying and
58 investigating human trafficking before a certain date;

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59 requiring that the training be developed in
60 consultation with specified entities; specifying that
61 an officer's certification shall be inactive if he or
62 she fails to complete the required training until the
63 employing agency notifies the Criminal Justice
64 Standards and Training Commission that the officer has
65 completed the training; providing an effective date.
66

67 Be It Enacted by the Legislature of the State of Florida:
68

69 Section 1. Section 509.096, Florida Statutes, is created to
70 read:

71 509.096 Human trafficking awareness training and policies
72 for employees of public lodging establishments; enforcement.-

73 (1) A public lodging establishment shall:

74 (a) Provide training regarding human trafficking awareness
75 to employees of the establishment who perform housekeeping
76 duties in the rental units or who work at the front desk or
77 reception area where guests ordinarily check-in or check-out.
78 Such training shall be provided within 6 months after employment
79 in that role, or by January 1, 2021, whichever occurs later.
80 Proof of such employee training shall be provided to the
81 division upon request.

82 (b) By January 1, 2021, implement a procedure for the
83 reporting of suspected human trafficking to the National Human
84 Trafficking Hotline or to a local law enforcement agency.

85 (c) By January 1, 2021, post in a conspicuous place in the
86 establishment accessible to employees a sign with the relevant
87 provisions of the reporting procedure provided for in paragraph

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88 (b).

89 (2) The human trafficking awareness training required in
90 paragraph (1)(a) shall be submitted to and approved by the
91 division before the training is provided to employees and shall
92 include the following:

93 (a) The definition of human trafficking and the difference
94 between the two forms of human trafficking: sex trafficking and
95 labor trafficking.

96 (b) Guidance specific to the public lodging sector on how
97 to identify individuals who may be victims of human trafficking.

98 (c) Guidance on the role of the employees of a public
99 lodging establishment in reporting and responding to suspected
100 human trafficking.

101 (3) Pursuant to s. 509.261, the division may take
102 disciplinary action against a public lodging establishment that
103 has operated or is operating in violation of this section.

104 (4) This section does not establish a private cause of
105 action. A public lodging establishment shall not be liable for
106 any harm resulting from the failure of an employee to prevent,
107 detect, or report suspected human trafficking if the public
108 lodging establishment was in compliance with the requirements of
109 this section at the time of such harm.

110 Section 2. Section 787.08, Florida Statutes, is created to
111 read:

112 787.08 Direct-support organization.—

113 (1) The Department of Children and Families, in
114 consultation with the Department of Law Enforcement and the
115 Attorney General, shall establish a direct-support organization
116 that is:

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117 (a) A Florida corporation, not for profit, incorporated
118 under chapter 617, and approved by the Secretary of State.

119 (b) Organized and operated exclusively to solicit funds;
120 request and receive grants, gifts, and bequests of money;
121 acquire, receive, hold, invest, and administer, in its own name,
122 property and funds; and make expenditures in support of the
123 purposes specified in this section.

124 (c) Certified by the department, after review, to be
125 operating in a manner consistent with the purposes of the
126 organization and in the best interests of the state.

127 (2) The direct-support organization shall focus on human
128 trafficking issues within the state by forming strategic
129 partnerships to foster the development of community and private
130 sector resources and serving as a liaison with state agencies,
131 other state governments, and the public and private sectors.
132 Additionally, the direct-support organization shall assist
133 agencies in creating training on the detection of human
134 trafficking and the best practices of intervention and treatment
135 for survivors of human trafficking. The direct-support
136 organization shall also provide resources for such training, and
137 strategize the funding of inpatient care for victims of human
138 trafficking in treatment centers throughout the state.

139 (3) The direct-support organization shall operate under
140 written contract with the Department of Children and Families.
141 The contract must provide for:

142 (a) Approval of the articles of incorporation and bylaws of
143 the direct-support organization by the department.

144 (b) Submission of an annual budget for approval by the
145 department.

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146 (c) Annual certification by the department that the direct-
147 support organization is complying with the terms of the contract
148 and operating in a manner consistent with the purposes of the
149 organization and in the best interests of the state.

150 (d) Reversion to the Florida Council Against Sexual
151 Violence of moneys and property held in trust by the direct-
152 support organization to provide services for victims of sexual
153 violence if the direct-support organization is no longer
154 approved to operate or ceases to exist.

155 (e) Disclosure of the material provisions of the contract
156 and the distinction between the board of directors and the
157 direct-support organization to donors of gifts, contributions,
158 or bequests, which disclosures must be included in all
159 promotional and fundraising publications.

160 (f) An annual financial audit in accordance with s.
161 215.981.

162 (g) Establishment of the fiscal year of the direct-support
163 organization as beginning on July 1 of each year and ending on
164 June 30 of the following year.

165 (h) Appointment of the board of directors, pursuant to this
166 section.

167 (i) Authority of the board of directors of the direct-
168 support organization to hire an executive director.

169 (4) The board of directors of the direct-support
170 organization consists of 13 members. Each member of the board of
171 directors must be appointed to a 4-year term; however, for the
172 purpose of providing staggered terms, the Speaker of the House
173 of Representatives and the President of the Senate shall each
174 initially appoint two members to serve a 2-year term, and the

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175 executive director of the Department of Law Enforcement and the
176 Attorney General shall each initially appoint one member to
177 serve a 2-year term. All subsequent appointments must be for 4-
178 year terms. Any vacancy that occurs must be filled in the same
179 manner as the original appointment for the unexpired term of
180 that seat. The board of directors is appointed as follows:

181 (a) Two members with a law enforcement background who have
182 knowledge in the area of human trafficking, appointed by the
183 executive director of the Department of Law Enforcement.

184 (b) Three members appointed by the Attorney General.

185 (c) Four members appointed by the Speaker of the House of
186 Representatives.

187 (d) Four members appointed by the President of the Senate.

188 (5) This section is repealed October 1, 2024, unless
189 reviewed and saved from repeal by the Legislature.

190 Section 3. Subsection (5) of section 796.07, Florida
191 Statutes, is amended, and subsection (2) of that section is
192 republished, to read:

193 796.07 Prohibiting prostitution and related acts.—

194 (2) It is unlawful:

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

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

201 (c) To receive, or to offer or agree to receive, any person
202 into any place, structure, building, or conveyance for the
203 purpose of prostitution, lewdness, or assignation, or to permit

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204 any person to remain there for such purpose.

205 (d) To direct, take, or transport, or to offer or agree to
206 direct, take, or transport, any person to any place, structure,
207 or building, or to any other person, with knowledge or
208 reasonable cause to believe that the purpose of such directing,
209 taking, or transporting is prostitution, lewdness, or
210 assignation.

211 (e) For a person 18 years of age or older to offer to
212 commit, or to commit, or to engage in, prostitution, lewdness,
213 or assignation.

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

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

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

221 (i) To purchase the services of any person engaged in
222 prostitution.

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

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

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

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

231 (b) In addition to any other penalty imposed, the court
232 shall order a person convicted of a violation of paragraph

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233 (2) (f) to:

234 1. Perform 100 hours of community service; and

235 2. Pay for and attend an educational program about the
236 negative effects of prostitution and human trafficking, such as
237 a sexual violence prevention education program, including such
238 programs offered by faith-based providers, if such programs
239 exist in the judicial circuit in which the offender is
240 sentenced.

241 (c) In addition to any other penalty imposed, the court
242 shall sentence a person convicted of a second or subsequent
243 violation of paragraph (2) (f) to a minimum mandatory period of
244 incarceration of 10 days.

245 (d)1. If a person who violates paragraph (2) (f) uses a
246 vehicle in the course of the violation, the judge, upon the
247 person's conviction, may issue an order for the impoundment or
248 immobilization of the vehicle for a period of up to 60 days. The
249 order of impoundment or immobilization must include the names
250 and telephone numbers of all immobilization agencies meeting all
251 of the conditions of s. 316.193(13). Within 7 business days
252 after the date that the court issues the order of impoundment or
253 immobilization, the clerk of the court must send notice by
254 certified mail, return receipt requested, to the registered
255 owner of the vehicle, if the registered owner is a person other
256 than the defendant, and to each person of record claiming a lien
257 against the vehicle.

258 2. The owner of the vehicle may request the court to
259 dismiss the order. The court must dismiss the order, and the
260 owner of the vehicle will incur no costs, if the owner of the
261 vehicle alleges and the court finds to be true any of the

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262 following:

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

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

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

269 d. The vehicle is owned by the defendant but is operated
270 solely by employees of the defendant or employees of a business
271 owned by the defendant.

272 3. If the court denies the request to dismiss the order,
273 the petitioner may request an evidentiary hearing. If, at the
274 evidentiary hearing, the court finds to be true any of the
275 circumstances described in sub-subparagraphs (d)2.a.-d., the
276 court must dismiss the order and the owner of the vehicle will
277 incur no costs.

278 (e) The criminal history record of a person who violates
279 paragraph (2) (f) and is found guilty as a result of a trial or
280 enters a plea of guilty or nolo contendere, regardless of
281 whether adjudication is withheld, must be added to the
282 Soliciting for Prostitution Registry. Upon the person's
283 conviction, the clerk of the court shall forward the criminal
284 history record of the convicted person to the Department of Law
285 Enforcement for inclusion in the Soliciting for Prostitution
286 Registry.

287 Section 4. Section 943.0433, Florida Statutes, is created
288 to read:

289 943.0433 Soliciting for Prostitution Registry.—

290 (1) The department shall create and administer the

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291 Soliciting for Prostitution Registry. The clerk of the court
292 shall forward to the department the criminal history record of a
293 person in accordance with s. 796.07(5)(e), and the department
294 must add the criminal history record to the registry.

295 (2) The department shall adopt rules to administer this
296 section.

297 Section 5. Subsection (3) of section 943.0583, Florida
298 Statutes, is amended to read:

299 943.0583 Human trafficking victim expunction.—

300 (3) A person who is a victim of human trafficking may
301 petition for the expunction of a criminal history record
302 resulting from the arrest or filing of charges for an offense
303 committed or reported to have been committed while the person
304 was a victim of human trafficking, which offense was committed
305 or reported to have been committed as a part of the human
306 trafficking scheme of which the person was a victim or at the
307 direction of an operator of the scheme, including, but not
308 limited to, violations under chapters 796 and 847, without
309 regard to the disposition of the arrest or of any charges.
310 However, this section does not apply to any offense listed in s.
311 775.084(1)(b)1., except for kidnapping. Determination of the
312 petition under this section should be by a preponderance of the
313 evidence. A conviction expunged under this section is deemed to
314 have been vacated due to a substantive defect in the underlying
315 criminal proceedings. If a person is adjudicated not guilty by
316 reason of insanity or is found to be incompetent to stand trial
317 for any such charge, the expunction of the criminal history
318 record may not prevent the entry of the judgment or finding in
319 state and national databases for use in determining eligibility

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320 to purchase or possess a firearm or to carry a concealed
321 firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.
322 922(t), nor shall it prevent any governmental agency that is
323 authorized by state or federal law to determine eligibility to
324 purchase or possess a firearm or to carry a concealed firearm
325 from accessing or using the record of the judgment or finding in
326 the course of such agency's official duties.

327 Section 6. Section 943.17297, Florida Statutes, is created
328 to read:

329 943.17297 Training in identifying and investigating human
330 trafficking.—Each certified law enforcement officer must
331 successfully complete four hours of training on identifying and
332 investigating human trafficking as a part of the basic recruit
333 training of the officer required in s. 943.13(9) or continuing
334 education under s. 943.135(1) before July 1, 2022. The training
335 must be developed by the commission in consultation with the
336 Department of Children and Families and the Statewide Council on
337 Human Trafficking. If an officer fails to complete the required
338 training, his or her certification shall be inactive until the
339 employing agency notifies the commission that the officer has
340 completed the training.

341 Section 7. This act shall take effect July 1, 2019.