

A bill to be entitled

An act relating to human trafficking; amending s. 39.01, F.S.; including human trafficking in the definition of the term "sexual abuse of a child"; amending s. 92.56, F.S.; including human trafficking within provisions providing for confidentiality of court records concerning certain offenses involving children; amending s. 787.06, F.S.; clarifying the offense of human trafficking; amending s. 794.024, F.S.; including human trafficking victims within provisions prohibiting disclosure of identifying information of certain crime victims; amending s. 960.065, F.S.; providing that victims of human trafficking are eligible for crime victim compensation awards under certain circumstances; amending s. 960.199, F.S.; allowing victims of human trafficking to be eligible for financial relocation assistance; providing an effective date.

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

Section 1. Paragraph (g) of subsection (67) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(67) "Sexual abuse of a child" for purposes of finding a

27 child to be dependent means one or more of the following acts:

28 (g) The sexual exploitation of a child, which includes the
 29 act of a child offering to engage in or engaging in
 30 prostitution, provided that the child is not under arrest or is
 31 not being prosecuted in a delinquency or criminal proceeding for
 32 a violation of any offense in chapter 796 based on such
 33 behavior; or allowing, encouraging, or forcing a child to:

- 34 1. Solicit for or engage in prostitution;
- 35 2. Engage in a sexual performance, as defined by chapter
 36 827; or
- 37 3. Participate in commercial sexual activity ~~the trade of~~
 38 ~~sex trafficking~~ as provided in s. 787.06(3)(g) or (h) or s.
 39 796.035.

40 Section 2. Subsections (2), (3), and (5) of section 92.56,
 41 Florida Statutes, are amended to read:

42 92.56 Judicial proceedings and court records involving
 43 sexual offenses and human trafficking.—

44 (2) A defendant charged with a crime described in s.
 45 787.06(3)(a) in which the victim is under the age of 18, s.
 46 787.06(3)(b), (d), (f), (g), or (h), chapter 794, or chapter
 47 800, or with child abuse, aggravated child abuse, or sexual
 48 performance by a child as described in chapter 827, may apply to
 49 the trial court for an order of disclosure of information in
 50 court records held confidential and exempt pursuant to s.
 51 119.0714(1)(h) or maintained as confidential and exempt pursuant
 52 to court order under this section. Such identifying information

53 concerning the victim may be released to the defendant or his or
54 her attorney in order to prepare the defense. The confidential
55 and exempt status of this information may not be construed to
56 prevent the disclosure of the victim's identity to the
57 defendant; however, the defendant may not disclose the victim's
58 identity to any person other than the defendant's attorney or
59 any other person directly involved in the preparation of the
60 defense. A willful and knowing disclosure of the identity of the
61 victim to any other person by the defendant constitutes
62 contempt.

63 (3) The state may use a pseudonym instead of the victim's
64 name to designate the victim of a crime described in s.
65 787.06(3)(a) in which the victim is under the age of 18, in s.
66 787.06(3)(b), (d), (f), (g), or (h), or in chapter 794 or
67 chapter 800, or of child abuse, aggravated child abuse, or
68 sexual performance by a child as described in chapter 827, or
69 any crime involving the production, possession, or promotion of
70 child pornography as described in chapter 847, in all court
71 records and records of court proceedings, both civil and
72 criminal.

73 (5) This section does not prohibit the publication or
74 broadcast of the substance of trial testimony in a prosecution
75 for an offense described in s. 787.06(3)(a) in which the victim
76 is under the age of 18, s. 787.06(3)(b), (d), (f), (g), or (h),
77 chapter 794, or chapter 800, or a crime of child abuse,
78 aggravated child abuse, or sexual performance by a child, as

79 described in chapter 827, but the publication or broadcast may
80 not include an identifying photograph, an identifiable voice, or
81 the name or address of the victim, unless the victim has
82 consented in writing to the publication and filed such consent
83 with the court or unless the court has declared such records not
84 confidential and exempt as provided for in subsection (1).

85 Section 3. Subsection (3) of section 787.06, Florida
86 Statutes, is amended to read:

87 787.06 Human trafficking.—

88 (3) Any person who knowingly, or in reckless disregard of
89 the facts, engages in human trafficking, or attempts to engage
90 in human trafficking, or benefits financially by receiving
91 anything of value from participation in a venture that has
92 subjected a person to human trafficking:

93 (a) Using coercion for labor or services commits a felony
94 of the first degree, punishable as provided in s. 775.082, s.
95 775.083, or s. 775.084.

96 (b) Using coercion for commercial sexual activity commits
97 a felony of the first degree, punishable as provided in s.
98 775.082, s. 775.083, or s. 775.084.

99 (c) Using coercion for labor or services of any individual
100 who is an unauthorized alien commits a felony of the first
101 degree, punishable as provided in s. 775.082, s. 775.083, or s.
102 775.084.

103 (d) Using coercion for commercial sexual activity of any
104 individual who is an unauthorized alien commits a felony of the

105 first degree, punishable as provided in s. 775.082, s. 775.083,
106 or s. 775.084.

107 (e) Using coercion for labor or services who does so by
108 the transfer or transport of any individual from outside this
109 state to within the state commits a felony of the first degree,
110 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

111 (f) Using coercion for commercial sexual activity who does
112 so by the transfer or transport of any individual from outside
113 this state to within the state commits a felony of the first
114 degree, punishable as provided in s. 775.082, s. 775.083, or s.
115 775.084.

116 (g) For commercial sexual activity in which any child
117 under the age of 18 is involved commits a felony of the first
118 degree, punishable by imprisonment for a term of years not
119 exceeding life, or as provided in s. 775.082, s. 775.083, or s.
120 775.084. In a prosecution under this paragraph in which the
121 defendant had a reasonable opportunity to observe the person who
122 was subject to human trafficking, the state need not prove that
123 the defendant knew that the person had not attained the age of
124 18 years.

125 (h) For commercial sexual activity in which any child
126 under the age of 15 is involved commits a life felony,
127 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
128 In a prosecution under this paragraph in which the defendant had
129 a reasonable opportunity to observe the person who was subject
130 to human trafficking, the state need not prove that the

131 | defendant knew that the person had not attained the age of 15
 132 | years.

133 |
 134 | For each instance of human trafficking of any individual under
 135 | this subsection, a separate crime is committed and a separate
 136 | punishment is authorized.

137 | Section 4. Section 794.024, Florida Statutes, is amended
 138 | to read:

139 | 794.024 Unlawful to disclose identifying information.—

140 | (1) A public employee or officer who has access to the
 141 | photograph, name, or address of a person who is alleged to be
 142 | the victim of an offense described in this chapter, s.
 143 | 787.06(3)(a) in which the victim is under the age of 18, s.
 144 | 787.06(3)(b), (d), (f), (g), or (h), chapter 800, s. 827.03, s.
 145 | 827.04, or s. 827.071 may not willfully and knowingly disclose
 146 | it to a person who is not assisting in the investigation or
 147 | prosecution of the alleged offense or to any person other than
 148 | the defendant, the defendant's attorney, a person specified in
 149 | an order entered by the court having jurisdiction of the alleged
 150 | offense, or organizations authorized to receive such information
 151 | made exempt by s. 119.071(2)(h), or to a rape crisis center or
 152 | sexual assault counselor, as defined in s. 90.5035(1)(b), who
 153 | will be offering services to the victim.

154 | (2) A violation of subsection (1) constitutes a
 155 | misdemeanor of the second degree, punishable as provided in s.
 156 | 775.082 or s. 775.083.

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157 Section 5. Paragraph (b) of subsection (2) of section
158 960.065, Florida Statutes, is amended to read:

159 960.065 Eligibility for awards.—

160 (2) Any claim filed by or on behalf of a person who:

161 (b) Was engaged in an unlawful activity at the time of the
162 crime upon which the claim for compensation is based, unless the
163 victim was engaged in prostitution as a result of being a victim
164 of human trafficking as described in s. 787.06(3)(b), (d), (f),
165 (g), or (h);

166

167 is ineligible for an award.

168 Section 6. Section 960.199, Florida Statutes, is amended
169 to read:

170 960.199 Relocation assistance for victims of sexual
171 battery or human trafficking.—

172 (1) The department may award a one-time payment of up to
173 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
174 victim of sexual battery, as defined in s. 794.011, or a victim
175 of human trafficking, as described in s. 787.06(3)(b), (d), (f),
176 (g), or (h), who needs relocation assistance.

177 (2) In order for an award to be granted to a victim for
178 relocation assistance:

179 (a) There must be proof that a sexual battery offense or
180 human trafficking offense, as defined in s. 787.06(3)(b), (d),
181 (f), (g), or (h), was committed.

182 (b) The sexual battery offense or human trafficking

183 offense, as defined in s. 787.06(3)(b), (d), (f), (g), or (h),
184 must be reported to the proper authorities.

185 (c) The victim's need for assistance must be certified by
186 a certified rape crisis center in this state or by the state
187 attorney or statewide prosecutor having jurisdiction over the
188 offense.

189 (d) The center's ~~center~~ certification must assert that the
190 victim is cooperating with law enforcement officials, if
191 applicable, which assertion must be approved by the state
192 attorney or statewide prosecutor, as appropriate, and must
193 include documentation that the victim has developed a safety
194 plan.

195 (e) The act of sexual battery or human trafficking, as
196 described in s. 787.06(3)(b), (d), (f), (g), or (h), must be
197 committed in the victim's place of residence or in a location
198 that would lead the victim to reasonably fear for his or her
199 continued safety in the place of residence.

200 (3) Relocation payments for a sexual battery or human
201 trafficking claim under this section shall be denied if the
202 department has previously approved or paid out a domestic
203 violence relocation claim under s. 960.198 to the same victim
204 regarding the same incident.

205 Section 7. This act shall take effect October 1, 2014.