

1 A bill to be entitled
 2 An act relating to human trafficking; amending s.
 3 796.07, F.S.; providing enhanced criminal penalties
 4 for soliciting another to commit prostitution and
 5 similar offenses; providing that persons convicted of
 6 such offenses may be required to attend an education
 7 program; requiring such persons to pay the costs of
 8 the program; providing for impoundment of a vehicle
 9 used in soliciting another to commit prostitution and
 10 similar offenses; providing exceptions; providing an
 11 opportunity for an owner who was not operating the
 12 vehicle when the offense occurred to prevent the
 13 impoundment or immobilization in certain
 14 circumstances; amending s. 943.0583, F.S.; authorizing
 15 a judge to close a hearing on the expunction of
 16 criminal records of a human trafficking victim in
 17 certain circumstances; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Subsections (4) and (6) of section 796.07,
 22 Florida Statutes, are amended to read:

23 796.07 Prohibiting prostitution and related acts.—

24 (4) (a) A person who violates any provision of this section
 25 other than paragraph (2) (f) commits:

26 ~~1.(a)~~ A misdemeanor of the second degree for a first

27 violation, punishable as provided in s. 775.082 or s. 775.083.

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

30 ~~3.(c)~~ A felony of the third degree for a third or
 31 subsequent violation, punishable as provided in s. 775.082, s.
 32 775.083, or s. 775.084.

33 (b) A person who violates paragraph (2)(f) commits:

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

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

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

42 (6) (a) A person who violates paragraph (2)(f) shall be
 43 assessed a civil penalty of \$5,000 if the violation results in
 44 any judicial disposition other than acquittal or dismissal. Of
 45 the proceeds from each penalty assessed under this subsection,
 46 the first \$500 shall be paid to the circuit court administrator
 47 for the sole purpose of paying the administrative costs of
 48 treatment-based drug court programs provided under s. 397.334.
 49 The remainder of the penalty assessed shall be deposited in the
 50 Operations and Maintenance Trust Fund of the Department of
 51 Children and Families for the sole purpose of funding safe
 52 houses and safe foster homes as provided in s. 409.1678.

53 (b) A person who violates paragraph (2)(f) may be required
54 to complete an educational program about the negative effects of
55 prostitution and human trafficking. Violators required to attend
56 an educational program under this paragraph shall be required to
57 pay a fee to cover the costs of the program.

58 (c)1. If a vehicle is used by a person who violates
59 paragraph (2)(f) in the course of the violation, the judge, upon
60 the person's conviction, may issue an order for the impoundment
61 or immobilization of the vehicle for a period of up to 60 days.
62 The order of impoundment or immobilization must include the
63 names and telephone numbers of all immobilization agencies
64 meeting all of the conditions of s. 316.193(13). Within 7
65 business days after the date that the court issues the order of
66 impoundment or immobilization, the clerk of the court must send
67 notice by certified mail, return receipt requested, to the
68 registered owner of the vehicle, if the registered owner is a
69 person other than the defendant, and to each person of record
70 claiming a lien against the vehicle.

71 2. A person who owns but was not operating the vehicle
72 when the offense occurred may submit to the court a police
73 report indicating that the vehicle was stolen at the time of the
74 offense or documentation of having purchased the vehicle after
75 the offense was committed from an entity other than the
76 defendant or the defendant's agent. If the court finds that the
77 vehicle was stolen or that the sale was not made to circumvent
78 the order and allow the defendant continued access to the

79 vehicle, the order must be dismissed and the owner of the
80 vehicle will incur no costs. If the court denies the request to
81 dismiss the order of impoundment or immobilization, the
82 petitioner may request an evidentiary hearing.

83 3. A person who owns but was not operating the vehicle
84 when the offense occurred, and whose vehicle was stolen or who
85 purchased the vehicle after the offense was committed directly
86 from the defendant or the defendant's agent, may request an
87 evidentiary hearing to determine whether the impoundment or
88 immobilization should occur. If the court finds that either the
89 vehicle was stolen or the purchase was made without knowledge of
90 the offense, that the purchaser had no relationship to the
91 defendant other than through the transaction, and that such
92 purchase would not circumvent the order and allow the defendant
93 continued access to the vehicle, the order must be dismissed and
94 the owner of the vehicle will incur no costs.

95 4. The court shall dismiss the order of impoundment or
96 immobilization of the vehicle if the court finds that the family
97 of the owner of the vehicle has no other private or public means
98 of transportation.

99 5. The court may dismiss the order of impoundment or
100 immobilization of any vehicles that are owned by the defendant
101 but that are operated solely by the employees of the defendant
102 or a business owned by the defendant.

103 Section 2. Paragraph (d) is added to subsection (7) of
104 section 943.0583, Florida Statutes, to read:

HB 465

2015

105 | 943.0583 Human trafficking victim expunction.—

106 | (7)

107 | (d) A judge may close any hearing under this section to
108 | the public upon determining that the public interest or the
109 | welfare of the human trafficking victim is best served by so
110 | doing.

111 | Section 3. This act shall take effect October 1, 2015.