

1 A bill to be entitled
 2 An act relating to victims of human trafficking;
 3 amending s. 450.045, F.S.; penalizing the failure to
 4 verify and maintain specified documentation of an
 5 adult theater employee or contractor; amending s.
 6 796.07, F.S.; requiring a mandatory minimum term of
 7 incarceration for a solicitation of prostitution,
 8 lewdness, or assignation conviction; authorizing a
 9 judicial circuit to offer an educational program to a
 10 person convicted of soliciting prostitution, lewdness,
 11 or assignation; providing topics for the educational
 12 program; amending s. 847.001, F.S.; expanding the
 13 definition of the term "adult theater"; providing an
 14 effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. Paragraph (d) is added to subsection (3) of
 19 section 450.045, Florida Statutes, and paragraphs (a), (b), and
 20 (c) of that subsection are republished, to read:

21 450.045 Proof of identity and age; posting of notices.—

22 (3) (a) In order to provide the department and law
 23 enforcement agencies the means to more effectively identify,
 24 investigate, and arrest persons engaging in human trafficking,
 25 an adult theater, as defined in s. 847.001(2) (b), shall obtain

26 | proof of the identity and age of each of its employees or
27 | independent contractors, and shall verify the validity of the
28 | identification and age verification document with the issuer,
29 | before his or her employment or provision of services as an
30 | independent contractor.

31 | (b) The adult theater shall obtain and keep on record a
32 | photocopy of the person's driver license or state or federal
33 | government-issued photo identification card, along with a record
34 | of the verification of the validity of the identification and
35 | age verification document with the issuer, during the entire
36 | period of employment or business relationship with the
37 | independent contractor and for at least 3 years after the
38 | employee or independent contractor ceases employment or the
39 | provision of services.

40 | (c) The department and its agents have the authority to
41 | enter during operating hours, unannounced and without prior
42 | notice, and inspect at any time a place or establishment covered
43 | by this subsection and to have access to age verification
44 | documents kept on file by the adult theater and such other
45 | records as may aid in the enforcement of this subsection.

46 | (d) A person who owns, operates, or manages an adult
47 | theater in violation of the requirements of this subsection
48 | commits a misdemeanor in the first degree, punishable as
49 | provided in s. 775.082 or s. 775.083.

50 | Section 2. Subsection (5) of section 796.07, Florida

51 Statutes, is amended, subsection (7) is added to that section,
 52 and paragraph (f) of subsection (2) of that section is
 53 republished, to read:

54 796.07 Prohibiting prostitution and related acts.—

55 (2) It is unlawful:

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

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

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

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

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

66 (b) In addition to any other penalty imposed, the court
 67 shall order a person convicted of a violation of paragraph
 68 (2) (f) to:

69 1. Perform 100 hours of community service; ~~and~~

70 2. Pay for and attend an educational program as described
 71 in subsection (7) ~~about the negative effects of prostitution and~~
 72 ~~human trafficking, such as a sexual violence prevention~~
 73 ~~education program, including such programs offered by faith-~~
 74 ~~based providers, if such a program exists~~ programs exist in the
 75 judicial circuit in which the offender is sentenced; and

76 | 3. Serve a minimum of:

77 | a. Ten days in county jail for a first violation.

78 | b. Thirty days in county jail for a second or subsequent
 79 | violation.

80 | ~~(c) In addition to any other penalty imposed, the court~~
 81 | ~~shall sentence a person convicted of a second or subsequent~~
 82 | ~~violation of paragraph (2) (f) to a minimum mandatory period of~~
 83 | ~~incarceration of 10 days.~~

84 | (c)~~(d)~~1. If a person who violates paragraph (2) (f) uses a
 85 | vehicle in the course of the violation, the judge, upon the
 86 | person's conviction, may issue an order for the impoundment or
 87 | immobilization of the vehicle for a period of up to 60 days. The
 88 | order of impoundment or immobilization must include the names
 89 | and telephone numbers of all immobilization agencies meeting all
 90 | of the conditions of s. 316.193(13). Within 7 business days
 91 | after the date that the court issues the order of impoundment or
 92 | immobilization, the clerk of the court must send notice by
 93 | certified mail, return receipt requested, to the registered
 94 | owner of the vehicle, if the registered owner is a person other
 95 | than the defendant, and to each person of record claiming a lien
 96 | against the vehicle.

97 | 2. The owner of the vehicle may request the court to
 98 | dismiss the order. The court must dismiss the order, and the
 99 | owner of the vehicle will incur no costs, if the owner of the
 100 | vehicle alleges and the court finds to be true any of the

101 following:

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

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

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

108 d. The vehicle is owned by the defendant but is operated
109 solely by employees of the defendant or employees of a business
110 owned by the defendant.

111 3. If the court denies the request to dismiss the order,
112 the petitioner may request an evidentiary hearing. If, at the
113 evidentiary hearing, the court finds to be true any of the
114 circumstances described in sub-subparagraphs (d)2.a.-d., the
115 court must dismiss the order and the owner of the vehicle will
116 incur no costs.

117 (7) A judicial circuit may establish an educational
118 program for persons convicted of or charged with a violation of
119 paragraph (2) (f), to include education on:

120 (a) The relationship between demand for commercial sex and
121 human trafficking.

122 (b) The impact of human trafficking on victims.

123 (c) Coercion, consent, and sexual violence.

124 (d) The health and legal consequences of commercial sex.

125 (e) The negative impact of commercial sex on prostituted

126 | persons and the community.

127 | (f) The reasons and motivations for engaging in
128 | prostitution.

129 |
130 | An educational program under this subsection may include a
131 | program offered by a faith-based provider.

132 | Section 3. Paragraph (b) of subsection (2) of section
133 | 847.001, Florida Statutes, is amended to read:

134 | 847.001 Definitions.—As used in this chapter, the term:

135 | (2) "Adult entertainment establishment" means the
136 | following terms as defined:

137 | (b) "Adult theater" means an enclosed building or an
138 | enclosed space within a building used for presenting either
139 | films, live plays, dances, or other performances that are
140 | distinguished or characterized by an emphasis on matter
141 | depicting, describing, or relating to specific sexual activities
142 | for observation by patrons, and which restricts or purports to
143 | restrict admission only to adults, or any business that features
144 | a person who engages in specific sexual activities for
145 | observation by a patron, and which restricts or purports to
146 | restrict admission to only adults.

147 | Section 4. This act shall take effect July 1, 2019.