



237898

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2019	.	
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The Committee on Community Affairs (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 16.618, Florida Statutes, is created to read:

16.618 Direct-support organization.—

(1) The Department of Legal Affairs shall establish a direct-support organization to provide assistance, funding, and support to the Statewide Council on Human Trafficking and to assist in the fulfillment of the council's purposes. The direct-



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12 support organization must be:

13 (a) A Florida corporation, not for profit, incorporated
14 under chapter 617, and approved by the Secretary of State;

15 (b) Organized and operated exclusively to solicit funds;
16 request and receive grants, gifts, and bequests of money;
17 acquire, receive, hold, invest, and administer, in its own name,
18 property and funds; and make expenditures in support of the
19 purposes specified in this section; and

20 (c) Certified by the department, after review, to be
21 operating in a manner consistent with the purposes of the
22 organization and in the best interests of this state.

23 (2) The direct-support organization shall operate under
24 written contract with the department. The contract must provide
25 for all of the following:

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

28 (b) Submission of an annual budget for approval by the
29 department.

30 (c) Annual certification by the department that the direct-
31 support organization is complying with the terms of the contract
32 and is operating in a manner consistent with the purposes of the
33 organization and in the best interests of this state.

34 (d) Reversion to the Florida Council Against Sexual
35 Violence of moneys and property held in trust by the direct-
36 support organization if the direct-support organization is no
37 longer approved to operate or if it ceases to exist.

38 (e) Disclosure of the material provisions of the contract
39 and the distinction between the board of directors and the
40 direct-support organization to donors of gifts, contributions,



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41 or bequests, which disclosures must be included in all
42 promotional and fundraising publications.

43 (f) An annual financial audit in accordance with s.
44 215.981.

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

48 (h) Appointment of the board of directors, pursuant to this
49 section.

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

52 (3) The board of directors of the direct-support
53 organization shall consist of seven members. Each member of the
54 board of directors shall be appointed to a 4-year term; however,
55 for the purpose of providing staggered terms, the appointee of
56 the President of the Senate and the appointee of the Speaker of
57 the House of Representatives shall each initially be appointed
58 to a 2-year term, and the Attorney General shall initially
59 appoint two members to serve 2-year terms. All subsequent
60 appointments shall be for 4-year terms. Any vacancy that occurs
61 must be filled in the same manner as the original appointment
62 and is for the unexpired term of that seat. The board of
63 directors shall be appointed as follows:

64 (a) Four members appointed by the Attorney General, one of
65 which must be a survivor of human trafficking and one of which
66 must be a mental health expert.

67 (b) One member appointed by the Governor.

68 (c) One member appointed by the President of the Senate.

69 (d) One member appointed by the Speaker of the House of



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70 Representatives.

71 (4) In conjunction with the Statewide Council on Human
72 Trafficking, and funded exclusively by the direct-support
73 organization, the direct-support organization shall form
74 strategic partnerships to foster the development of community
75 and private sector resources to advance the goals of the
76 council.

77 (5) The direct-support organization shall consider the
78 participation of counties and municipalities in this state which
79 demonstrate a willingness to participate and an ability to be
80 successful in any programs funded by the direct-support
81 organization.

82 (6) (a) The department may authorize the appropriate use
83 without charge, of the department's property, facilities, and
84 personnel by the direct-support organization. The use must be
85 for the approved purposes of the direct-support organization and
86 may not be made at times or places that would unreasonably
87 interfere with opportunities for the general public to use
88 departmental facilities.

89 (b) The department shall prescribe by agreement conditions
90 with which the direct-support organization must comply in order
91 to use department property, facilities, or personnel. Such
92 conditions must provide for budget and audit review and
93 oversight by the department.

94 (c) The department may not authorize the use of property,
95 facilities, or personnel of the council, department, or
96 designated program by the direct-support organization which does
97 not provide equal employment opportunities to all persons
98 regardless of race, color, religion, sex, age, or national



99 origin.

100 (7) (a) The direct-support organization may conduct programs
101 and activities; raise funds; request and receive grants, gifts,
102 and bequests of money; acquire, receive, hold, invest, and
103 administer, in its own name, securities, funds, objects of
104 value, or other property, real or personal; and make
105 expenditures to or for the direct or indirect benefit of the
106 council or designated program.

107 (b) Notwithstanding s. 287.025(1)(e), the direct-support
108 organization may enter into contracts to insure the property of
109 the council or designated programs and may insure objects or
110 collections on loan from other entities in satisfying security
111 terms of the lender.

112 (8) A departmental employee, a direct-support organization
113 or council employee, a volunteer, or a director or a designated
114 program may not:

115 (a) Receive a commission, fee, or financial benefit in
116 connection with serving on the council; or

117 (b) Be a business associate of any individual, firm, or
118 organization involved in the sale or the exchange of real or
119 personal property to the direct-support organization, the
120 council, or a designated program.

121 (9) All moneys received by the direct-support organization
122 shall be deposited into an account of the direct-support
123 organization and shall be used in a manner consistent with the
124 goals of the council or designated program.

125 (10) The department may terminate its agreement with the
126 direct-support organization at any time if the department
127 determines that the direct-support organization does not meet



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128 the objectives of this section.

129 (11) This section is repealed October 1, 2024, unless
130 reviewed and saved from repeal by the Legislature.

131 Section 2. Section 480.043, Florida Statutes, is amended to
132 read:

133 480.043 Massage establishments; requisites; licensure;
134 inspection; human trafficking awareness training and policies;
135 enforcement.—

136 (1) No massage establishment shall be allowed to operate
137 without a license granted by the department in accordance with
138 rules adopted by the board.

139 (2) A person who has an ownership interest in an
140 establishment shall submit to the background screening
141 requirements under s. 456.0135. However, if a corporation
142 submits proof of having more than \$250,000 of business assets in
143 this state, the department shall require the owner, officer, or
144 individual directly involved in the management of the
145 establishment to submit to the background screening requirements
146 of s. 456.0135. The department may adopt rules regarding the
147 type of proof that may be submitted by a corporation.

148 (3) The board shall adopt rules governing the operation of
149 establishments and their facilities, personnel, safety and
150 sanitary requirements, financial responsibility, insurance
151 coverage, and the license application and granting process.

152 (4) Any person, firm, or corporation desiring to operate a
153 massage establishment in the state shall submit to the
154 department an application, upon forms provided by the
155 department, accompanied by any information requested by the
156 department and an application fee.



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157 (5) Upon receiving the application, the department may
158 cause an investigation to be made of the proposed massage
159 establishment.

160 (6) If, based upon the application and any necessary
161 investigation, the department determines that the proposed
162 establishment would fail to meet the standards adopted by the
163 board under subsection (3), the department shall deny the
164 application for license. Such denial shall be in writing and
165 shall list the reasons for denial. Upon correction of any
166 deficiencies, an applicant previously denied permission to
167 operate a massage establishment may reapply for licensure.

168 (7) If, based upon the application and any necessary
169 investigation, the department determines that the proposed
170 massage establishment may reasonably be expected to meet the
171 standards adopted by the department under subsection (3), the
172 department shall grant the license under such restrictions as it
173 shall deem proper as soon as the original licensing fee is paid.

174 (8) The department shall deny an application for a new or
175 renewal license if a person with an ownership interest in the
176 establishment or, for a corporation that has more than \$250,000
177 of business assets in this state, the owner, officer, or
178 individual directly involved in the management of the
179 establishment has been convicted or found guilty of, or entered
180 a plea of guilty or nolo contendere to, regardless of
181 adjudication, a violation of s. 796.07(2)(a) which is
182 reclassified under s. 796.07(7) or a felony offense under any of
183 the following provisions of state law or a similar provision in
184 another jurisdiction:

185 (a) Section 787.01, relating to kidnapping.



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- 186 (b) Section 787.02, relating to false imprisonment.
187 (c) Section 787.025, relating to luring or enticing a
188 child.
189 (d) Section 787.06, relating to human trafficking.
190 (e) Section 787.07, relating to human smuggling.
191 (f) Section 794.011, relating to sexual battery.
192 (g) Section 794.08, relating to female genital mutilation.
193 (h) Former s. 796.03, relating to procuring a person under
194 the age of 18 for prostitution.
195 (i) Former s. 796.035, relating to selling or buying of
196 minors into prostitution.
197 (j) Section 796.04, relating to forcing, compelling, or
198 coercing another to become a prostitute.
199 (k) Section 796.05, relating to deriving support from the
200 proceeds of prostitution.
201 (l) Section 796.07(4)(a)3., relating to a felony of the
202 third degree for a third or subsequent violation of s. 796.07,
203 relating to prohibiting prostitution and related acts.
204 (m) Section 800.04, relating to lewd or lascivious offenses
205 committed upon or in the presence of persons less than 16 years
206 of age.
207 (n) Section 825.1025(2)(b), relating to lewd or lascivious
208 offenses committed upon or in the presence of an elderly or
209 disabled person.
210 (o) Section 827.071, relating to sexual performance by a
211 child.
212 (p) Section 847.0133, relating to the protection of minors.
213 (q) Section 847.0135, relating to computer pornography.
214 (r) Section 847.0138, relating to the transmission of



215 material harmful to minors to a minor by electronic device or
216 equipment.

217 (s) Section 847.0145, relating to the selling or buying of
218 minors.

219 (9) (a) Once issued, no license for operation of a massage
220 establishment may be transferred from one owner to another.

221 (b) A license may be transferred from one location to
222 another only after inspection and approval by the board and
223 receipt of an application and inspection fee set by rule of the
224 board, not to exceed \$125.

225 (c) A license may be transferred from one business name to
226 another after approval by the board and receipt of an
227 application fee set by rule of the board, not to exceed \$25.

228 (10) Renewal of license registration for massage
229 establishments shall be accomplished pursuant to rules adopted
230 by the board. The board is further authorized to adopt rules
231 governing delinquent renewal of licenses and may impose penalty
232 fees for delinquent renewal.

233 (11) The board is authorized to adopt rules governing the
234 periodic inspection of massage establishments licensed under
235 this act.

236 (12) A person with an ownership interest in or, for a
237 corporation that has more than \$250,000 of business assets in
238 this state, the owner, officer, or individual directly involved
239 in the management of an establishment that was issued a license
240 before July 1, 2014, shall submit to the background screening
241 requirements of s. 456.0135 before January 31, 2015.

242 (13) (a) A massage establishment shall:

243 1. Provide training regarding human trafficking awareness



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244 to massage therapists and employees of the establishment who
245 ordinarily interact with guests. Such training must be provided
246 to such massage therapists and employees within 6 months after
247 their employment in that role, or by January 1, 2021, whichever
248 occurs later. Proof of such employee training must be provided
249 to the board upon request.

250 2. By January 1, 2021, implement a procedure for the
251 reporting of suspected human trafficking to the National Human
252 Trafficking Hotline or to a local law enforcement agency.

253 3. By January 1, 2021, post in a conspicuous place in the
254 establishment which is accessible to employees a sign with the
255 relevant provisions of the reporting procedure provided for in
256 subparagraph 2.

257 (b) The human trafficking awareness training required under
258 subparagraph 1. must be submitted to and approved by the
259 department before the training is provided to employees and must
260 include the following:

261 1. The definition of human trafficking and the difference
262 between the two forms of human trafficking: sex trafficking and
263 labor trafficking.

264 2. Guidance specific to the massage establishment sector
265 concerning how to identify individuals who may be victims of
266 human trafficking.

267 3. Guidance concerning the role of the employees of a
268 massage establishment in reporting and responding to suspected
269 human trafficking.

270 (c) The board must take disciplinary action against a
271 massage establishment that has operated or that is operating in
272 violation of this section.



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273 (d) This section does not establish a private cause of
274 action. A massage establishment is not liable for any harm
275 resulting from the failure of an employee to prevent, detect, or
276 report suspected human trafficking if the massage establishment
277 was in compliance with the requirements of this section at the
278 time of such harm.

279 (14)-(13) This section does not apply to a physician
280 licensed under chapter 458, chapter 459, or chapter 460 who
281 employs a licensed massage therapist to perform massage on the
282 physician's patients at the physician's place of practice. This
283 subsection does not restrict investigations by the department
284 for violations of chapter 456 or this chapter.

285 Section 3. Section 509.096, Florida Statutes, is created to
286 read:

287 509.096 Human trafficking awareness training and policies
288 for employees of public lodging establishments; enforcement.-

289 (1) A public lodging establishment shall:

290 (a) Provide training regarding human trafficking awareness
291 to employees of the establishment who perform housekeeping
292 duties in the rental units or who work at the front desk or
293 reception area where guests ordinarily check-in or check-out.
294 Such training must be provided to such employees within 6 months
295 after their employment in that role, or by January 1, 2020,
296 whichever occurs later. Proof of such employee training must be
297 provided to the division upon request.

298 (b) By January 1, 2020, implement a procedure for the
299 reporting of suspected human trafficking to the National Human
300 Trafficking Hotline or to a local law enforcement agency.

301 (c) By January 1, 2020, post in a conspicuous place in the



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302 establishment which is accessible to employees a sign with the
303 relevant provisions of the reporting procedure provided for in
304 paragraph (b).

305 (2) The human trafficking awareness training required under
306 paragraph (1) (a) must be submitted to and approved by the
307 division before the training is provided to employees and must
308 include all of the following:

309 (a) The definition of human trafficking and the difference
310 between the two forms of human trafficking: sex trafficking and
311 labor trafficking.

312 (b) Guidance specific to the public lodging sector
313 concerning how to identify individuals who may be victims of
314 human trafficking.

315 (c) Guidance concerning the role of the employees of a
316 public lodging establishment in reporting and responding to
317 suspected human trafficking.

318 (3) Pursuant to s. 509.261, the division must take
319 disciplinary action against a public lodging establishment that
320 has operated or that is operating in violation of this section.

321 (4) This section does not establish a private cause of
322 action. A public lodging establishment is not liable for any
323 harm resulting from the failure of an employee to prevent,
324 detect, or report suspected human trafficking if the public
325 lodging establishment was in compliance with the requirements of
326 this section at the time of such harm.

327 Section 4. Effective October 1, 2019, subsection (5) of
328 section 796.07, Florida Statutes, is amended, and subsection (2)
329 of that section is republished, to read:

330 796.07 Prohibiting prostitution and related acts.—



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- 331 (2) It is unlawful:
- 332 (a) To own, establish, maintain, or operate any place,
333 structure, building, or conveyance for the purpose of lewdness,
334 assignation, or prostitution.
- 335 (b) To offer, or to offer or agree to secure, another for
336 the purpose of prostitution or for any other lewd or indecent
337 act.
- 338 (c) To receive, or to offer or agree to receive, any person
339 into any place, structure, building, or conveyance for the
340 purpose of prostitution, lewdness, or assignation, or to permit
341 any person to remain there for such purpose.
- 342 (d) To direct, take, or transport, or to offer or agree to
343 direct, take, or transport, any person to any place, structure,
344 or building, or to any other person, with knowledge or
345 reasonable cause to believe that the purpose of such directing,
346 taking, or transporting is prostitution, lewdness, or
347 assignation.
- 348 (e) For a person 18 years of age or older to offer to
349 commit, or to commit, or to engage in, prostitution, lewdness,
350 or assignation.
- 351 (f) To solicit, induce, entice, or procure another to
352 commit prostitution, lewdness, or assignation.
- 353 (g) To reside in, enter, or remain in, any place,
354 structure, or building, or to enter or remain in any conveyance,
355 for the purpose of prostitution, lewdness, or assignation.
- 356 (h) To aid, abet, or participate in any of the acts or
357 things enumerated in this subsection.
- 358 (i) To purchase the services of any person engaged in
359 prostitution.



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360 (5) (a) A person who violates paragraph (2) (f) commits:
361 1. A misdemeanor of the first degree for a first violation,
362 punishable as provided in s. 775.082 or s. 775.083.
363 2. A felony of the third degree for a second violation,
364 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
365 3. A felony of the second degree for a third or subsequent
366 violation, punishable as provided in s. 775.082, s. 775.083, or
367 s. 775.084.
368 (b) In addition to any other penalty imposed, the court
369 shall order a person convicted of a violation of paragraph
370 (2) (f) to:
371 1. Perform 100 hours of community service; and
372 2. Pay for and attend an educational program about the
373 negative effects of prostitution and human trafficking, such as
374 a sexual violence prevention education program, including such
375 programs offered by faith-based providers, if such programs
376 exist in the judicial circuit in which the offender is
377 sentenced.
378 (c) In addition to any other penalty imposed, the court
379 shall sentence a person convicted of a second or subsequent
380 violation of paragraph (2) (f) to a minimum mandatory period of
381 incarceration of 10 days.
382 (d) 1. If a person who violates paragraph (2) (f) uses a
383 vehicle in the course of the violation, the judge, upon the
384 person's conviction, may issue an order for the impoundment or
385 immobilization of the vehicle for a period of up to 60 days. The
386 order of impoundment or immobilization must include the names
387 and telephone numbers of all immobilization agencies meeting all
388 of the conditions of s. 316.193(13). Within 7 business days



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389 after the date that the court issues the order of impoundment or
390 immobilization, the clerk of the court must send notice by
391 certified mail, return receipt requested, to the registered
392 owner of the vehicle, if the registered owner is a person other
393 than the defendant, and to each person of record claiming a lien
394 against the vehicle.

395 2. The owner of the vehicle may request the court to
396 dismiss the order. The court must dismiss the order, and the
397 owner of the vehicle will incur no costs, if the owner of the
398 vehicle alleges and the court finds to be true any of the
399 following:

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

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

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

406 d. The vehicle is owned by the defendant but is operated
407 solely by employees of the defendant or employees of a business
408 owned by the defendant.

409 3. If the court denies the request to dismiss the order,
410 the petitioner may request an evidentiary hearing. If, at the
411 evidentiary hearing, the court finds to be true any of the
412 circumstances described in sub-subparagraphs (d)2.a.-d., the
413 court must dismiss the order and the owner of the vehicle will
414 incur no costs.

415 (e) The criminal history record of a person who violates
416 paragraph (2)(f) and who is found guilty as a result of a trial
417 or who enters a plea of guilty or nolo contendere, regardless of



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418 whether adjudication is withheld, must be added to the
419 Soliciting for Prostitution Public Database established under s.
420 943.0433. Upon the person's conviction, the clerk of the court
421 shall forward the criminal history record of the convicted
422 person to the Department of Law Enforcement for inclusion in the
423 database.

424 Section 5. Effective October 1, 2019, section 943.0433,
425 Florida Statutes, is created to read:

426 943.0433 Soliciting for Prostitution Public Database.—

427 (1) The department shall create and administer the
428 Soliciting for Prostitution Public Database. The clerk of the
429 court shall forward to the department the criminal history
430 record of a person in accordance with s. 796.07(5)(e), and the
431 department must add the criminal history record to the database.

432 (2)(a) The department shall automatically remove the
433 criminal history record of a person on the database for a first
434 violation of s. 796.07(2)(f) if, after 5 years after the
435 person's conviction, such person has not again violated s.
436 796.07(2)(f) and has not committed any other offense within that
437 time that would constitute a sexual offense, including, but not
438 limited to, human trafficking or an offense that would require
439 registration as a sexual offender.

440 (b) The department may not remove a criminal history record
441 from the database if a person violates s. 796.07(2)(f) a second
442 or subsequent time.

443 (3) The database must include all of the following on each
444 offender:

445 (a) His or her full legal name.

446 (b) His or her last known address.



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- 447 (c) A color photograph of him or her.
- 448 (d) The offense for which he or she was convicted.
- 449 (4) The department shall adopt rules to administer this
- 450 section.

451 Section 6. Subsection (3) of section 943.0583, Florida
452 Statutes, is amended to read:

453 943.0583 Human trafficking victim expunction.—

454 (3) A person who is a victim of human trafficking may
455 petition for the expunction of a criminal history record
456 resulting from the arrest or filing of charges for an offense
457 committed or reported to have been committed while the person
458 was a victim of human trafficking, which offense was committed
459 or reported to have been committed as a part of the human
460 trafficking scheme of which the person was a victim or at the
461 direction of an operator of the scheme, including, but not
462 limited to, violations under chapters 796 and 847, without
463 regard to the disposition of the arrest or of any charges.
464 However, this section does not apply to any offense listed in s.
465 775.084(1)(b)1., except for kidnapping. Determination of the
466 petition under this section should be by a preponderance of the
467 evidence. A conviction expunged under this section is deemed to
468 have been vacated due to a substantive defect in the underlying
469 criminal proceedings. If a person is adjudicated not guilty by
470 reason of insanity or is found to be incompetent to stand trial
471 for any such charge, the expunction of the criminal history
472 record may not prevent the entry of the judgment or finding in
473 state and national databases for use in determining eligibility
474 to purchase or possess a firearm or to carry a concealed
475 firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.



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476 922(t), nor shall it prevent any governmental agency that is
477 authorized by state or federal law to determine eligibility to
478 purchase or possess a firearm or to carry a concealed firearm
479 from accessing or using the record of the judgment or finding in
480 the course of such agency's official duties.

481 Section 7. Section 943.17297, Florida Statutes, is created
482 to read:

483 943.17297 Training in identifying and investigating human
484 trafficking.—Each certified law enforcement officer must
485 successfully complete four hours of training on identifying and
486 investigating human trafficking as a part of the basic recruit
487 training of the officer required in s. 943.13(9) or continuing
488 education under s. 943.135(1) before July 1, 2022. The training
489 must be developed by the commission in consultation with the
490 Department of Children and Families and the Statewide Council on
491 Human Trafficking. If an officer fails to complete the required
492 training, his or her certification shall be inactive until the
493 employing agency notifies the commission that the officer has
494 completed the training.

495 Section 8. Except as otherwise expressly provided in this
496 act, this act shall take effect July 1, 2019.

497
498 ===== T I T L E A M E N D M E N T =====

499 And the title is amended as follows:

500 Delete everything before the enacting clause
501 and insert:

502 A bill to be entitled
503 An act relating to human trafficking; creating s.
504 16.618, F.S.; requiring the Department of Legal



505 Affairs to establish a certain direct-support
506 organization; providing requirements for the direct-
507 support organization; requiring the direct-support
508 organization to operate under written contract with
509 the department; providing contractual requirements;
510 providing for the membership of and the appointment of
511 directors to the board of directors of the direct-
512 support organization; requiring the direct-support
513 organization, in conjunction with the Statewide
514 Council on Human Trafficking, to form certain
515 partnerships for specified purposes; authorizing the
516 department to allow appropriate use of department
517 property, facilities, and personnel by the direct-
518 support organization; providing requirements and
519 conditions for such use of department property,
520 facilities, and personnel by the direct-support
521 organization; authorizing the direct-support
522 organization to engage in certain activities for the
523 direct or indirect benefit of the council; providing
524 for moneys received by the direct-support
525 organization; prohibiting certain persons and
526 employees from receiving specified benefits as they
527 relate to the council or the direct-support
528 organization; authorizing the department to terminate
529 its agreement with the direct-support organization if
530 the department determines that the direct-support
531 organization does not meet specified objectives;
532 providing for future review and repeal by the
533 Legislature; amending s. 480.043, F.S.; requiring a



534 message establishment to train certain employees and
535 create certain policies relating to human trafficking
536 by a specified date; providing requirements for such
537 training; requiring the Board of Massage Therapy to
538 take disciplinary action against a massage
539 establishment for failure to comply with such
540 requirements; providing that this section does not
541 establish a private cause of action against a massage
542 establishment under certain circumstances; creating s.
543 509.096, F.S.; requiring a public lodging
544 establishment to train certain employees and create
545 certain policies relating to human trafficking by a
546 specified date; providing requirements for such
547 training; requiring the Division of Hotels and
548 Restaurants of the Department of Business and
549 Professional Regulation to take disciplinary action
550 against a public lodging establishment for failure to
551 comply with such requirements; providing that this
552 section does not establish a private cause of action
553 against a public lodging establishment under certain
554 circumstances; amending s. 796.07, F.S.; requiring
555 that the criminal history record of a person who is
556 convicted of, or who enters a plea of guilty or nolo
557 contendere to, soliciting, inducing, enticing, or
558 procuring another to commit prostitution, lewdness, or
559 assignation be added to the Soliciting for
560 Prostitution Public Database; requiring the clerk of
561 the court to forward the criminal history record of
562 such persons to the Department of Law Enforcement for



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563 certain purposes; creating s. 943.0433, F.S.;

564 requiring the Department of Law Enforcement to create

565 and administer the Soliciting for Prostitution Public

566 Database; requiring the department to add certain

567 criminal history records to the database; requiring

568 the department to automatically remove certain

569 criminal history records from the database under

570 certain circumstances; prohibiting the department from

571 removing certain criminal history records from the

572 database under certain circumstances; requiring the

573 database to include specified information on

574 offenders; requiring the department to adopt rules;

575 amending s. 943.0583, F.S.; creating an exception to a

576 prohibition that bars certain victims of human

577 trafficking from petitioning for the expunction of a

578 criminal history record for offenses committed while

579 the person was a victim of human trafficking as part

580 of the human trafficking scheme or at the direction of

581 an operator of the scheme; creating s. 943.17297,

582 F.S.; requiring each certified law enforcement officer

583 to successfully complete training on identifying and

584 investigating human trafficking before a certain date;

585 requiring that the training be developed in

586 consultation with specified entities; specifying that

587 an officer's certification shall be inactive if he or

588 she fails to complete the required training until the

589 employing agency notifies the Criminal Justice

590 Standards and Training Commission that the officer has

591 completed the training; providing effective dates.



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WHEREAS, the state of Florida is ranked third nationally for human trafficking abuses, and the Legislature recognizes that the crime of human trafficking is a gross violation of human rights, and has taken measures to raise awareness of the practices of human sex trafficking and of labor trafficking of children and adults in this state, and

WHEREAS, the Legislature deems it critical to the health, safety, and welfare of the people in this state to prevent and deter human trafficking networks, and persons who would aid and abet these networks, from operating in this state, and

WHEREAS, repeat offenses to aid and abet traffickers by way of recruitment or financial support, and clients of human trafficking networks who use physical violence, are a particularly extreme threat to public safety, and

WHEREAS, repeat offenders are extremely likely to use violence and to repeat their offenses, and to commit many offenses with many victims, many of whom are never given justice, and these offenders are only prosecuted for a small fraction of their crimes, and

WHEREAS, traffickers and clients of human trafficking networks often use hotels, motels, public lodging establishments, massage establishments, spas, or property rental sharing sites to acquire facilities wherein men, women, and children are coerced into performing sexual acts, which places the employees of these establishments in direct and frequent contact with victims of human trafficking, and

WHEREAS, this state is in critical need of a coordinated and collaborative human trafficking law enforcement response to



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621 prepare for future large-scale events taking place in this
622 state, and the Legislature finds that a statewide effort focused
623 on law enforcement training, detection, and enforcement, with
624 additional focus on the safe rehabilitation of survivors, will
625 benefit such critical need, and

626 WHEREAS, research from 2011 has demonstrated that a
627 majority of human trafficker's clients are not interviewed by
628 law enforcement, despite having extensive knowledge of the
629 traffickers and the traffickers' practices, and are even used as
630 recruiters for traffickers, and

631 WHEREAS, human trafficker's clients who were interviewed in
632 the same 2011 research stated that they would think twice about
633 purchasing sex from a victim of human trafficking if they were
634 named on a public database, and

635 WHEREAS, client and trafficker anonymity has allowed for
636 trafficking networks to continue in the shadows, and the
637 publication of client and trafficker identities would protect
638 the public from potential harm and protect victims of
639 trafficking from future harm, NOW, THEREFORE,