

By 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 the owner or operator of a  
4       public lodging establishment to train certain  
5       employees and create certain policies relating to  
6       human trafficking by a specified date; requiring the  
7       Division of Hotels and Restaurants of the Department  
8       of Business and Professional Regulation to impose  
9       fines on public lodging establishments for failure to  
10      comply with such requirements; creating s. 787.08,  
11      F.S.; requiring the Department of Children and  
12      Families, in consultation with the Department of Law  
13      Enforcement and the Attorney General, to establish a  
14      certain direct-support organization; providing  
15      requirements for the direct-support organization;  
16      requiring the direct-support organization to form  
17      strategic partnerships and to serve as a liaison with  
18      public and private sector partners in funding the  
19      provision of inpatient care to victims of human  
20      trafficking; requiring the direct-support organization  
21      to operate under a written contract with the  
22      Department of Children and Families; providing  
23      contractual requirements; providing for the membership  
24      of and the appointment of directors to the board of  
25      the direct-support organization; providing for future  
26      review and repeal by the Legislature; amending s.  
27      796.07, F.S.; requiring that the criminal history  
28      record of a person who is convicted of, or enters a  
29      plea of guilty or nolo contendere to, soliciting,

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30 inducing, enticing, or procuring another to commit  
31 prostitution, lewdness, or assignation be added to the  
32 Soliciting for Prostitution Registry; requiring the  
33 clerk of the court to forward the criminal history  
34 record of such persons to the Department of Law  
35 Enforcement for certain purposes; creating s.  
36 943.0433, F.S.; requiring the Department of Law  
37 Enforcement to create and administer the Soliciting  
38 for Prostitution Registry; requiring the department to  
39 add certain criminal history records to the registry;  
40 requiring the department to adopt rules; amending s.  
41 943.0583, F.S.; creating an exception to a prohibition  
42 that bars certain victims of human trafficking from  
43 petitioning for the expunction of a criminal history  
44 record for offenses committed while the person was a  
45 victim of human trafficking as part of the human  
46 trafficking scheme or at the direction of an operator  
47 of the scheme; creating s. 943.17297, F.S.; requiring  
48 each certified law enforcement officer to successfully  
49 complete training on identifying and investigating  
50 human trafficking before a certain date; requiring  
51 that the training be developed in consultation with  
52 specified entities; specifying that an officer's  
53 certification shall be inactive if he or she fails to  
54 complete the required training until the employing  
55 agency notifies the Criminal Justice Standards and  
56 Training Commission that the officer has completed the  
57 training; providing an effective date.

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

60  
61 Section 1. Section 509.096, Florida Statutes, is created to  
62 read:

63 509.096 Human trafficking awareness training and policies  
64 for employees of public lodging establishment; penalties.-

65 (1) An owner or operator of a public lodging establishment  
66 shall do both of the following:

67 (a) Within 30 days after such employees are hired, or by  
68 January 1, 2020, whichever occurs later, require managing  
69 employees and employees of the establishment who are reasonably  
70 expected to routinely interact with guests to complete an  
71 educational program designed to effectively train them in the  
72 identification, prevention, and reporting of suspected human  
73 trafficking.

74 (b) By January 1, 2020, implement an effective employee  
75 protocol or employee code of conduct to prevent, detect, and  
76 report suspected human trafficking.

77 (2) The division shall impose an administrative fine of up  
78 to \$1,000 per day on a public lodging establishment for the  
79 following violations:

80 (a) The administrative fine must be assessed up to the  
81 maximum amount per day for each employee of the public lodging  
82 establishment who does not meet the educational program  
83 requirements of this section.

84 (b) The administrative fine must be assessed up to the  
85 maximum amount per day for each day the public lodging  
86 establishment fails to comply with paragraph (1)(b).

87 Section 2. Section 787.08, Florida Statutes, is created to

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88 read:

89 787.08 Direct-support organization.-

90 (1) The Department of Children and Families, in  
91 consultation with the Department of Law Enforcement and the  
92 Attorney General, shall establish a direct-support organization  
93 that is:

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

96 (b) Organized and operated exclusively to solicit funds;  
97 request and receive grants, gifts, and bequests of money;  
98 acquire, receive, hold, invest, and administer, in its own name,  
99 property and funds; and make expenditures in support of the  
100 purposes specified in this section.

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

104 (2) The direct-support organization shall form strategic  
105 partnerships to foster the development of community and private  
106 sector resources and shall serve as a liaison with state  
107 agencies, other state governments, and the public and private  
108 sectors in funding the provision of inpatient care to victims of  
109 human trafficking in treatment centers throughout the state.

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

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

115 (b) Submission of an annual budget for approval by the  
116 department.

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117 (c) Annual certification by the department that the direct-  
118 support organization is complying with the terms of the contract  
119 and operating in a manner consistent with the purposes of the  
120 organization and in the best interests of the state.

121 (d) Reversion to the Florida Council Against Sexual  
122 Violence of moneys and property held in trust by the direct-  
123 support organization to provide services for victims of sexual  
124 violence if the direct-support organization is no longer  
125 approved to operate or ceases to exist.

126 (e) Disclosure of the material provisions of the contract  
127 and the distinction between the board of directors and the  
128 direct-support organization to donors of gifts, contributions,  
129 or bequests, which disclosures must be included in all  
130 promotional and fundraising publications.

131 (f) An annual financial audit in accordance with s.  
132 215.981.

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

136 (h) Appointment of the board of directors, pursuant to this  
137 section.

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

140 (4) The board of directors of the direct-support  
141 organization consists of 13 members. Each member of the board of  
142 directors must be appointed to a 4-year term; however, for the  
143 purpose of providing staggered terms, the Speaker of the House  
144 of Representatives and the President of the Senate shall each  
145 initially appoint two members to serve a 2-year term, and the

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

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

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

156 (c) Four members appointed by the Speaker of the House of  
157 Representatives.

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

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

161 Section 3. Subsection (5) of section 796.07, Florida  
162 Statutes, is amended, and subsection (2) of that section is  
163 republished, to read:

164 796.07 Prohibiting prostitution and related acts.—

165 (2) It is unlawful:

166 (a) To own, establish, maintain, or operate any place,  
167 structure, building, or conveyance for the purpose of lewdness,  
168 assignation, or prostitution.

169 (b) To offer, or to offer or agree to secure, another for  
170 the purpose of prostitution or for any other lewd or indecent  
171 act.

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

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175 any person to remain there for such purpose.

176 (d) To direct, take, or transport, or to offer or agree to  
177 direct, take, or transport, any person to any place, structure,  
178 or building, or to any other person, with knowledge or  
179 reasonable cause to believe that the purpose of such directing,  
180 taking, or transporting is prostitution, lewdness, or  
181 assignation.

182 (e) For a person 18 years of age or older to offer to  
183 commit, or to commit, or to engage in, prostitution, lewdness,  
184 or assignation.

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

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

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

192 (i) To purchase the services of any person engaged in  
193 prostitution.

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

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

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

199 3. A felony of the second degree for a third or subsequent  
200 violation, punishable as provided in s. 775.082, s. 775.083, or  
201 s. 775.084.

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

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204 (2) (f) to:

- 205 1. Perform 100 hours of community service; and
- 206 2. Pay for and attend an educational program about the
- 207 negative effects of prostitution and human trafficking, such as
- 208 a sexual violence prevention education program, including such
- 209 programs offered by faith-based providers, if such programs
- 210 exist in the judicial circuit in which the offender is
- 211 sentenced.

212 (c) In addition to any other penalty imposed, the court

213 shall sentence a person convicted of a second or subsequent

214 violation of paragraph (2) (f) to a minimum mandatory period of

215 incarceration of 10 days.

216 (d)1. If a person who violates paragraph (2) (f) uses a

217 vehicle in the course of the violation, the judge, upon the

218 person's conviction, may issue an order for the impoundment or

219 immobilization of the vehicle for a period of up to 60 days. The

220 order of impoundment or immobilization must include the names

221 and telephone numbers of all immobilization agencies meeting all

222 of the conditions of s. 316.193(13). Within 7 business days

223 after the date that the court issues the order of impoundment or

224 immobilization, the clerk of the court must send notice by

225 certified mail, return receipt requested, to the registered

226 owner of the vehicle, if the registered owner is a person other

227 than the defendant, and to each person of record claiming a lien

228 against the vehicle.

229 2. The owner of the vehicle may request the court to

230 dismiss the order. The court must dismiss the order, and the

231 owner of the vehicle will incur no costs, if the owner of the

232 vehicle alleges and the court finds to be true any of the



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233 following:

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

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

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

240 d. The vehicle is owned by the defendant but is operated  
241 solely by employees of the defendant or employees of a business  
242 owned by the defendant.

243 3. If the court denies the request to dismiss the order,  
244 the petitioner may request an evidentiary hearing. If, at the  
245 evidentiary hearing, the court finds to be true any of the  
246 circumstances described in sub-subparagraphs (d)2.a.-d., the  
247 court must dismiss the order and the owner of the vehicle will  
248 incur no costs.

249 (e) The criminal history record of a person who violates  
250 paragraph (2) (f) and is found guilty as a result of a trial or  
251 enters a plea of guilty or nolo contendere, regardless of  
252 whether adjudication is withheld, must be added to the  
253 Soliciting for Prostitution Registry. Upon the person's  
254 conviction, the clerk of the court shall forward the criminal  
255 history record of the convicted person to the Department of Law  
256 Enforcement for inclusion in the Soliciting for Prostitution  
257 Registry.

258 Section 4. Section 943.0433, Florida Statutes, is created  
259 to read:

260 943.0433 Soliciting for Prostitution Registry.-

261 (1) The department shall create and administer the

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

266 (2) The department shall adopt rules to administer this  
267 section.

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

270 943.0583 Human trafficking victim expunction.—

271 (3) A person who is a victim of human trafficking may  
272 petition for the expunction of a criminal history record  
273 resulting from the arrest or filing of charges for an offense  
274 committed or reported to have been committed while the person  
275 was a victim of human trafficking, which offense was committed  
276 or reported to have been committed as a part of the human  
277 trafficking scheme of which the person was a victim or at the  
278 direction of an operator of the scheme, including, but not  
279 limited to, violations under chapters 796 and 847, without  
280 regard to the disposition of the arrest or of any charges.  
281 However, this section does not apply to any offense listed in s.  
282 775.084(1)(b)1., except for kidnapping. Determination of the  
283 petition under this section should be by a preponderance of the  
284 evidence. A conviction expunged under this section is deemed to  
285 have been vacated due to a substantive defect in the underlying  
286 criminal proceedings. If a person is adjudicated not guilty by  
287 reason of insanity or is found to be incompetent to stand trial  
288 for any such charge, the expunction of the criminal history  
289 record may not prevent the entry of the judgment or finding in  
290 state and national databases for use in determining eligibility

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291 to purchase or possess a firearm or to carry a concealed  
292 firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.  
293 922(t), nor shall it prevent any governmental agency that is  
294 authorized by state or federal law to determine eligibility to  
295 purchase or possess a firearm or to carry a concealed firearm  
296 from accessing or using the record of the judgment or finding in  
297 the course of such agency's official duties.

298 Section 6. Section 943.17297, Florida Statutes, is created  
299 to read:

300 943.17297 Training in identifying and investigating human  
301 trafficking.—Each certified law enforcement officer must  
302 successfully complete training on identifying and investigating  
303 human trafficking as a part of the basic recruit training of the  
304 officer required in s. 943.13(9) or continuing education under  
305 s. 943.135(1) before July 1, 2022. The training must be  
306 developed in consultation with the Department of Children and  
307 Families and the Statewide Council on Human Trafficking. If an  
308 officer fails to complete the required training, his or her  
309 certification shall be inactive until the employing agency  
310 notifies the commission that the officer has completed the  
311 training.

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