

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Fitzenhagen offered the following:

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5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 16.618 Direct-support organization.-

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

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

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

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

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

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

30 (b) Submission of an annual budget for approval by the  
31 department.

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

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

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41 (e) Disclosure of the material provisions of the contract  
42 and the distinction between the board of directors and the  
43 direct-support organization to donors of gifts, contributions,  
44 or bequests, which disclosures must be included in all  
45 promotional and fundraising publications.

46 (f) An annual financial audit in accordance with s.  
47 215.981.

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

51 (h) Appointment of the board of directors, pursuant to  
52 this section.

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

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

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65 and is for the unexpired term of that seat. The board of  
66 directors shall be appointed as follows:

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

70 (b) One member appointed by the Governor.

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

72 (d) One member appointed by the Speaker of the House of  
73 Representatives.

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

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

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

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90 interfere with opportunities for the general public to use  
91 departmental facilities.

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

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

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

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

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115 (8) A departmental employee, a direct-support organization  
116 or council employee, volunteer, director, or a designated  
117 program may not:

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

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

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

128 (10) The department may terminate its agreement with the  
129 direct-support organization at any time if the department  
130 determines that the direct-support organization does not meet  
131 the objectives of this section.

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

134 Section 2. Subsection (13) of section 480.043, Florida  
135 Statutes, is renumbered as subsection (14), and subsection (13)  
136 is added to that section, to read:

137 480.043 Massage establishments; requisites; licensure;  
138 inspection; human trafficking awareness training and policies;  
139 enforcement.-

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

141 1. Provide training regarding human trafficking awareness  
142 to massage therapists and employees of the establishment who  
143 ordinarily interact with guests. Such training must be provided  
144 to such massage therapists and employees within 6 months after  
145 their employment in that role, or by January 1, 2021, whichever  
146 occurs later. Proof of such employee training must be provided  
147 to the board upon request.

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

151 3. By January 1, 2021, post in a conspicuous place in the  
152 establishment which is accessible to employees a sign with the  
153 relevant provisions of the reporting procedure provided for in  
154 subparagraph 2.

155 (b) The human trafficking awareness training required  
156 under subparagraph 1. must be submitted to and approved by the  
157 department before the training is provided to employees and must  
158 include the following:

159 1. The definition of human trafficking and the difference  
160 between sex trafficking and labor trafficking.

161 2. Guidance specific to the massage establishment sector  
162 concerning how to identify individuals who may be victims of  
163 human trafficking.

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164 3. Guidance concerning the role of the employees of a  
165 massage establishment in reporting and responding to suspected  
166 human trafficking.

167 (c) The board must take disciplinary action against a  
168 massage establishment that violates this section.

169 (d) This section does not establish a private cause of  
170 action. A massage establishment is not liable for any harm  
171 resulting from the failure of an employee to prevent, detect, or  
172 report suspected human trafficking if the massage establishment  
173 was in compliance with the requirements of this section at the  
174 time of such harm.

175 Section 3. Section 509.096, Florida Statutes, is created  
176 to read:

177 509.096 Human trafficking awareness training and policies  
178 for employees of public lodging establishments; enforcement.-

179 (1) A public lodging establishment shall:

180 (a) Provide training regarding human trafficking awareness  
181 to employees of the establishment who perform housekeeping  
182 duties in the rental units or who work at the front desk or  
183 reception area where guests ordinarily check-in or check-out.  
184 Such training must be provided to such employees within 6 months  
185 after their employment in that role, or by January 1, 2020,  
186 whichever occurs later. Proof of such employee training must be  
187 provided to the division upon request.



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

191 (c) By January 1, 2020, post in a conspicuous place in the  
192 establishment which is accessible to employees a sign with the  
193 relevant provisions of the reporting procedure provided for in  
194 paragraph (b).

195 (2) The human trafficking awareness training required  
196 under paragraph (1)(a) must be submitted to and approved by the  
197 division before the training is provided to employees and must  
198 include all of the following:

199 (a) The definition of human trafficking and the difference  
200 between sex trafficking and labor trafficking.

201 (b) Guidance specific to the public lodging sector  
202 concerning how to identify individuals who may be victims of  
203 human trafficking.

204 (c) Guidance concerning the role of the employees of a  
205 public lodging establishment in reporting and responding to  
206 suspected human trafficking.

207 (3) Pursuant to s. 509.261, the division must take  
208 disciplinary action against a public lodging establishment that  
209 violates this section.

210 (4) This section does not establish a private cause of  
211 action. A public lodging establishment is not liable for any  
212 harm resulting from the failure of an employee to prevent,

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213 detect, or report suspected human trafficking if the public  
214 lodging establishment was in compliance with the requirements of  
215 this section at the time of such harm.

216 Section 4. Section 943.17297, Florida Statutes, is created  
217 to read:

218 943.17297 Training in identifying and investigating human  
219 trafficking.—Each certified law enforcement officer must  
220 successfully complete four hours of training on identifying and  
221 investigating human trafficking as a part of the basic recruit  
222 training of the officer required in s. 943.13(9) or continuing  
223 education under s. 943.135(1) before July 1, 2022. The training  
224 must be developed by the commission in consultation with the  
225 Department of Children and Families and the Statewide Council on  
226 Human Trafficking. If an officer fails to complete the required  
227 training, his or her certification shall be inactive until the  
228 employing agency notifies the commission that the officer has  
229 completed the training.

230 Section 5. This act shall take effect July 1, 2019.

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**T I T L E A M E N D M E N T**

233 Remove everything before the enacting clause and insert:  
234 An act relating to human trafficking; creating s. 16.618, F.S.;  
235 requiring the Department of Legal Affairs to establish a certain  
236 direct-support organization; providing requirements for the  
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238 direct-support organization; requiring the direct-support  
239 organization to operate under written contract with the  
240 department; providing contractual requirements; providing for  
241 the membership of and the appointment of directors to the board  
242 of directors of the direct-support organization; requiring the  
243 direct-support organization, in conjunction with the Statewide  
244 Council on Human Trafficking, to form certain partnerships for  
245 specified purposes; authorizing the department to allow  
246 appropriate use of department property, facilities, and  
247 personnel by the direct-support organization; providing  
248 requirements and conditions for such use of department property,  
249 facilities, and personnel by the direct-support organization;  
250 authorizing the direct-support organization to engage in certain  
251 activities for the direct or indirect benefit of the council;  
252 providing for moneys received by the direct-support  
253 organization; prohibiting certain persons and employees from  
254 receiving specified benefits as they relate to the council or  
255 the direct-support organization; authorizing the department to  
256 terminate its agreement with the direct-support organization if  
257 the department determines that the direct-support organization  
258 does not meet specified objectives; providing for future review  
259 and repeal by the Legislature; amending s. 480.043, F.S.;

260 requiring a massage establishment to train certain employees and  
261 create certain policies relating to human trafficking by a  
262 specified date; providing requirements for such training;

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263 requiring the Board of Massage Therapy to take disciplinary  
264 action against a massage establishment for failure to comply  
265 with such requirements; providing that this section does not  
266 establish a private cause of action against a massage  
267 establishment under certain circumstances; creating s. 509.096,  
268 F.S.; requiring a public lodging establishment to train certain  
269 employees and create certain policies relating to human  
270 trafficking by a specified date; providing requirements for such  
271 training; requiring the Division of Hotels and Restaurants of  
272 the Department of Business and Professional Regulation to take  
273 disciplinary action against a public lodging establishment for  
274 failure to comply with such requirements; providing that this  
275 section does not establish a private cause of action against a  
276 public lodging establishment under certain circumstances;  
277 creating s. 943.17297, F.S.; requiring each certified law  
278 enforcement officer to successfully complete training on  
279 identifying and investigating human trafficking before a certain  
280 date; requiring that the training be developed in consultation  
281 with specified entities; specifying that an officer's  
282 certification shall be inactive if he or she fails to complete  
283 the required training until the employing agency notifies the  
284 Criminal Justice Standards and Training Commission that the  
285 officer has completed the training; providing an effective date.

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