



589144

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AE/2R	.	Floor: CA
05/02/2019 02:04 PM	.	05/03/2019 11:00 PM
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Senator Book moved 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 13 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 appointees of  
56 the President of the Senate and the appointees of the Speaker of  
57 the House of Representatives shall each initially be appointed  
58 to 2-year terms, and the Attorney General shall initially  
59 appoint 2 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) Two members appointed by the executive director of the  
65 Department of Law Enforcement, both of whom must have law  
66 enforcement backgrounds with experience and knowledge in the  
67 area of human trafficking.

68 (b) Three members appointed by the Attorney General, one of  
69 whom must be a survivor of human trafficking and one of whom



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70 must be a mental health expert.

71 (c) Four members appointed by the President of the Senate.

72 (d) Four members appointed by the Speaker of the House of  
73 Representatives.

74 (4) (a) The direct-support organization shall contract with  
75 the Florida Forensic Institute for Research, Security, and  
76 Tactics to develop the training and information as required by  
77 this subsection.

78 1. The contract with the institute must provide that the  
79 direct-support organization may terminate the contract if the  
80 institute fails to meet its obligations under this subsection.

81 2. If the institute ceases to exist, or if the contract  
82 between the direct-support organization and the institute is  
83 terminated, the department shall contract with another  
84 organization in order to develop the training and information as  
85 required by this subsection.

86 (b) Recognizing that this state hosts large-scale events,  
87 including sporting events, concerts, and cultural events, which  
88 generate significant tourism to this state, produce significant  
89 economic revenue, and often are conduits for human trafficking,  
90 the institute must develop training that is ready for statewide  
91 dissemination by not later than October 1, 2019.

92 1. Training must focus on detecting human trafficking, best  
93 practices for reporting human trafficking, and the interventions  
94 and treatment for survivors of human trafficking.

95 2. In developing the training, the institute shall consult  
96 with law enforcement agencies, survivors of human trafficking,  
97 industry representatives, tourism representatives, and other  
98 interested parties. The institute also must conduct research to



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99 determine the reduction in recidivism attributable to the  
100 education of the harms of human trafficking for first-time  
101 offenders.

102 (c) The institute shall serve as a repository of  
103 information on human trafficking and training materials and  
104 resources to recognize and prevent human trafficking.

105 (d) The human trafficking task force in each circuit,  
106 pursuant to s. 409.1754(4), shall coordinate on an ongoing basis  
107 with the institute, at least every 6 months, to update training  
108 and information on best practices to combat human trafficking.

109 (e) Sheriffs' offices and local law enforcement agencies  
110 may coordinate with the institute to receive updated training  
111 and information on best practices.

112 (5) In conjunction with the Statewide Council on Human  
113 Trafficking, and funded exclusively by the direct-support  
114 organization, the direct-support organization shall form  
115 strategic partnerships to foster the development of community  
116 and private sector resources to advance the goals of the  
117 council.

118 (6) The direct-support organization shall consider the  
119 participation of counties and municipalities in this state which  
120 demonstrate a willingness to participate and an ability to be  
121 successful in any programs funded by the direct-support  
122 organization.

123 (7) (a) The department may authorize the appropriate use  
124 without charge, of the department's property, facilities, and  
125 personnel by the direct-support organization. The use must be  
126 for the approved purposes of the direct-support organization and  
127 may not be made at times or places that would unreasonably



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128 interfere with opportunities for the general public to use  
129 departmental facilities.

130 (b) The department shall prescribe by agreement conditions  
131 with which the direct-support organization must comply in order  
132 to use department property, facilities, or personnel. Such  
133 conditions must provide for budget and audit review and  
134 oversight by the department.

135 (c) The department may not authorize the use of property,  
136 facilities, or personnel of the council, department, or  
137 designated program by the direct-support organization which does  
138 not provide equal employment opportunities to all persons  
139 regardless of race, color, religion, sex, age, or national  
140 origin.

141 (8) (a) The direct-support organization may conduct programs  
142 and activities; raise funds; request and receive grants, gifts,  
143 and bequests of money; acquire, receive, hold, invest, and  
144 administer, in its own name, securities, funds, objects of  
145 value, or other property, real or personal; and make  
146 expenditures to or for the direct or indirect benefit of the  
147 council or designated program.

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

153 (9) A departmental employee, a direct-support organization  
154 or council employee, a volunteer, or a director or a designated  
155 program may not:

156 (a) Receive a commission, fee, or financial benefit in



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157 connection with serving on the council; or

158 (b) Be a business associate of any individual, firm, or  
159 organization involved in the sale or the exchange of real or  
160 personal property to the direct-support organization, the  
161 council, or a designated program.

162 (10) All moneys received by the direct-support organization  
163 shall be deposited into an account of the direct-support  
164 organization and shall be used in a manner consistent with the  
165 goals of the council or designated program.

166 (11) The department may terminate its agreement with the  
167 direct-support organization at any time if the department  
168 determines that the direct-support organization does not meet  
169 the objectives of this section.

170 (12) This section is repealed October 1, 2024, unless  
171 reviewed and saved from repeal by the Legislature.

172 Section 2. Section 456.0341, Florida Statutes, is created  
173 to read:

174 456.0341 Requirements for instruction on human  
175 trafficking.—The requirements of this section apply to each  
176 person licensed or certified under chapter 457; chapter 458;  
177 chapter 459; chapter 460; chapter 461; chapter 463; part I of  
178 chapter 464; chapter 465; chapter 466; part II, part III, part  
179 V, or part X of chapter 468; chapter 477; chapter 480; or  
180 chapter 486.

181 (1) By January 1, 2021, the appropriate board shall require  
182 each licensee or certificateholder to complete a continuing  
183 education course that addresses human trafficking awareness and  
184 is approved by the board and supported by a national anti-human  
185 trafficking awareness organization.



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186       (2) The course must be provided within the current  
187 requirement for continuing education hours, rather than in  
188 addition to the current requirement. The course must include all  
189 of the following:

190       (a) The definition of human trafficking and the difference  
191 between the two forms of human trafficking, sex trafficking and  
192 labor trafficking.

193       (b) Guidance specific to the respective health care  
194 professions on how to identify individuals who may be victims of  
195 human trafficking.

196       (c) Guidance concerning the role of health care  
197 professionals in reporting and responding to suspected human  
198 trafficking.

199       (d) The course must consist of estimates of information on  
200 the number of clients in that professional practice who are  
201 likely to be the victims of human trafficking and instruction on  
202 how to provide such clients with information on how to obtain  
203 available resources and assistance.

204       (3) By January 1, 2020, the licensees or certificateholders  
205 subject to this section shall post in their workplace, in a  
206 conspicuous location that is accessible to employees and to the  
207 public, a human trafficking public awareness sign at least 11  
208 inches by 15 inches in size, printed in an easily legible font  
209 and in at least 32-point type, which states in English and  
210 Spanish and any other language predominantly spoken in that area  
211 which the board deems appropriate substantially the following:

212  
213 "If you or someone you know is being forced to engage in an  
214 activity and cannot leave, whether it is prostitution,





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215 housework, farm work, factory work, retail work, restaurant  
216 work, or any other activity, call the National Human Trafficking  
217 Resource Center at 888-373-7888 or text INFO or HELP to 233-733  
218 to access help and services. Victims of slavery and human  
219 trafficking are protected under United States and Florida law."

220 Section 3. Subsections (10) and (11) are added to section  
221 480.033, Florida Statutes, to read:

222 480.033 Definitions.—As used in this act:

223 (10) "Establishment owner" means a person who has ownership  
224 interest in a massage establishment. The term includes an  
225 individual who holds a massage establishment license, a general  
226 partner of a partnership, an owner or officer of a corporation,  
227 and a member of a limited liability company and its subsidiaries  
228 who holds a massage establishment license.

229 (11) "Designated establishment manager" means a massage  
230 therapist who holds a clear and active license without  
231 restriction, who is responsible for the operation of a massage  
232 establishment in accordance with the provisions of this chapter,  
233 and who is designated the manager by the rules or practices at  
234 the establishment.

235 Section 4. Section 480.043, Florida Statutes, is amended to  
236 read:

237 480.043 Massage establishments; requisites; licensure;  
238 inspection; human trafficking awareness training and policies;  
239 continuing education requirement.—

240 (1) A ~~No~~ massage establishment may not shall be allowed to  
241 operate without a license granted by the department in  
242 accordance with rules adopted by the board.

243 (2) Establishment owners ~~A person who has an ownership~~



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244 ~~interest in an establishment~~ shall submit to the background  
245 screening requirements under s. 456.0135. However, if a  
246 corporation submits proof of having more than \$250,000 of  
247 business assets in this state, the department shall require the  
248 owner and the designated establishment manager to comply with  
249 the background screening requirements under s. 456.0135,  
250 ~~officer, or individual directly involved in the management of~~  
251 ~~the establishment to submit to the background screening~~  
252 ~~requirements of s. 456.0135.~~ The board ~~department~~ may adopt  
253 rules regarding the type of proof that may be submitted by a  
254 corporation.

255 (3) The board shall adopt rules governing the operation of  
256 establishments and their facilities, personnel, safety and  
257 sanitary requirements, financial responsibility, insurance  
258 coverage, and the license application and granting process.

259 (4) Any person, firm, or corporation desiring to operate a  
260 massage establishment in the state shall submit to the  
261 department an application, upon forms provided by the  
262 department, accompanied by any information requested by the  
263 department and an application fee.

264 (5) Upon receiving the application, the department may  
265 cause an investigation to be made of the proposed massage  
266 establishment.

267 (6) If, based upon the application and any necessary  
268 investigation, the department determines that the proposed  
269 establishment would fail to meet the standards adopted by the  
270 board under subsection (3), the department shall deny the  
271 application for license. Such denial shall be in writing and  
272 shall list the reasons for denial. Upon correction of any



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273 deficiencies, an applicant previously denied permission to  
274 operate a massage establishment may reapply for licensure.

275 (7) If, based upon the application and any necessary  
276 investigation, the department determines that the proposed  
277 massage establishment may reasonably be expected to meet the  
278 standards adopted by the department under subsection (3), the  
279 department shall grant the license under such restrictions as it  
280 shall deem proper as soon as the original licensing fee is paid.

281 (8) The department shall deny an application for a new or  
282 renewal license if ~~a person with an ownership interest in the~~  
283 ~~establishment~~ an establishment owner or a designated  
284 establishment manager, as those terms are defined in s. 480.033,  
285 or, for a corporation that has more than \$250,000 of business  
286 assets in this state, an the owner or a designated establishment  
287 manager, officer, or individual directly involved in the  
288 ~~management of the establishment~~ has been convicted or found  
289 ~~guilty~~ of, or entered a plea of guilty or nolo contendere to,  
290 regardless of adjudication, a violation of s. 796.07(2)(a) which  
291 is reclassified under s. 796.07(7) or a felony offense under any  
292 of the following provisions of state law or a similar provision  
293 in another jurisdiction:

- 294 (a) Section 787.01, relating to kidnapping.
- 295 (b) Section 787.02, relating to false imprisonment.
- 296 (c) Section 787.025, relating to luring or enticing a  
297 child.
- 298 (d) Section 787.06, relating to human trafficking.
- 299 (e) Section 787.07, relating to human smuggling.
- 300 (f) Section 794.011, relating to sexual battery.
- 301 (g) Section 794.08, relating to female genital mutilation.



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302 (h) Former s. 796.03, relating to procuring a person under  
303 the age of 18 for prostitution.

304 (i) Former s. 796.035, relating to selling or buying of  
305 minors into prostitution.

306 (j) Section 796.04, relating to forcing, compelling, or  
307 coercing another to become a prostitute.

308 (k) Section 796.05, relating to deriving support from the  
309 proceeds of prostitution.

310 (l) Section 796.07(4)(a)3., relating to a felony of the  
311 third degree for a third or subsequent violation of s. 796.07,  
312 relating to prohibiting prostitution and related acts.

313 (m) Section 800.04, relating to lewd or lascivious offenses  
314 committed upon or in the presence of persons less than 16 years  
315 of age.

316 (n) Section 825.1025(2)(b), relating to lewd or lascivious  
317 offenses committed upon or in the presence of an elderly or  
318 disabled person.

319 (o) Section 827.071, relating to sexual performance by a  
320 child.

321 (p) Section 847.0133, relating to the protection of minors.

322 (q) Section 847.0135, relating to computer pornography.

323 (r) Section 847.0138, relating to the transmission of  
324 material harmful to minors to a minor by electronic device or  
325 equipment.

326 (s) Section 847.0145, relating to the selling or buying of  
327 minors.

328 (9) (a) Once issued, ~~no license for operation of~~ a massage  
329 establishment license issued to an individual, a partnership, a  
330 corporation, a limited liability company, or another entity may



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331 not be transferred from the licensee ~~one owner~~ to another  
332 individual, partnership, corporation, limited liability company,  
333 or another entity.

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

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

341 (10) Renewal of license registration for massage  
342 establishments shall be accomplished pursuant to rules adopted  
343 by the board. The board is further authorized to adopt rules  
344 governing delinquent renewal of licenses and may impose penalty  
345 fees for delinquent renewal.

346 (11) The board is authorized to adopt rules governing the  
347 periodic inspection of massage establishments licensed under  
348 this act.

349 (12) As a requirement of licensure, a massage establishment  
350 must have a designated establishment manager. The designated  
351 establishment manager is responsible for complying with all  
352 requirements related to operating the establishment in  
353 compliance with this section and shall practice at the  
354 establishment for which he or she has been designated. Within 10  
355 days after termination of a designated establishment manager,  
356 the establishment owner must notify the department of the  
357 identity of another designated establishment manager. Failure to  
358 have a designated establishment manager practicing at the  
359 location of the establishment shall result in summary suspension



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360 of the establishment license as described in s. 456.073(8) or s.  
361 120.60(6). An establishment licensed before July 1, 2019, must  
362 identify a designated establishment manager by January 1, 2020 ~~A~~  
363 ~~person with an ownership interest in or, for a corporation that~~  
364 ~~has more than \$250,000 of business assets in this state, the~~  
365 ~~owner, officer, or individual directly involved in the~~  
366 ~~management of an establishment that was issued a license before~~  
367 ~~July 1, 2014, shall submit to the background screening~~  
368 ~~requirements of s. 456.0135 before January 31, 2015.~~

369 (13) By January 1, 2020, a massage establishment shall  
370 implement a procedure for reporting suspected human trafficking  
371 to the National Human Trafficking Hotline or to a local law  
372 enforcement agency and shall post in a conspicuous location in  
373 the establishment which is accessible to employees, customers,  
374 and the public a human trafficking public awareness sign at  
375 least 11 inches by 15 inches in size, printed in an easily  
376 legible font and in at least 32-point type, which states in  
377 English and Spanish and any other language predominantly spoken  
378 in that area which the department deems appropriate  
379 substantially the following:

380  
381 "If you or someone you know is being forced to engage in an  
382 activity and cannot leave, whether it is prostitution,  
383 housework, farm work, factory work, retail work, restaurant  
384 work, or any other activity, call the National Human Trafficking  
385 Resource Center at 888-373-7888 or text INFO or HELP to 233-733  
386 to access help and services. Victims of slavery and human  
387 trafficking are protected under United States and Florida law."

388 (14) An establishment owner and a designated establishment



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389 manager, as those terms are defined in s. 480.033, shall  
390 complete continuing education related to laws, rules, ethics,  
391 and human trafficking as determined by the board as a condition  
392 of licensure renewal.

393 (15)-(13) Except as provided in subsection (13), this  
394 section does not apply to a physician licensed under chapter  
395 458, chapter 459, or chapter 460 who employs a licensed massage  
396 therapist to perform massage on the physician's patients at the  
397 physician's place of practice. This subsection does not restrict  
398 investigations by the department for violations of chapter 456  
399 or this chapter.

400 Section 5. Present subsection (4) of section 480.046,  
401 Florida Statutes, is redesignated as subsection (6), new  
402 subsections (4) and (5) are added to that section, and  
403 subsection (3) of that section is amended, to read:

404 480.046 Grounds for disciplinary action by the board.-

405 (3) The board shall ~~have the power to~~ revoke or suspend the  
406 license of a massage establishment licensed under this act, or  
407 ~~to~~ deny subsequent licensure of such an establishment, if any in  
408 ~~either~~ of the following occurs ~~eases~~:

409 (a) ~~The~~ Upon proof that a license has been obtained by  
410 fraud or misrepresentation.

411 (b) The establishment owner or designated establishment  
412 manager is convicted of, or enters a plea of guilty or nolo  
413 contendere to, regardless of adjudication, ~~Upon proof that the~~  
414 holder of a license is guilty of fraud or deceit or of gross  
415 negligence, incompetency, or misconduct in the operation of a  
416 massage ~~the establishment so licensed.~~

417 (c) Within the last 10 years, the establishment owner, the



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418 designated establishment manager, or any individuals providing  
419 massage therapy services for the establishment have had:

420 1. The entry in any jurisdiction of a final order or other  
421 disciplinary action taken for sexual misconduct involving  
422 prostitution;

423 2. The entry in any jurisdiction of a final order or other  
424 disciplinary action taken for crimes related to the practice of  
425 massage therapy involving prostitution; or

426 3. The entry in any jurisdiction of a plea of guilty or  
427 nolo contendere to any misdemeanor or felony crime, regardless  
428 of adjudication, related to prostitution or related acts as  
429 described in s. 796.07.

430 (4) The owner of an establishment who has been the subject  
431 of disciplinary action under subsection (3) may not reapply for  
432 an establishment license and may not transfer such license  
433 pursuant to s. 480.043.

434 (5) A designated establishment manager who has been the  
435 subject of disciplinary action under section (3) may not reapply  
436 for a license.

437 Section 6. Section 509.096, Florida Statutes, is created to  
438 read:

439 509.096 Human trafficking awareness training and policies  
440 for employees of public lodging establishments; enforcement.—

441 (1) A public lodging establishment shall:

442 (a) Provide annual training regarding human trafficking  
443 awareness to employees of the establishment who perform  
444 housekeeping duties in the rental units or who work at the front  
445 desk or reception area where guests ordinarily check in or check  
446 out. Such training must also be provided for new employees





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447 within 30 days after they begin their employment in that role,  
448 or by January 1, 2020, whichever occurs later. Each employee  
449 must submit to the hiring establishment a signed and dated  
450 acknowledgment of having received the training, which the  
451 establishment must provide to the Department of Business and  
452 Professional Regulation upon request.

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

456 (c) By January 1, 2020, post in a conspicuous location in  
457 the establishment which is accessible to employees a human  
458 trafficking public awareness sign at least 11 inches by 15  
459 inches in size, printed in an easily legible font and in at  
460 least 32-point type, which states in English and Spanish and any  
461 other language predominantly spoken in that area which the  
462 department deems appropriate substantially the following:

463  
464 "If you or someone you know is being forced to engage in an  
465 activity and cannot leave, whether it is prostitution,  
466 housework, farm work, factory work, retail work, restaurant  
467 work, or any other activity, call the National Human Trafficking  
468 Resource Center at 888-373-7888 or text INFO or HELP to 233-733  
469 to access help and services. Victims of slavery and human  
470 trafficking are protected under United States and Florida law."

471 (2) The human trafficking awareness training required under  
472 paragraph (1) (a) must be submitted to and approved by the  
473 Department of Business and Professional Regulation before the  
474 training is provided to employees and must include all of the  
475 following:



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476           (a) The definition of human trafficking and the difference  
477 between the two forms of human trafficking: sex trafficking and  
478 labor trafficking.

479           (b) Guidance specific to the public lodging sector  
480 concerning how to identify individuals who may be victims of  
481 human trafficking.

482           (c) Guidance concerning the role of the employees of a  
483 public lodging establishment in reporting and responding to  
484 suspected human trafficking.

485           (3) The division shall impose an administrative fine of  
486 \$2,000 per day on a public lodging establishment that is not in  
487 compliance with this section and remit the fines to the direct-  
488 support organization established under s. 16.618, unless the  
489 division receives adequate written documentation from the public  
490 lodging establishment which provides assurance that each  
491 deficiency will be corrected within 90 days after the division  
492 provided the public lodging establishment with notice of its  
493 violation.

494           (4) This section does not establish a private cause of  
495 action. This section does not alter or limit any other existing  
496 remedies available to survivors of human trafficking.

497           Section 7. Effective January 1, 2021, subsection (5) of  
498 section 796.07, Florida Statutes, is amended, and subsection (2)  
499 of that section is republished, to read:

500           796.07 Prohibiting prostitution and related acts.-

501           (2) It is unlawful:

502           (a) To own, establish, maintain, or operate any place,  
503 structure, building, or conveyance for the purpose of lewdness,  
504 assignation, or prostitution.



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505 (b) To offer, or to offer or agree to secure, another for  
506 the purpose of prostitution or for any other lewd or indecent  
507 act.

508 (c) To receive, or to offer or agree to receive, any person  
509 into any place, structure, building, or conveyance for the  
510 purpose of prostitution, lewdness, or assignation, or to permit  
511 any person to remain there for such purpose.

512 (d) To direct, take, or transport, or to offer or agree to  
513 direct, take, or transport, any person to any place, structure,  
514 or building, or to any other person, with knowledge or  
515 reasonable cause to believe that the purpose of such directing,  
516 taking, or transporting is prostitution, lewdness, or  
517 assignation.

518 (e) For a person 18 years of age or older to offer to  
519 commit, or to commit, or to engage in, prostitution, lewdness,  
520 or assignation.

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

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

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

528 (i) To purchase the services of any person engaged in  
529 prostitution.

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

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

533 2. A felony of the third degree for a second violation,



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534 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

535 3. A felony of the second degree for a third or subsequent  
536 violation, punishable as provided in s. 775.082, s. 775.083, or  
537 s. 775.084.

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

541 1. Perform 100 hours of community service; and

542 2. Pay for and attend an educational program about the  
543 negative effects of prostitution and human trafficking, such as  
544 a sexual violence prevention education program, including such  
545 programs offered by faith-based providers, if such programs  
546 exist in the judicial circuit in which the offender is  
547 sentenced.

548 (c) In addition to any other penalty imposed, the court  
549 shall sentence a person convicted of a second or subsequent  
550 violation of paragraph (2) (f) to a minimum mandatory period of  
551 incarceration of 10 days.

552 (d)1. If a person who violates paragraph (2) (f) uses a  
553 vehicle in the course of the violation, the judge, upon the  
554 person's conviction, may issue an order for the impoundment or  
555 immobilization of the vehicle for a period of up to 60 days. The  
556 order of impoundment or immobilization must include the names  
557 and telephone numbers of all immobilization agencies meeting all  
558 of the conditions of s. 316.193(13). Within 7 business days  
559 after the date that the court issues the order of impoundment or  
560 immobilization, the clerk of the court must send notice by  
561 certified mail, return receipt requested, to the registered  
562 owner of the vehicle, if the registered owner is a person other



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563 than the defendant, and to each person of record claiming a lien  
564 against the vehicle.

565         2. The owner of the vehicle may request the court to  
566 dismiss the order. The court must dismiss the order, and the  
567 owner of the vehicle will incur no costs, if the owner of the  
568 vehicle alleges and the court finds to be true any of the  
569 following:

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

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

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

576             d. The vehicle is owned by the defendant but is operated  
577 solely by employees of the defendant or employees of a business  
578 owned by the defendant.

579         3. If the court denies the request to dismiss the order,  
580 the petitioner may request an evidentiary hearing. If, at the  
581 evidentiary hearing, the court finds to be true any of the  
582 circumstances described in sub-subparagraphs (d)2.a.-d., the  
583 court must dismiss the order and the owner of the vehicle will  
584 incur no costs.

585         (e) The Soliciting for Prostitution Public Database created  
586 pursuant to s. 943.0433 must include the criminal history record  
587 of a person who is found guilty as a result of a trial or who  
588 enters a plea of guilty or nolo contendere, regardless of  
589 whether adjudication is withheld, of paragraph (2) (f), and there  
590 is evidence that such person provided a form of payment or  
591 arranged for the payment of such services. Upon conviction, the



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592 clerk of the court shall forward the criminal history record of  
593 the person to the Department of Law Enforcement, pursuant to s.  
594 943.052(2), for inclusion in the database.

595 Section 8. Effective January 1, 2021, section 943.0433,  
596 Florida Statutes, is created to read:

597 943.0433 Soliciting for Prostitution Public Database.—

598 (1) The department shall create and administer the  
599 Soliciting for Prostitution Public Database. The clerk of the  
600 court shall forward to the department the criminal history  
601 record of a person in accordance with s. 796.07(5)(e), and the  
602 department shall add the criminal history record to the  
603 database.

604 (2)(a) The department shall automatically remove the  
605 criminal history record of a person from the database if, after  
606 5 years following the commission of an offense that meets the  
607 criteria set forth in s. 796.07(5)(e), such person has not  
608 subsequently committed a violation that meets such criteria or  
609 any other offense within that time that would constitute a  
610 sexual offense, including, but not limited to, human  
611 trafficking, or an offense that would require registration as a  
612 sexual offender.

613 (b) The department may not remove a criminal history record  
614 from the database if a person commits a violation that meets the  
615 criteria set forth in s. 796.07(5)(e) a second or subsequent  
616 time.

617 (c) The department shall create policies and procedures  
618 that allow a person whose conviction has been overturned or who  
619 has received an expunction of a criminal history record for  
620 which his or her record was placed on the database to petition



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621 the department for the removal of the petitioner's criminal  
622 history record. The department, after receiving a completed  
623 petition form with adequate documentation, must remove the  
624 criminal history record from the database within 30 days after  
625 receipt of such petition. The department shall create a form,  
626 publish it online, and provide it upon request in paper form for  
627 petitioners to complete.

628 (3) The database must include all of the following on each  
629 offender:

630 (a) His or her full legal name.

631 (b) His or her last known address.

632 (c) A color photograph of him or her.

633 (d) The offense for which he or she was convicted.

634 (4) The department shall adopt rules to administer this  
635 section.

636 Section 9. Subsection (3) of section 943.0583, Florida  
637 Statutes, is amended to read:

638 943.0583 Human trafficking victim expunction.—

639 (3) A person who is a victim of human trafficking may  
640 petition for the expunction of a criminal history record  
641 resulting from the arrest or filing of charges for an offense  
642 committed or reported to have been committed while the person  
643 was a victim of human trafficking, which offense was committed  
644 or reported to have been committed as a part of the human  
645 trafficking scheme of which the person was a victim or at the  
646 direction of an operator of the scheme, including, but not  
647 limited to, violations under chapters 796 and 847, without  
648 regard to the disposition of the arrest or of any charges.  
649 However, this section does not apply to any offense listed in s.



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650 775.084(1)(b)1., except for kidnapping. Determination of the  
651 petition under this section should be by a preponderance of the  
652 evidence. A conviction expunged under this section is deemed to  
653 have been vacated due to a substantive defect in the underlying  
654 criminal proceedings. If a person is adjudicated not guilty by  
655 reason of insanity or is found to be incompetent to stand trial  
656 for any such charge, the expunction of the criminal history  
657 record may not prevent the entry of the judgment or finding in  
658 state and national databases for use in determining eligibility  
659 to purchase or possess a firearm or to carry a concealed  
660 firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.  
661 922(t), nor shall it prevent any governmental agency that is  
662 authorized by state or federal law to determine eligibility to  
663 purchase or possess a firearm or to carry a concealed firearm  
664 from accessing or using the record of the judgment or finding in  
665 the course of such agency's official duties.

666 Section 10. Section 943.17297, Florida Statutes, is created  
667 to read:

668 943.17297 Continuing employment training in identifying and  
669 investigating human trafficking.—Within 1 year after beginning  
670 employment, each certified law enforcement officer must  
671 successfully complete 4 hours of training in identifying and  
672 investigating human trafficking. Completion of the training  
673 component may count toward the 40 hours of instruction for  
674 continued employment or appointment as a law enforcement officer  
675 required under s. 943.135. This training component must be  
676 completed by current law enforcement officers by July 1, 2022.  
677 The training must be developed by the commission in consultation  
678 with the Department of Legal Affairs and the Statewide Council





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679 on Human Trafficking. If an officer fails to complete the  
680 required training, his or her certification must be placed on  
681 inactive status until the employing agency notifies the  
682 commission that the officer has completed the training.

683       Section 11. For the 2019-2020 fiscal year, the sum of  
684 \$250,000 in nonrecurring funds is appropriated from the General  
685 Revenue Fund to the Department of Legal Affairs for the purposes  
686 of implementing and administering the direct-support  
687 organization created under s. 16.618, Florida Statutes, and for  
688 developing training and information services with the Florida  
689 Forensic Institute for Research, Security, and Tactics.

690       Section 12. Except as otherwise expressly provided in this  
691 act, this act shall take effect July 1, 2019.

692  
693 ===== T I T L E   A M E N D M E N T =====

694 And the title is amended as follows:

695       Delete everything before the enacting clause  
696 and insert:

697                               A bill to be entitled  
698       An act relating to human trafficking; creating s.  
699       16.618, F.S.; requiring the Department of Legal  
700       Affairs to establish a certain direct-support  
701       organization for a specified purpose; providing  
702       requirements for the direct-support organization;  
703       requiring the direct-support organization to operate  
704       under written contract with the department; providing  
705       contractual requirements; providing for the membership  
706       of and the appointment of directors to the board of  
707       directors of the direct-support organization;



708 requiring the direct-support organization to contract  
709 to develop certain training and information with the  
710 Florida Forensic Institute for Research, Security, and  
711 Tactics or another organization under certain  
712 circumstances; providing a contractual requirement;  
713 requiring the institute to develop specified training  
714 by a certain date; requiring the institute to serve as  
715 a repository for certain information and training  
716 materials and resources; requiring certain task forces  
717 to coordinate with the institute on an ongoing,  
718 periodic basis; authorizing certain law enforcement  
719 offices and agencies to coordinate with the institute  
720 to receive training and information; requiring the  
721 direct-support organization, in conjunction with the  
722 Statewide Council on Human Trafficking, to form  
723 certain partnerships for specified purposes;  
724 authorizing the department to allow appropriate use of  
725 department property, facilities, and personnel by the  
726 direct-support organization; providing requirements  
727 and conditions for such use of department property,  
728 facilities, and personnel by the direct-support  
729 organization; authorizing the direct-support  
730 organization to engage in certain activities for the  
731 direct or indirect benefit of the council; prohibiting  
732 certain persons and employees from receiving specified  
733 benefits as they relate to the council or the direct-  
734 support organization; providing for moneys received by  
735 the direct-support organization; authorizing the  
736 department to terminate its agreement with the direct-



737 support organization if the department determines that  
738 the direct-support organization does not meet  
739 specified objectives; providing for future review and  
740 repeal by the Legislature; creating s. 456.0341, F.S.;  
741 providing applicability; requiring the appropriate  
742 board to require persons licensed or certified under  
743 certain provisions to complete a certain continuing  
744 education course by a specified date; providing course  
745 requirements; requiring certain licensees or  
746 certificateholders to post in their places of work a  
747 human trafficking public awareness sign by a specified  
748 date; providing requirements for the sign; amending s.  
749 480.033, F.S.; defining the terms "establishment  
750 owner" and "designated establishment manager";  
751 amending s. 480.043, F.S.; requiring establishment  
752 owners, rather than persons with ownership interests  
753 in the establishment, to submit to a certain  
754 background screening; requiring, if a corporation has  
755 more than a specified amount of business assets in  
756 this state, the department to mandate that a  
757 designated establishment manager, in addition to the  
758 owner, comply with a certain background screening;  
759 authorizing the Board of Massage Therapy, rather than  
760 the Department of Health, to adopt certain rules;  
761 revising the circumstances under which the department  
762 must deny an application for a new or renewal license;  
763 providing limitations of the transferability of  
764 massage establishment licenses; requiring as part of  
765 licensure that a massage establishment have a



766 designated establishment manager; providing  
767 requirements for the designated establishment manager;  
768 providing for summary suspension of the massage  
769 establishment that fails to have a designated  
770 establishment manager practicing at the massage  
771 establishment; requiring certain establishments to  
772 identify a designated establishment manager by a  
773 specified date; requiring massage establishments to  
774 implement a procedure for reporting suspected human  
775 trafficking and to post in their places of work a  
776 human trafficking public awareness sign by a specified  
777 date; providing requirements for the sign; requiring  
778 establishment owners and designated establishment  
779 managers to complete certain continuing education as a  
780 condition for licensure renewal; amending s. 480.046,  
781 F.S.; revising the circumstances under which the board  
782 must revoke or suspend the license of, or deny  
783 subsequent licensure to, a massage establishment;  
784 prohibiting the owners of certain establishments from  
785 reapplying for an establishment license or from  
786 transferring such license; providing applicability;  
787 prohibiting a designated establishment manager from  
788 reapplying for a license under certain circumstances;  
789 creating s. 509.096, F.S.; requiring a public lodging  
790 establishment to train certain employees and implement  
791 a certain procedure relating to human trafficking by a  
792 specified date; requiring each employee to submit a  
793 signed and dated acknowledgement of having received  
794 the training; requiring the public lodging



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795 establishment to provide a copy to the Department of  
796 Business and Professional Regulation upon request;  
797 requiring a public lodging establishment to post in  
798 the establishment a human trafficking public awareness  
799 sign by a specified date; providing requirements for  
800 the sign; requiring that certain training be submitted  
801 to and approved by the department; providing training  
802 requirements; requiring the Division of Hotels and  
803 Restaurants of the Department of Business and  
804 Professional Regulation to impose an administrative  
805 fine on a public lodging establishment for failure to  
806 comply with certain requirements and to remit the  
807 fines to a certain direct-support organization;  
808 providing an exception; providing that this section  
809 does not establish a private cause of action against a  
810 public lodging establishment and does not alter or  
811 limit any existing remedies for survivors of human  
812 trafficking; amending s. 796.07, F.S.; requiring that  
813 the criminal history record of a person who is found  
814 guilty of, or who enters a plea of guilty or nolo  
815 contendere to, soliciting, inducing, enticing, or  
816 procuring another to commit prostitution, lewdness, or  
817 assignation and who provides or arranges payment for  
818 such violations be added to the Soliciting for  
819 Prostitution Public Database; requiring the clerk of  
820 the court to forward the criminal history record of  
821 such persons to the Department of Law Enforcement for  
822 inclusion in the database; creating s. 943.0433, F.S.;

823 requiring the Department of Law Enforcement to create



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824 and administer the Soliciting for Prostitution Public  
825 Database; requiring the department to add certain  
826 criminal history records to the database; requiring  
827 the department to automatically remove certain  
828 criminal history records from the database under  
829 certain circumstances; prohibiting the department from  
830 removing certain criminal history records from the  
831 database for second or subsequent violations of  
832 specified provisions; requiring the department to  
833 create policies and procedures that allow certain  
834 persons to petition the department for the removal of  
835 criminal history records from the database; requiring  
836 the department to remove such a record within a  
837 specified timeframe after receipt of the petition;  
838 requiring the department to create a certain form, to  
839 publish it online, and to provide the form in paper  
840 form upon request; requiring the database to include  
841 specified information on offenders; requiring the  
842 department to adopt rules; amending s. 943.0583, F.S.;  
843 creating an exception to a prohibition that bars  
844 certain victims of human trafficking from petitioning  
845 for the expunction of a criminal history record for  
846 offenses committed while the person was a victim of  
847 human trafficking as part of the human trafficking  
848 scheme or at the direction of an operator of the  
849 scheme; creating s. 943.17297, F.S.; requiring each  
850 certified law enforcement officer to successfully  
851 complete training on identifying and investigating  
852 human trafficking within a certain timeframe;



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853 authorizing the completion of such training to count  
854 toward a certain requirement; requiring that the  
855 training be completed by a certain date; requiring  
856 that the training be developed by the Criminal Justice  
857 Standards and Training Commission in consultation with  
858 specified entities; specifying that an officer's  
859 certification must be placed on inactive status if he  
860 or she fails to complete the required training until  
861 the employing agency notifies the Criminal Justice  
862 Standards and Training Commission that the officer has  
863 completed the training; providing an appropriation;  
864 providing effective dates.

865  
866 WHEREAS, the state of Florida is ranked third nationally in  
867 human trafficking abuses, and recognizing that the crime of  
868 human trafficking is a gross violation of human rights, the  
869 Legislature has taken measures to raise awareness of the  
870 practices of human sex trafficking and of labor trafficking of  
871 children and adults in this state, and

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

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

880 WHEREAS, repeat offenders are extremely likely to use  
881 violence and to repeat their offenses, and to commit many



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882 offenses with many victims, many of whom are never given  
883 justice, and these offenders are only prosecuted for a small  
884 fraction of their crimes, and

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

892 WHEREAS, this state is in critical need of a coordinated  
893 and collaborative human trafficking law enforcement response to  
894 prepare for future large-scale events taking place in this  
895 state, and the Legislature finds that a statewide effort focused  
896 on law enforcement training, detection, and enforcement, with  
897 additional focus on the safe rehabilitation of survivors, will  
898 address this critical need, and

899 WHEREAS, research from 2011 has demonstrated that a  
900 majority of human traffickers' clients are not interviewed by  
901 law enforcement, despite having extensive knowledge of the  
902 traffickers and the traffickers' practices, and are even used as  
903 recruiters for traffickers, and

904 WHEREAS, human traffickers' clients who were interviewed in  
905 the same 2011 research stated that they would think twice about  
906 purchasing sex from a victim of human trafficking if they were  
907 named on a public database, and

908 WHEREAS, client and trafficker anonymity has allowed for  
909 trafficking networks to continue in the shadows, and the  
910 publication of client and trafficker identities would protect





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911 the public from potential harm and protect victims of  
912 trafficking from future harm, and

913 WHEREAS, the demand for prostitution is a driving force  
914 that fuels sex trafficking, and the Soliciting for Prostitution  
915 Public Database will serve to identify those who contribute to  
916 the demand for sex trafficking, thereby deterring the overall  
917 perpetuation of human trafficking, NOW, THEREFORE,