

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Fitzenhagen offered the following:

Amendment to Amendment (589144) (with title amendment)

Remove lines 5-691 of the amendment 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-support organization must be:

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

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
27 of 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
31 direct-support organization is complying with the terms of the
32 contract and is operating in a manner consistent with the
33 purposes of the organization and in the best interests of this
34 state.

35 (d) Reversion to the Florida Council Against Sexual
36 Violence of moneys and property held in trust by the direct-

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

37 support organization if the direct-support organization is no
38 longer approved to operate or if it ceases to exist.

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

44 (f) An annual financial audit in accordance with s.
45 215.981.

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

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

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

53 (3) The board of directors of the direct-support
54 organization shall consist of 13 members. Each member of the
55 board of directors shall be appointed to a 4-year term; however,
56 for the purpose of providing staggered terms, the appointees of
57 the President of the Senate and the appointees of the Speaker of
58 the House of Representatives shall each initially be appointed
59 to 2-year terms, and the Attorney General shall initially
60 appoint 2 members to serve 2-year terms. All subsequent
61 appointments shall be for 4-year terms. Any vacancy that occurs

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

62 must be filled in the same manner as the original appointment
63 and is for the unexpired term of that seat. The board of
64 directors shall be appointed as follows:

65 (a) Two members appointed by the executive director of the
66 Department of Law Enforcement, both of whom must have law
67 enforcement backgrounds with experience and knowledge in the
68 area of human trafficking.

69 (b) Three members appointed by the Attorney General, one
70 of whom must be a survivor of human trafficking and one of whom
71 must be a mental health expert.

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

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

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

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

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

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

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

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

96 2. In developing the training, the institute shall consult
97 with law enforcement agencies, survivors of human trafficking,
98 industry representatives, tourism representatives, and other
99 interested parties. The institute also must conduct research to
100 determine the reduction in recidivism attributable to the
101 education of the harms of human trafficking for first-time
102 offenders.

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

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

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

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

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

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

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

131 (b) The department shall prescribe by agreement conditions
132 with which the direct-support organization must comply in order
133 to use department property, facilities, or personnel. Such

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

134 conditions must provide for budget and audit review and
135 oversight by the department.

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

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

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

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

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

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

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

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

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

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

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

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

181 (1) By January 1, 2021, each licensee or certificate
182 holder shall complete a board-approved, or department-approved
183 if there is no board, 1-hour continuing education course on

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

184 human trafficking. The course must address both sex trafficking
185 and labor trafficking, how to identify individuals who may be
186 victims of human trafficking, how to report cases of human
187 trafficking, and resources available to victims.

188 (2) Each licensing board that requires a licensee or
189 certificate holder to complete a course pursuant to this section
190 must include the hour required for completion in the total hours
191 of continuing education required by law for such profession.

192 (3) By January 1, 2021, the licensees or certificate
193 holders shall post in their place of work in a conspicuous place
194 accessible to employees a sign at least 11 inches by 15 inches
195 in size, printed in a clearly legible font and in at least a 32-
196 point type, which substantially states in English and Spanish:

197
198 "If you or someone you know is being forced to engage in an
199 activity and cannot leave, whether it is prostitution,
200 housework, farm work, factory work, retail work, restaurant
201 work, or any other activity, call the National Human Trafficking
202 Resource Center at 888-373-7888 or text INFO or HELP to 233-733
203 to access help and services. Victims of slavery and human
204 trafficking are protected under United States and Florida law."

205 Section 3. Subsections (10) and (11) are added to section
206 480.033, Florida Statutes, to read:

207 480.033 Definitions.—As used in this act:

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

208 (10) "Establishment owner" means a person who has
209 ownership interest in a massage establishment. The term includes
210 an individual who holds a massage establishment license, a
211 general partner of a partnership, an owner or officer of a
212 corporation, and a member of a limited liability company and its
213 subsidiaries who holds a massage establishment license.

214 (11) "Designated establishment manager" means a massage
215 therapist who holds a clear and active license without
216 restriction, who is responsible for the operation of a massage
217 establishment in accordance with the provisions of this chapter,
218 and who is designated the manager by the rules or practices at
219 the establishment.

220 Section 4. Subsection (13) of section 480.043, Florida
221 Statutes, is renumbered as subsection (15) and amended,
222 subsections (2) and (8), paragraph (a) of subsection (9), and
223 subsection (12) are amended, and new subsections (13) and (14)
224 are added to that section, to read:

225 480.043 Massage establishments; requisites; licensure;
226 inspection; human trafficking awareness training and policies.-

227 (2) An establishment owner ~~A person who has an ownership~~
228 ~~interest in an establishment~~ shall comply with ~~submit to~~ the
229 background screening requirements under s. 456.0135. However, if
230 a corporation submits proof of having more than \$250,000 of
231 business assets in this state, the department shall require the
232 establishment owner, the designated establishment manager,

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

233 ~~officer, or~~ and each individual directly involved in the
234 management of the establishment to comply with ~~submit to~~ the
235 background screening requirements under ~~of~~ s. 456.0135. The
236 board department may adopt rules regarding the type of proof
237 that may be submitted by a corporation.

238 (8) The department shall deny an application for a new or
239 renewal license if an establishment owner or a designated
240 establishment manager ~~a person with an ownership interest in the~~
241 ~~establishment~~ or, for a corporation that has more than \$250,000
242 of business assets in this state, an ~~the~~ establishment owner, a
243 designated establishment manager, ~~officer,~~ or any individual
244 directly involved in the management of the establishment has
245 been convicted of ~~or found guilty of,~~ or entered a plea of
246 guilty or nolo contendere to any misdemeanor or felony crime,
247 regardless of adjudication, related to prostitution or related
248 acts as described in s. 796.07 ~~a violation of s. 796.07(2)(a)~~
249 ~~which is reclassified under s. 796.07(7)~~ or a felony offense
250 under any of the following provisions of state law or a similar
251 provision in another jurisdiction:

- 252 (a) Section 787.01, relating to kidnapping.
253 (b) Section 787.02, relating to false imprisonment.
254 (c) Section 787.025, relating to luring or enticing a
255 child.
256 (d) Section 787.06, relating to human trafficking.
257 (e) Section 787.07, relating to human smuggling.

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

- 258 (f) Section 794.011, relating to sexual battery.
- 259 (g) Section 794.08, relating to female genital mutilation.
- 260 (h) Former s. 796.03, relating to procuring a person under
261 the age of 18 for prostitution.
- 262 (i) Former s. 796.035, relating to selling or buying of
263 minors into prostitution.
- 264 (j) Section 796.04, relating to forcing, compelling, or
265 coercing another to become a prostitute.
- 266 (k) Section 796.05, relating to deriving support from the
267 proceeds of prostitution.
- 268 ~~(l) Section 796.07(4)(a)3., relating to a felony of the~~
269 ~~third degree for a third or subsequent violation of s. 796.07,~~
270 ~~relating to prohibiting prostitution and related acts.~~
- 271 (l)~~(m)~~ Section 800.04, relating to lewd or lascivious
272 offenses committed upon or in the presence of persons less than
273 16 years of age.
- 274 (m)~~(n)~~ Section 825.1025(2)(b), relating to lewd or
275 lascivious offenses committed upon or in the presence of an
276 elderly or disabled person.
- 277 (n)~~(o)~~ Section 827.071, relating to sexual performance by
278 a child.
- 279 (o)~~(p)~~ Section 847.0133, relating to the protection of
280 minors.
- 281 (p)~~(q)~~ Section 847.0135, relating to computer pornography.

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

282 ~~(q)-(r)~~ Section 847.0138, relating to the transmission of
283 material harmful to minors to a minor by electronic device or
284 equipment.

285 ~~(r)-(s)~~ Section 847.0145, relating to the selling or buying
286 of minors.

287 (9) (a) ~~Once issued, no license for operation of~~ A massage
288 establishment license issued to an individual, a partnership, a
289 corporation, a limited liability company, or another entity may
290 not be transferred from the licensee ~~one owner~~ to another
291 individual, partnership, corporation, limited liability company,
292 or another entity.

293 (12) As a condition of licensure, a massage establishment
294 must have a designated establishment manager. The designated
295 establishment manager is responsible for complying with all
296 requirements related to operating the establishment in this
297 section and shall practice at the establishment for which he or
298 she has been designated. Within 10 days after termination of a
299 designated establishment manager, the establishment owner must
300 notify the department of the identity of another designated
301 establishment manager. Failure to have a designated
302 establishment manager practicing at the location of the
303 establishment shall result in summary suspension of the
304 establishment license as described in s. 456.073(8) or s.
305 120.60(6). An establishment licensed before July 1, 2019, must
306 identify a designated establishment manager by January 1, 2020 A

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

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

(13) By January 1, 2021, a massage establishment shall implement a procedure for reporting suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency and shall post in a conspicuous place in the establishment which is accessible to employees a sign with the relevant provisions of the reporting procedure.

(14) Except for the requirements of subsection (13), this section does not apply to a physician licensed under chapter 457, chapter 458, chapter 459, or chapter 460 who employs a licensed massage therapist to perform massage on the physician's patients at the physician's place of practice. This subsection does not restrict investigations by the department for violations of chapter 456 or this chapter.

Section 5. Subsection (4) of section 480.046, Florida Statutes, is renumbered as subsection (6), subsection (3) is amended, and new subsections (4) and (5) are added to that section, to read:

480.046 Grounds for disciplinary action by the board.—

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

331 (3) The board shall ~~have the power to~~ revoke or suspend
332 the license of a massage establishment licensed under this act,
333 or to deny subsequent licensure of such an establishment, if any
334 ~~in either~~ of the following occurs ~~cases~~:

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

337 (b) ~~Upon proof that~~ The holder of a license is guilty of
338 fraud or deceit or of gross negligence, incompetency, or
339 misconduct in the operation of a massage ~~the~~ establishment ~~so~~
340 ~~licensed~~.

341 (c) The establishment owner, the designated establishment
342 manager, or any individual providing massage therapy services
343 for the establishment has had the entry in any jurisdiction of:

344 1. A final order or other disciplinary action taken for
345 sexual misconduct involving prostitution;

346 2. A final order or other disciplinary action taken for
347 crimes related to the practice of massage therapy involving
348 prostitution; or

349 3. A conviction or a plea of guilty or nolo contendere to
350 any misdemeanor or felony crime, regardless of adjudication,
351 related to prostitution or related acts as described in s.
352 796.07.

353 (4) The establishment owner who has been the subject of
354 disciplinary action under subsection (3) may not reapply for an

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

355 establishment license and may not transfer such license pursuant
356 to s. 480.043.

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

360 Section 6. Section 509.096, Florida Statutes, is created
361 to read:

362 509.096 Human trafficking awareness training and policies
363 for employees of public lodging establishments; enforcement.-

364 (1) A public lodging establishment shall:

365 (a) Provide annual training regarding human trafficking
366 awareness to employees of the establishment who perform
367 housekeeping duties in the rental units or who work at the front
368 desk or reception area where guests ordinarily check in or check
369 out. Such training must also be provided for new employees
370 within 60 days after they begin their employment in that role,
371 or by January 1, 2021, whichever occurs later. Each employee
372 must submit to the hiring establishment a signed and dated
373 acknowledgment of having received the training, which the
374 establishment must provide to the Department of Business and
375 Professional Regulation upon request. The establishment may keep
376 such acknowledgement electronically.

377 (b) By January 1, 2021, implement a procedure for the
378 reporting of suspected human trafficking to the National Human
379 Trafficking Hotline or to a local law enforcement agency.

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

380 (c) By January 1, 2021, post in a conspicuous location in
381 the establishment which is accessible to employees a human
382 trafficking public awareness sign at least 11 inches by 15
383 inches in size, printed in an easily legible font and in at
384 least 32-point type, which states in English and Spanish and any
385 other language predominantly spoken in that area which the
386 department deems appropriate substantially the following:

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

395 (2) The human trafficking awareness training required
396 under paragraph (1) (a) must be submitted to and approved by the
397 Department of Business and Professional Regulation must include
398 all of the following:

399 (a) The definition of human trafficking and the difference
400 between the two forms of human trafficking: sex trafficking and
401 labor trafficking.

402 (b) Guidance specific to the public lodging sector
403 concerning how to identify individuals who may be victims of
404 human trafficking.

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

405 (c) Guidance concerning the role of the employees of a
406 public lodging establishment in reporting and responding to
407 suspected human trafficking.

408 (3) The division shall impose an administrative fine of
409 \$2,000 per day on a public lodging establishment that is not in
410 compliance with this section and remit the fines to the direct-
411 support organization established under s. 16.618, unless the
412 division receives adequate written documentation from the public
413 lodging establishment which provides assurance that each
414 deficiency will be corrected within 90 days after the division
415 provided the public lodging establishment with notice of its
416 violation.

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

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

423 796.07 Prohibiting prostitution and related acts.—

424 (2) It is unlawful:

425 (a) To own, establish, maintain, or operate any place,
426 structure, building, or conveyance for the purpose of lewdness,
427 assignation, or prostitution.

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

428 (b) To offer, or to offer or agree to secure, another for
429 the purpose of prostitution or for any other lewd or indecent
430 act.

431 (c) To receive, or to offer or agree to receive, any
432 person into any place, structure, building, or conveyance for
433 the purpose of prostitution, lewdness, or assignation, or to
434 permit any person to remain there for such purpose.

435 (d) To direct, take, or transport, or to offer or agree to
436 direct, take, or transport, any person to any place, structure,
437 or building, or to any other person, with knowledge or
438 reasonable cause to believe that the purpose of such directing,
439 taking, or transporting is prostitution, lewdness, or
440 assignation.

441 (e) For a person 18 years of age or older to offer to
442 commit, or to commit, or to engage in, prostitution, lewdness,
443 or assignation.

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

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

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

451 (i) To purchase the services of any person engaged in
452 prostitution.

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

- 453 (5) (a) A person who violates paragraph (2) (f) commits:
- 454 1. A misdemeanor of the first degree for a first
- 455 violation, punishable as provided in s. 775.082 or s. 775.083.
- 456 2. A felony of the third degree for a second violation,
- 457 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- 458 3. A felony of the second degree for a third or subsequent
- 459 violation, punishable as provided in s. 775.082, s. 775.083, or
- 460 s. 775.084.
- 461 (b) In addition to any other penalty imposed, the court
- 462 shall order a person convicted of a violation of paragraph
- 463 (2) (f) to:
- 464 1. Perform 100 hours of community service; and
- 465 2. Pay for and attend an educational program about the
- 466 negative effects of prostitution and human trafficking, such as
- 467 a sexual violence prevention education program, including such
- 468 programs offered by faith-based providers, if such programs
- 469 exist in the judicial circuit in which the offender is
- 470 sentenced.
- 471 (c) In addition to any other penalty imposed, the court
- 472 shall sentence a person convicted of a second or subsequent
- 473 violation of paragraph (2) (f) to a minimum mandatory period of
- 474 incarceration of 10 days.
- 475 (d)1. If a person who violates paragraph (2) (f) uses a
- 476 vehicle in the course of the violation, the judge, upon the
- 477 person's conviction, may issue an order for the impoundment or

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

478 immobilization of the vehicle for a period of up to 60 days. The
479 order of impoundment or immobilization must include the names
480 and telephone numbers of all immobilization agencies meeting all
481 of the conditions of s. 316.193(13). Within 7 business days
482 after the date that the court issues the order of impoundment or
483 immobilization, the clerk of the court must send notice by
484 certified mail, return receipt requested, to the registered
485 owner of the vehicle, if the registered owner is a person other
486 than the defendant, and to each person of record claiming a lien
487 against the vehicle.

488 2. The owner of the vehicle may request the court to
489 dismiss the order. The court must dismiss the order, and the
490 owner of the vehicle will incur no costs, if the owner of the
491 vehicle alleges and the court finds to be true any of the
492 following:

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

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

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

499 d. The vehicle is owned by the defendant but is operated
500 solely by employees of the defendant or employees of a business
501 owned by the defendant.

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

502 3. If the court denies the request to dismiss the order,
503 the petitioner may request an evidentiary hearing. If, at the
504 evidentiary hearing, the court finds to be true any of the
505 circumstances described in sub-subparagraphs (d)2.a.-d., the
506 court must dismiss the order and the owner of the vehicle will
507 incur no costs.

508 (e) The Soliciting for Prostitution Public Database
509 created pursuant to s. 943.0433 must include the criminal
510 history record of a person who is found guilty as a result of a
511 trial or who enters a plea of guilty or nolo contendere,
512 regardless of whether adjudication is withheld, of paragraph
513 (2) (f), and there is evidence that such person provided a form
514 of payment or arranged for the payment of such services. Upon
515 conviction, the clerk of the court shall forward the criminal
516 history record of the person to the Department of Law
517 Enforcement, pursuant to s. 943.052(2), for inclusion in the
518 database. This paragraph shall stand repealed on January 1,
519 2024, unless reviewed and saved from repeal by the Legislature.

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

522 943.0433 Soliciting for Prostitution Public Database.—

523 (1) The department shall create and administer the
524 Soliciting for Prostitution Public Database. The clerk of the
525 court shall forward to the department the criminal history
526 record of a person in accordance with s. 796.07(5) (e), and the

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

527 department shall add the criminal history record to the
528 database.

529 (2) (a) The department shall automatically remove the
530 criminal history record of a person from the database if, after
531 5 years following the commission of an offense that meets the
532 criteria set forth in s. 796.07(5) (e), such person has not
533 subsequently committed a violation that meets such criteria or
534 any other offense within that time that would constitute a
535 sexual offense, including, but not limited to, human
536 trafficking, or an offense that would require registration as a
537 sexual offender.

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

542 (c) The department shall create policies and procedures
543 that allow a person whose conviction has been overturned or who
544 has received an expunction of a criminal history record for
545 which his or her record was placed on the database to petition
546 the department for the removal of the petitioner's criminal
547 history record. The department, after receiving a completed
548 petition form with adequate documentation, must remove the
549 criminal history record from the database within 30 days after
550 receipt of such petition. The department shall create a form,

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

551 publish it online, and provide it upon request in paper form for
552 petitioners to complete.

553 (3) The database must include all of the following on each
554 offender:

555 (a) His or her full legal name.

556 (b) His or her last known address.

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

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

559 (4) The department shall adopt rules to administer this
560 section.

561 (5) The Office of Program Policy Analysis and Government
562 Accountability (OPPAGA) shall perform a study of the
563 effectiveness of the database. The study's scope must include,
564 but need not be limited to, review of the administration of the
565 database, the policies and procedures of the database, and
566 whether the database prevents and deters human trafficking
567 networks and persons who aid and abet these networks from
568 operating in this state. The study must include recommendations
569 for any changes needed to the database or if the database should
570 be repealed. In conducting the study, OPPAGA shall consult with
571 the Florida Department of Law Enforcement and any other
572 interested entities. OPPAGA shall submit a report to the
573 Governor, the President of the Senate, and the Speaker of the
574 House of Representatives by January 1, 2023.

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

575 (6) This section shall stand repealed on January 1, 2024,
576 unless reviewed and saved from repeal through reenactment by the
577 Legislature.

578 Section 9. Section 943.17297, Florida Statutes, is created
579 to read:

580 943.17297 Continuing employment training in identifying
581 and investigating human trafficking.—Within 1 year after
582 beginning employment, each certified law enforcement officer
583 must successfully complete 4 hours of training in identifying
584 and investigating human trafficking. Completion of the training
585 component may count toward the 40 hours of instruction for
586 continued employment or appointment as a law enforcement officer
587 required under s. 943.135. This training component must be
588 completed by current law enforcement officers by July 1, 2022.
589 The training must be developed by the commission in consultation
590 with the Department of Legal Affairs and the Statewide Council
591 on Human Trafficking. If an officer fails to complete the
592 required training, his or her certification must be placed on
593 inactive status until the employing agency notifies the
594 commission that the officer has completed the training.

595 Section 10. Paragraph (d) is added to subsection (3) of
596 section 450.045, Florida Statutes, and paragraphs (a), (b), and
597 (c) of that subsection are republished, to read:

598 450.045 Proof of identity and age; posting of notices.—

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

599 (3) (a) In order to provide the department and law
600 enforcement agencies the means to more effectively identify,
601 investigate, and arrest persons engaging in human trafficking,
602 an adult theater, as defined in s. 847.001(2) (b), shall obtain
603 proof of the identity and age of each of its employees or
604 independent contractors, and shall verify the validity of the
605 identification and age verification document with the issuer,
606 before his or her employment or provision of services as an
607 independent contractor.

608 (b) The adult theater shall obtain and keep on record a
609 photocopy of the person's driver license or state or federal
610 government-issued photo identification card, along with a record
611 of the verification of the validity of the identification and
612 age verification document with the issuer, during the entire
613 period of employment or business relationship with the
614 independent contractor and for at least 3 years after the
615 employee or independent contractor ceases employment or the
616 provision of services.

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

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

623 (d) An adult theater owner, operator, or manager who
624 knowingly violates this subsection commits a misdemeanor in the
625 first degree, punishable as provided in s. 775.082 or s.
626 775.083.

627 Section 11. Paragraph (b) of subsection (2) of section
628 847.001, Florida Statutes, is amended to read:

629 847.001 Definitions.—As used in this chapter, the term:

630 (2) "Adult entertainment establishment" means the
631 following terms as defined:

632 (b) "Adult theater" means an enclosed building or an
633 enclosed space within a building used for presenting either
634 films, live plays, dances, or other performances that are
635 distinguished or characterized by an emphasis on matter
636 depicting, describing, or relating to specific sexual activities
637 for observation by patrons, and which restricts or purports to
638 restrict admission only to adults, or any business that features
639 a person who engages in specific sexual activities for
640 observation by a patron, and which restricts or purports to
641 restrict admission to only adults.

642 Section 12. For the 2019-2020 fiscal year, the sum of
643 \$250,000 in nonrecurring funds is appropriated from the General
644 Revenue Fund to the Department of Legal Affairs for the purposes
645 of implementing and administering the direct-support
646 organization created under s. 16.618, Florida Statutes, and for

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

647 developing training and information services with the Florida
648 Forensic Institute for Research, Security, and Tactics.

649 Section 13. Except as otherwise expressly provided in this
650 act, this act shall take effect July 1, 2019.

651
652 -----

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

654 Remove lines 698-864 of the amendment and insert:
655 An act relating to human trafficking; creating s. 16.618,
656 F.S.; requiring the Department of Legal Affairs to
657 establish a certain direct-support organization for a
658 specified purpose; providing requirements for the direct-
659 support organization; requiring the direct-support
660 organization to operate under written contract with the
661 department; providing contractual requirements; providing
662 for the membership of and the appointment of directors to
663 the board of directors of the direct-support organization;
664 requiring the direct-support organization to contract to
665 develop certain training and information with the Florida
666 Forensic Institute for Research, Security, and Tactics or
667 another organization under certain circumstances; providing
668 a contractual requirement; requiring the institute to
669 develop specified training by a certain date; requiring the
670 institute to serve as a repository for certain information
671 and training materials and resources; requiring certain

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

672 task forces to coordinate with the institute on an ongoing,
673 periodic basis; authorizing certain law enforcement offices
674 and agencies to coordinate with the institute to receive
675 training and information; requiring the direct-support
676 organization, in conjunction with the Statewide Council on
677 Human Trafficking, to form certain partnerships for
678 specified purposes; authorizing the department to allow
679 appropriate use of department property, facilities, and
680 personnel by the direct-support organization; providing
681 requirements and conditions for such use of department
682 property, facilities, and personnel by the direct-support
683 organization; authorizing the direct-support organization
684 to engage in certain activities for the direct or indirect
685 benefit of the council; prohibiting certain persons and
686 employees from receiving specified benefits as they relate
687 to the council or the direct-support organization;
688 providing for moneys received by the direct-support
689 organization; authorizing the department to terminate its
690 agreement with the direct-support organization if the
691 department determines that the direct-support organization
692 does not meet specified objectives; providing for future
693 review and repeal by the Legislature; creating s. 456.0341,
694 F.S.; providing for instruction on human trafficking;
695 requiring specified licensees or certificate holders to
696 complete a certain continuing education course by a

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

697 specified date; providing course requirements; requiring
698 specified licensees or certificate holders to post a human
699 trafficking public awareness sign in their place of work by
700 a specified date; providing requirements; amending s.
701 480.033, F.S.; providing definitions; amending s. 480.043,
702 F.S.; conforming provisions to changes made by the act;
703 providing for suspension of an establishment license under
704 specified circumstances; requiring a massage establishment
705 to implement a procedure for reporting suspected human
706 trafficking to certain entities and to post a sign with
707 such reporting procedure in a conspicuous place by a
708 specified date; providing an exception; amending s.
709 480.046, F.S.; conforming provisions to changes made by the
710 act; revising grounds for disciplinary action by the board;
711 creating s. 509.096, F.S.; requiring a public lodging
712 establishment to train certain employees and implement a
713 certain procedure relating to human trafficking by a
714 specified date; requiring each employee to submit a signed
715 and dated acknowledgement of having received the training;
716 requiring the public lodging establishment to provide a
717 copy to the Department of Business and Professional
718 Regulation upon request; requiring a public lodging
719 establishment to post in the establishment a human
720 trafficking public awareness sign by a specified date;
721 providing requirements for the sign; requiring that certain

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

722 training be submitted to and approved by the department;
723 providing training requirements; requiring the Division of
724 Hotels and Restaurants of the Department of Business and
725 Professional Regulation to impose an administrative fine on
726 a public lodging establishment for failure to comply with
727 certain requirements and to remit the fines to a certain
728 direct-support organization; providing an exception;
729 providing that this section does not establish a private
730 cause of action against a public lodging establishment and
731 does not alter or limit any existing remedies for survivors
732 of human trafficking; amending s. 796.07, F.S.; requiring
733 that the criminal history record of a person who is found
734 guilty of, or who enters a plea of guilty or nolo
735 contendere to, soliciting, inducing, enticing, or procuring
736 another to commit prostitution, lewdness, or assignation
737 and who provides or arranges payment for such violations be
738 added to the Soliciting for Prostitution Public Database;
739 requiring the clerk of the court to forward the criminal
740 history record of such persons to the Department of Law
741 Enforcement for inclusion in the database; providing for
742 future legislative review and repeal; creating s. 943.0433,
743 F.S.; requiring the Department of Law Enforcement to create
744 and administer the Soliciting for Prostitution Public
745 Database; requiring the department to add certain criminal
746 history records to the database; requiring the department

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

747 to automatically remove certain criminal history records
748 from the database under certain circumstances; prohibiting
749 the department from removing certain criminal history
750 records from the database for second or subsequent
751 violations of specified provisions; requiring the
752 department to create policies and procedures that allow
753 certain persons to petition the department for the removal
754 of criminal history records from the database; requiring
755 the department to remove such a record within a specified
756 timeframe after receipt of the petition; requiring the
757 department to create a certain form, to publish it online,
758 and to provide the form in paper form upon request;
759 requiring the database to include specified information on
760 offenders; requiring the department to adopt rules;
761 requiring the Office of Program Policy Analysis and
762 Government Accountability (OPPAGA) to perform a study
763 reviewing the effectiveness of the database; providing
764 study requirements; requiring OPPAGA to consult with the
765 department and other interested entities; requiring OPPAGA
766 to submit a report to the Governor and Legislature by a
767 certain date; providing for future legislative review and
768 repeal; creating s. 943.17297, F.S.; requiring each
769 certified law enforcement officer to successfully complete
770 training on identifying and investigating human trafficking
771 within a certain timeframe; authorizing the completion of

638435

Approved For Filing: 5/3/2019 10:46:57 PM

Amendment No.

772 such training to count toward a certain requirement;
773 requiring that the training be completed by a certain date;
774 requiring that the training be developed by the Criminal
775 Justice Standards and Training Commission in consultation
776 with specified entities; specifying that an officer's
777 certification must be placed on inactive status if he or
778 she fails to complete the required training until the
779 employing agency notifies the Criminal Justice Standards
780 and Training Commission that the officer has completed the
781 training; amending s. 450.045, F.S.; penalizing the knowing
782 failure to verify and maintain specified documentation of
783 an adult theater employee or contractor; amending s.
784 847.001, F.S.; expanding the definition of the term "adult
785 theater"; providing an appropriation; providing effective
786 dates.

638435

Approved For Filing: 5/3/2019 10:46:57 PM