

1 A bill to be entitled
2 An act relating to prostitution, lewdness, human
3 trafficking, and public lodging; providing a short
4 title; creating s. 509.098, F.S.; prohibiting an
5 operator of a public lodging establishment or a
6 vacation rental from offering an hourly rate for an
7 accommodation; requiring a guest of a public lodging
8 establishment or a vacation rental to provide positive
9 proof of identification to such operator at the time
10 of occupancy; amending s. 796.07, F.S.; increasing
11 criminal penalties for soliciting or procuring another
12 person to commit prostitution or other specified
13 offenses or purchasing the services of a person
14 engaged in prostitution; amending s. 943.0583, F.S.;
15 providing that human trafficking victim expunction of
16 criminal history records does not apply to specified
17 offenses; deleting a requirement for a specific
18 evidentiary standard when determining human
19 trafficking victim status in the absence of official
20 documentation; creating s. 1004.343, F.S.; creating
21 the Statewide Data Repository for Anonymous Human
22 Trafficking Data at the University of Florida;
23 providing purposes of the data repository; specifying
24 duties of university faculty and staff; designating
25 required reporting entities; requiring specified

26 information to be reported; providing timeframes for
 27 reporting; providing an effective date.

28

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

30

31 Section 1. This act may be cited as the "Human Trafficking
 32 Reduction Act."

33 Section 2. Section 509.098, Florida Statutes, is created
 34 to read:

35 509.098 Prohibition of hourly rates; proof of
 36 identification.-

37 (1) An operator of a public lodging establishment or a
 38 vacation rental may not offer an hourly rate for an
 39 accommodation.

40 (2) A guest of a public lodging establishment or a
 41 vacation rental must provide positive proof of identification to
 42 the operator of the public lodging establishment or the vacation
 43 rental at the time of his or her occupancy of the accommodation.

44 Section 3. Paragraph (a) of subsection (5) of section
 45 796.07, Florida Statutes, is amended, and paragraphs (f) and (i)
 46 of subsection (2) of that section are republished, to read:

47 796.07 Prohibiting prostitution and related acts.-

48 (2) It is unlawful:

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

51 (i) To purchase the services of any person engaged in
 52 prostitution.

53 (5)(a) A person who violates paragraph (2)(f) or paragraph
 54 (2)(i) commits:

55 1. A felony of the third ~~misdemeanor of the first~~ degree
 56 for a first violation, punishable as provided in s. 775.082, ~~or~~
 57 s. 775.083, or s. 775.084.

58 2. A felony of the second ~~third~~ degree for a second
 59 violation, punishable as provided in s. 775.082, s. 775.083, or
 60 s. 775.084.

61 3. A felony of the first ~~second~~ degree for a third or
 62 subsequent violation, punishable as provided in s. 775.082, s.
 63 775.083, or s. 775.084.

64 Section 4. Subsections (3) and (5) of section 943.0583,
 65 Florida Statutes, are amended to read:

66 943.0583 Human trafficking victim expunction.—

67 (3) A person who is a victim of human trafficking may
 68 petition for the expunction of a criminal history record
 69 resulting from the arrest or filing of charges for one or more
 70 offenses committed or reported to have been committed while the
 71 person was a victim of human trafficking, which offense was
 72 committed or reported to have been committed as a part of the
 73 human trafficking scheme of which the person was a victim or at
 74 the direction of an operator of the scheme, including, but not
 75 limited to, violations under chapters 796 and 847, without

76 regard to the disposition of the arrest or of any charges.
77 However, this section does not apply to any offense listed in s.
78 775.084(1)(b)1. if the defendant was found guilty of, or pled
79 guilty or nolo contendere to, any such offense. Determination of
80 the petition under this section should be by a preponderance of
81 the evidence. A conviction expunged under this section is deemed
82 to have been vacated due to a substantive defect in the
83 underlying criminal proceedings. If a person is adjudicated not
84 guilty by reason of insanity or is found to be incompetent to
85 stand trial for any such charge, the expunction of the criminal
86 history record may not prevent the entry of the judgment or
87 finding in state and national databases for use in determining
88 eligibility to purchase or possess a firearm or to carry a
89 concealed firearm, as authorized in s. 790.065(2)(a)4.c. and 18
90 U.S.C. s. 922(t), nor shall it prevent any governmental agency
91 that is authorized by state or federal law to determine
92 eligibility to purchase or possess a firearm or to carry a
93 concealed firearm from accessing or using the record of the
94 judgment or finding in the course of such agency's official
95 duties.

96 (5) Official documentation of the victim's status creates
97 a presumption that his or her participation in the offense was a
98 result of having been a victim of human trafficking but is not
99 required for granting a petition under this section. A
100 ~~determination made without such official documentation must be~~

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101 ~~made by a showing of clear and convincing evidence.~~

102 Section 5. Section 1004.343, Florida Statutes, is created
103 to read:

104 1004.343 Statewide Data Repository for Anonymous Human
105 Trafficking Data.-

106 (1) The University of South Florida Trafficking in Persons
107 - Risk to Resilience Lab shall house and operate the state's
108 unified Statewide Data Repository for Anonymous Human
109 Trafficking Data.

110 (a) The purposes of the data repository are to:

111 1. Collect and analyze anonymous human trafficking data to
112 better understand the magnitude and trends in human trafficking
113 in the state over time.

114 2. Help evaluate the effectiveness of various state-funded
115 initiatives to combat human trafficking to determine the impact
116 of such initiatives and to use evidence-based decisionmaking in
117 the determination of state investments in such initiatives.

118 3. To inform statewide efforts among law enforcement,
119 state agencies, and other entities to combat human trafficking
120 and apprehend and prosecute those persons responsible for human
121 trafficking.

122 4. To better serve victims of human trafficking through
123 evidence-based interventions that have proven effective.

124 (b) University of South Florida faculty and staff assigned
125 to the lab shall:

126 1. Design, operate, maintain, and protect the integrity of
127 the statewide human trafficking data repository.

128 2. Design, in consultation with the Department of Law
129 Enforcement and other law enforcement partners, and launch a
130 user-friendly system for uploading anonymous human trafficking
131 data to the repository in a manner that can be accomplished
132 quickly and at no additional cost to the required reporting
133 entities.

134 3. Analyze such data to identify initiatives and
135 interventions that worked best in combatting human trafficking,
136 prosecuting individuals conducting human trafficking, and
137 assisting victims of human trafficking.

138 4. Work with law enforcement and state agencies to report
139 data on human trafficking investigations and prosecutions that
140 can aid those agencies in combatting human trafficking and
141 prosecuting those individuals responsible for human trafficking.

142 (2)(a) The following agencies and organizations are
143 considered required reporting entities under this section:

144 1. Law enforcement agencies operating with state or local
145 government tax proceeds, including, but not limited to,
146 municipal police departments, county sheriff's departments,
147 county attorney's offices, and state attorney's offices.

148 2. The Department of Law Enforcement and any other state
149 agencies that hold any data related to human trafficking.

150 3. Service providers and other nongovernmental

151 organizations that serve victims of human trafficking through
152 state or federal funding for such purpose.

153 (b) Notwithstanding paragraph (a), any required reporting
154 entity that submits the data required under subsection (3) from
155 its local jurisdiction to the Department of Law Enforcement's
156 Uniform Crime Report (UCR) system or Florida Incident-Based
157 Reporting System (FIBRS) may, but is not required to, submit any
158 additional data to the statewide human trafficking data
159 repository. However, the Department of Law Enforcement shall
160 upload or otherwise share with the statewide human trafficking
161 data repository, at least quarterly, the relevant data required
162 by this section that has been reported by local jurisdictions to
163 the UCR system and the FIBRS.

164 (3) The following human trafficking data shall be
165 submitted by required reporting entities to the statewide human
166 trafficking data repository unless such entity is exempt from
167 the reporting under paragraph (2) (b):

168 (a) The alleged offense that was being investigated or
169 prosecuted and a description of the alleged prohibited conduct.

170 (b) The age, gender, and race or ethnicity of each suspect
171 and victim and the case number associated with that suspect and
172 victim.

173 (c) The date, time, and location of the alleged offense.

174 (d) The type of human trafficking involved.

175 (e) Any other related prosecution charges.

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176 (f) Information regarding any victim services organization
177 or program to which the victim was referred, if available.

178 (g) The disposition of the investigation or prosecution,
179 regardless of its manner of disposition.

180 (4) (a) A required reporting entity located in a county
181 with a population of more than 500,000 must begin reporting its
182 jurisdiction's human trafficking data required by this section
183 to the statewide human trafficking data repository, or to the
184 UCR system or the FIBRS, on or before July 1, 2023, and at least
185 quarterly each year thereafter.

186 (b) A required reporting entity located in a county with a
187 population of 500,000 or fewer must begin reporting its
188 jurisdiction's human trafficking data required by this section
189 to the statewide human trafficking data repository, or to the
190 UCR system or the FIBRS, on or before July 1, 2024, and at least
191 biannually each year thereafter.

192 Section 6. This act shall take effect upon becoming a law.