

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

26 reporting entities; requiring specified information to  
 27 be reported; providing timeframes for reporting;  
 28 providing an effective date.

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

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

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

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

38 (1) For purposes of this section, the term "vacation  
 39 rental" has the same meaning as provided in s. 509.242(1)(c).

40 (2) An operator of a public lodging establishment or a  
 41 vacation rental may not offer an hourly rate for an  
 42 accommodation.

43 (3) A guest of a public lodging establishment or a  
 44 vacation rental must provide positive proof of identification to  
 45 the operator of the public lodging establishment or the vacation  
 46 rental at the time of his or her occupancy of the accommodation.

47 Section 3. Paragraph (a) of subsection (5) of section  
 48 796.07, Florida Statutes, is amended, and paragraphs (f) and (i)  
 49 of subsection (2) of that section are republished, to read:

50 796.07 Prohibiting prostitution and related acts.-

51           (2) It is unlawful:

52           (f) To solicit, induce, entice, or procure another to

53 commit prostitution, lewdness, or assignation.

54           (i) To purchase the services of any person engaged in

55 prostitution.

56           (5)(a) A person who violates paragraph (2)(f) or paragraph

57 (2)(i) commits:

58           1. A felony of the third ~~misdemeanor of the first~~ degree

59 for a first violation, punishable as provided in s. 775.082, ~~or~~

60 s. 775.083, or s. 775.084.

61           2. A felony of the second ~~third~~ degree for a second

62 violation, punishable as provided in s. 775.082, s. 775.083, or

63 s. 775.084.

64           3. A felony of the first ~~second~~ degree for a third or

65 subsequent violation, punishable as provided in s. 775.082, s.

66 775.083, or s. 775.084.

67           Section 4. Subsections (3) and (5) of section 943.0583,

68 Florida Statutes, are amended to read:

69           943.0583 Human trafficking victim expunction.—

70           (3)(a) Except as provided in paragraph (b), a person who

71 is a victim of human trafficking may petition for the expunction

72 of a criminal history record resulting from the arrest or filing

73 of charges for one or more offenses committed or reported to

74 have been committed while the person was a victim of human

75 trafficking, which offense was committed or reported to have

76 | been committed as a part of the human trafficking scheme of  
77 | which the person was a victim or at the direction of an operator  
78 | of the scheme, including, but not limited to, violations under  
79 | chapters 796 and 847, without regard to the disposition of the  
80 | arrest or of any charges.

81 |       (b) ~~However,~~ This section does not apply to any offense  
82 | listed in s. 775.084(1)(b)1. if the defendant was found guilty  
83 | of, or pled guilty or nolo contendere to, any such offense.

84 |       (c) Determination of the petition under this section  
85 | should be by a preponderance of the evidence. A conviction  
86 | expunged under this section is deemed to have been vacated due  
87 | to a substantive defect in the underlying criminal proceedings.  
88 | If a person is adjudicated not guilty by reason of insanity or  
89 | is found to be incompetent to stand trial for any such charge,  
90 | the expunction of the criminal history record may not prevent  
91 | the entry of the judgment or finding in state and national  
92 | databases for use in determining eligibility to purchase or  
93 | possess a firearm or to carry a concealed firearm, as authorized  
94 | in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it  
95 | prevent any governmental agency that is authorized by state or  
96 | federal law to determine eligibility to purchase or possess a  
97 | firearm or to carry a concealed firearm from accessing or using  
98 | the record of the judgment or finding in the course of such  
99 | agency's official duties.

100 |       (5) Official documentation of the victim's status creates

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101 a presumption that his or her participation in the offense was a  
102 result of having been a victim of human trafficking but is not  
103 required for granting a petition under this section. A  
104 ~~determination made without such official documentation must be~~  
105 ~~made by a showing of clear and convincing evidence.~~

106 Section 5. Section 1004.343, Florida Statutes, is created  
107 to read:

108 1004.343 Statewide Data Repository for Anonymous Human  
109 Trafficking Data.—

110 (1) There is created the Statewide Data Repository for  
111 Anonymous Human Trafficking Data. The repository shall be housed  
112 in and operated by the University of South Florida Trafficking  
113 in Persons - Risk to Resilience Lab.

114 (a) The Statewide Data Repository for Anonymous Human  
115 Trafficking Data shall:

116 1. Collect and analyze anonymous human trafficking data to  
117 identify trends in human trafficking in the state over time.

118 2. Evaluate the effectiveness of various state-funded  
119 initiatives to combat human trafficking to enable the state to  
120 make evidence-based decisions in funding future initiatives.

121 3. Disseminate relevant data to law enforcement agencies,  
122 state agencies, and other entities to assist in combatting human  
123 trafficking and apprehending and prosecuting persons responsible  
124 for conducting human trafficking.

125 4. Evaluate the effectiveness of interventions and

126 services provided to assist human trafficking victims.

127 (b) The University of South Florida Trafficking in Persons  
128 - Risk to Resilience Lab shall:

129 1. Design, operate, maintain, and protect the integrity of  
130 the Statewide Data Repository for Anonymous Human Trafficking  
131 Data.

132 2. Design, in consultation with the Department of Law  
133 Enforcement and other law enforcement partners, and launch a  
134 user-friendly system for efficiently reporting anonymous human  
135 trafficking data to the Statewide Data Repository for Anonymous  
136 Human Trafficking Data at no additional cost to reporting  
137 entities.

138 3. Analyze anonymous human trafficking data to identify  
139 initiatives and interventions that are effective in combatting  
140 human trafficking, apprehending and prosecuting persons  
141 responsible for conducting human trafficking, and assisting  
142 human trafficking victims.

143 4. Work with law enforcement agencies and state agencies  
144 to report data on human trafficking investigations and  
145 prosecutions which can aid such agencies in combatting human  
146 trafficking and apprehending and prosecuting persons responsible  
147 for conducting human trafficking.

148 (2)(a) Except as provided in paragraph (b), the following  
149 agencies and entities shall report anonymous human trafficking  
150 data required under this section:

151 1. Law enforcement agencies operating with state or local  
152 government tax proceeds, including, but not limited to,  
153 municipal police departments, county sheriffs, and state  
154 attorneys.

155 2. The Department of Law Enforcement and any other state  
156 agency that holds data related to human trafficking.

157 3. Service providers and other nongovernmental  
158 organizations that serve human trafficking victims and receive  
159 state or federal funding for such purpose.

160 (b) A required reporting entity that submits the data  
161 required under subsection (3) to the Department of Law  
162 Enforcement's Uniform Crime Report system or Florida Incident-  
163 Based Reporting System may, but is not required to, submit any  
164 additional data to the Statewide Data Repository for Anonymous  
165 Human Trafficking Data. The Department of Law Enforcement shall  
166 report to the Statewide Data Repository for Anonymous Human  
167 Trafficking Data, at least quarterly, the data required under  
168 subsection (3) that has been reported by a required reporting  
169 entity to the department.

170 (3) A required reporting entity shall submit the following  
171 data to the Statewide Data Repository for Anonymous Human  
172 Trafficking Data unless such entity is exempt from the reporting  
173 requirement under paragraph (2) (b):

174 (a) The alleged human trafficking offense that was  
175 investigated or prosecuted and a description of the alleged

176 prohibited conduct.

177 (b) The age, gender, and race or ethnicity of each suspect  
178 or defendant and victim.

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

180 (d) The type of human trafficking involved, whether for  
181 labor or services or commercial sexual activity.

182 (e) Any other alleged offense related to the human  
183 trafficking offense that was investigated or prosecuted.

184 (f) Information regarding any victim services organization  
185 or related program to which the victim was referred, if  
186 available.

187 (g) The disposition of the investigation or prosecution,  
188 regardless of the manner of disposition.

189 (4)(a) A required reporting entity located in a county  
190 with a population of more than 500,000 must begin reporting data  
191 required by this section to the Statewide Data Repository for  
192 Anonymous Human Trafficking Data, or to the Department of Law  
193 Enforcement as authorized under paragraph (2)(b), on or before  
194 July 1, 2023, and at least quarterly each year thereafter.

195 (b) A required reporting entity located in a county with a  
196 population of 500,000 or fewer must begin reporting data  
197 required by this section to the Statewide Data Repository for  
198 Anonymous Human Trafficking Data, or to the Department of Law  
199 Enforcement as authorized under paragraph (2)(b), on or before  
200 July 1, 2024, and at least biannually each year thereafter.



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