

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Toledo offered the following:

2
3 **Amendment to Amendment (504356) (with title amendment)**

4 Remove line 120 of the amendment and insert:

5 Section 5. Sections 5 through 9 of this act may be cited
6 as the "Human Trafficking Reduction Act."

7 Section 6. Effective upon this act becoming a law, section
8 509.098, Florida Statutes, is created to read:

9 509.098 Prohibition of hourly rates.-

10 (1) An operator of a public lodging establishment may not
11 offer an hourly rate for an accommodation.

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

12 (2) This section does not apply to an hourly rate charged
13 by an operator of a public lodging establishment as a late
14 checkout fee.

15 Section 7. Effective upon this act becoming a law,
16 subsections (4), (5), and (6) of section 796.07, Florida
17 Statutes, are amended, and paragraphs (f) and (i) of subsection
18 (2) of that section are republished, to read:

19 796.07 Prohibiting prostitution and related acts.—

20 (2) It is unlawful:

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

23 (i) To purchase the services of any person engaged in
24 prostitution.

25 (4)(a) A person who violates any provision of this
26 section, other than paragraph (2)(f) or paragraph (2)(i),
27 commits:

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

30 2. A misdemeanor of the first degree for a second
31 violation, punishable as provided in s. 775.082 or s. 775.083.

32 3. A felony of the third degree for a third or subsequent
33 violation, punishable as provided in s. 775.082, s. 775.083, or
34 s. 775.084.

35 (b) A person who is charged with a third or subsequent
36 violation of this section, other than paragraph (2)(f) or

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

37 paragraph (2)(i), shall be offered admission to a pretrial
38 intervention program or a substance abuse treatment program as
39 provided in s. 948.08.

40 (5)(a) A person who violates paragraph (2)(f) or paragraph
41 (2)(i) commits:

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

45 2. A felony of the second ~~third~~ degree for a second
46 violation, punishable as provided in s. 775.082, s. 775.083, or
47 s. 775.084.

48 3. A felony of the first ~~second~~ degree for a third or
49 subsequent violation, punishable as provided in s. 775.082, s.
50 775.083, or s. 775.084.

51 (b) In addition to any other penalty imposed, the court
52 shall order a person convicted of a violation of paragraph
53 (2)(f) or paragraph (2)(i) to:

54 1. Perform 100 hours of community service; and

55 2. Pay for and attend an educational program about the
56 negative effects of prostitution and human trafficking, such as
57 a sexual violence prevention education program, including such
58 programs offered by faith-based providers, if such programs
59 exist in the judicial circuit in which the offender is
60 sentenced.

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

61 (c) In addition to any other penalty imposed, the court
62 shall sentence a person convicted of a second or subsequent
63 violation of paragraph (2)(f) or paragraph (2)(i) to a minimum
64 mandatory period of incarceration of 10 days.

65 (d)1. If a person who violates paragraph (2)(f) or
66 paragraph (2)(i) uses a vehicle in the course of the violation,
67 the judge, upon the person's conviction, may issue an order for
68 the impoundment or immobilization of the vehicle for a period of
69 up to 60 days. The order of impoundment or immobilization must
70 include the names and telephone numbers of all immobilization
71 agencies meeting all of the conditions of s. 316.193(13). Within
72 7 business days after the date that the court issues the order
73 of impoundment or immobilization, the clerk of the court must
74 send notice by certified mail, return receipt requested, to the
75 registered owner of the vehicle, if the registered owner is a
76 person other than the defendant, and to each person of record
77 claiming a lien against the vehicle.

78 2. The owner of the vehicle may request the court to
79 dismiss the order. The court must dismiss the order, and the
80 owner of the vehicle will incur no costs, if the owner of the
81 vehicle alleges and the court finds to be true any of the
82 following:

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

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

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

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

89 d. The vehicle is owned by the defendant but is operated
90 solely by employees of the defendant or employees of a business
91 owned by the defendant.

92 3. If the court denies the request to dismiss the order,
93 the petitioner may request an evidentiary hearing. If, at the
94 evidentiary hearing, the court finds to be true any of the
95 circumstances described in sub-subparagraphs (d)2.a.-d., the
96 court must dismiss the order and the owner of the vehicle will
97 incur no costs.

98 (e) The Soliciting for Prostitution Public Database
99 created pursuant to s. 943.0433 must include the criminal
100 history record of a person who is found guilty as a result of a
101 trial or who enters a plea of guilty or nolo contendere,
102 regardless of whether adjudication is withheld, of paragraph
103 (2)(f) or paragraph (2)(i), and there is evidence that such
104 person provided a form of payment or arranged for the payment of
105 such services. Upon conviction, the clerk of the court shall
106 forward the criminal history record of the person to the
107 Department of Law Enforcement, pursuant to s. 943.052(2), for
108 inclusion in the database. This paragraph shall stand repealed
109 on January 1, 2024, unless reviewed and saved from repeal by the
110 Legislature.

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

111 (6) A person who violates paragraph (2) (f) or paragraph
112 (2) (i) shall be assessed a civil penalty of \$5,000 if the
113 violation results in any judicial disposition other than
114 acquittal or dismissal. Of the proceeds from each penalty
115 assessed under this subsection, the first \$500 shall be paid to
116 the circuit court administrator for the sole purpose of paying
117 the administrative costs of treatment-based drug court programs
118 provided under s. 397.334. The remainder of the penalty assessed
119 shall be deposited in the Operations and Maintenance Trust Fund
120 of the Department of Children and Families for the sole purpose
121 of funding safe houses and safe foster homes as provided in s.
122 409.1678.

123 Section 8. Effective upon this act becoming a law,
124 subsections (3) and (5) of section 943.0583, Florida Statutes,
125 are amended to read:

126 943.0583 Human trafficking victim expunction.—

127 (3) (a) Except as provided in paragraph (b), a person who
128 is a victim of human trafficking may petition for the expunction
129 of a criminal history record resulting from the arrest or filing
130 of charges for one or more offenses committed or reported to
131 have been committed while the person was a victim of human
132 trafficking, which offense was committed or reported to have
133 been committed as a part of the human trafficking scheme of
134 which the person was a victim or at the direction of an operator
135 of the scheme, including, but not limited to, violations under

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

136 chapters 796 and 847, without regard to the disposition of the
137 arrest or of any charges.

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

141 (c) Determination of the petition under this section
142 should be by a preponderance of the evidence. A conviction
143 expunged under this section is deemed to have been vacated due
144 to a substantive defect in the underlying criminal proceedings.
145 If a person is adjudicated not guilty by reason of insanity or
146 is found to be incompetent to stand trial for any such charge,
147 the expunction of the criminal history record may not prevent
148 the entry of the judgment or finding in state and national
149 databases for use in determining eligibility to purchase or
150 possess a firearm or to carry a concealed firearm, as authorized
151 in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it
152 prevent any governmental agency that is authorized by state or
153 federal law to determine eligibility to purchase or possess a
154 firearm or to carry a concealed firearm from accessing or using
155 the record of the judgment or finding in the course of such
156 agency's official duties.

157 (5) Official documentation of the victim's status creates
158 a presumption that his or her participation in the offense was a
159 result of having been a victim of human trafficking but is not
160 required for granting a petition under this section. A

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

161 ~~determination made without such official documentation must be~~
162 ~~made by a showing of clear and convincing evidence.~~

163 Section 9. Effective upon this act becoming a law, section
164 1004.343, Florida Statutes, is created to read:

165 1004.343 Statewide Data Repository for Anonymous Human
166 Trafficking Data.-

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

171 (a) The Statewide Data Repository for Anonymous Human
172 Trafficking Data shall:

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

175 2. Evaluate the effectiveness of various state-funded
176 initiatives to combat human trafficking to enable the state to
177 make evidence-based decisions in funding future initiatives.

178 3. Disseminate relevant data to law enforcement agencies,
179 state agencies, and other entities to assist in combatting human
180 trafficking and apprehending and prosecuting persons responsible
181 for conducting human trafficking.

182 4. Evaluate the effectiveness of interventions and
183 services provided to assist human trafficking victims.

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

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

186 1. Design, operate, maintain, and protect the integrity of
187 the Statewide Data Repository for Anonymous Human Trafficking
188 Data.

189 2. Design, in consultation with the Department of Law
190 Enforcement and other law enforcement partners, and launch a
191 user-friendly system for efficiently reporting anonymous human
192 trafficking data to the Statewide Data Repository for Anonymous
193 Human Trafficking Data at no additional cost to reporting
194 entities.

195 3. Analyze anonymous human trafficking data to identify
196 initiatives and interventions that are effective in combatting
197 human trafficking, apprehending and prosecuting persons
198 responsible for conducting human trafficking, and assisting
199 human trafficking victims.

200 4. Work with law enforcement agencies and state agencies
201 to report data on human trafficking investigations and
202 prosecutions which can aid such agencies in combatting human
203 trafficking and apprehending and prosecuting persons responsible
204 for conducting human trafficking.

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

208 1. Law enforcement agencies operating with state or local
209 government tax proceeds, including, but not limited to,

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

210 municipal police departments, county sheriffs, and state
211 attorneys.

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

214 3. Service providers and other nongovernmental
215 organizations that serve human trafficking victims and receive
216 state or federal funding for such purpose.

217 (b) A required reporting entity that submits the data
218 required under subsection (3) to the Department of Law
219 Enforcement's Uniform Crime Report system or Florida Incident-
220 Based Reporting System may, but is not required to, submit any
221 additional data to the Statewide Data Repository for Anonymous
222 Human Trafficking Data. The Department of Law Enforcement shall
223 report to the Statewide Data Repository for Anonymous Human
224 Trafficking Data, at least quarterly, the data required under
225 subsection (3) that has been reported by a required reporting
226 entity to the department.

227 (3) A required reporting entity shall submit the following
228 data to the Statewide Data Repository for Anonymous Human
229 Trafficking Data unless such entity is exempt from the reporting
230 requirement under paragraph (2)(b):

231 (a) The alleged human trafficking offense that was
232 investigated or prosecuted and a description of the alleged
233 prohibited conduct.

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

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

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

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

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

241 (f) Information regarding any victim services organization
242 or related program to which the victim was referred, if
243 available.

244 (g) The disposition of the investigation or prosecution,
245 regardless of the manner of disposition.

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

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

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

258 Section 10. Except as otherwise provided in this act and
259 except for this section, which shall take effect upon this act
260 becoming a law, this act shall take effect July 1, 2022.

261
262 -----

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

264 Remove lines 127-142 of the amendment and insert:
265 An act relating to prostitution, lewdness, human
266 trafficking, and public lodging; amending s. 16.617,
267 F.S.; providing the Statewide Council on Human
268 Trafficking with an additional duty; amending s.
269 16.618, F.S.; deleting an obsolete provision;
270 requiring the direct-support organization of the
271 Statewide Council on Human Trafficking to develop
272 certain training for firesafety inspectors; providing
273 that such training is eligible for continuing
274 education credits; amending s. 409.175, F.S.;
275 requiring foster parents and agency staff to complete
276 preservice and inservice training related to human
277 trafficking; reenacting s. 63.092(3)(e), F.S.,
278 relating to reports to the court of intended placement
279 by an adoption entity, to incorporate the amendment
280 made to s. 409.175, F.S., in a reference thereto;
281 providing a short title; creating s. 509.098, F.S.;
282 prohibiting an operator of a public lodging

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

283 establishment from offering an hourly rate for an
284 accommodation; providing an exception; amending s.
285 796.07, F.S.; increasing criminal penalties for
286 soliciting or procuring another person to commit
287 prostitution or other specified offenses or purchasing
288 the services of a person engaged in prostitution;
289 requiring a person convicted of purchasing the
290 services of a person engaged in prostitution to
291 complete additional court-ordered requirements and to
292 serve a minimum mandatory period of incarceration of
293 10 days under certain circumstances; authorizing a
294 court to impound a vehicle when used in the course of
295 a specified violation; requiring the criminal history
296 record of a person with a specified conviction to be
297 included in the Soliciting for Prostitution Public
298 Database; providing that a person who purchases the
299 services of any person engaged in prostitution is
300 subject to a civil penalty; amending s. 943.0583,
301 F.S.; providing that human trafficking victim
302 expunction of criminal history records does not apply
303 to specified offenses; deleting a requirement for a
304 specific evidentiary standard when determining human
305 trafficking victim status in the absence of official
306 documentation; creating s. 1004.343, F.S.; creating
307 the Statewide Data Repository for Anonymous Human

377631

Approved For Filing: 3/8/2022 5:00:31 PM

Amendment No.

308 | Trafficking Data at the University of South Florida;
309 | providing purposes of the data repository; specifying
310 | duties of the university; designating required
311 | reporting entities; requiring specified information to
312 | be reported; providing timeframes for reporting;
313 | providing effective dates.
314 |

377631

Approved For Filing: 3/8/2022 5:00:31 PM