

By Senator Osgood

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1                   A bill to be entitled  
2       An act relating to human trafficking; amending s.  
3       787.06, F.S.; revising legislative intent and  
4       findings; revising definitions and defining terms;  
5       revising criminal penalties to include fines of  
6       certain amounts for violations of specified offenses;  
7       requiring the prosecution of specified offenses under  
8       the Florida RICO (Racketeer Influenced and Corrupt  
9       Organization) Act; requiring the Department of  
10      Education and Department of Health, in conjunction  
11      with the Statewide Council on Human Trafficking, to  
12      establish an awareness training program and community  
13      partnership on human trafficking, sex trafficking,  
14      labor trafficking, and child trafficking; requiring  
15      each state attorney to ensure prosecutors receive  
16      certain mandatory semiannual educational training;  
17      requiring each state attorney's office to document and  
18      maintain attendance and completion records on such  
19      training for a certain period of time; requiring each  
20      state attorney to adopt a pro-prosecution policy for  
21      human trafficking offenses; providing an effective  
22      date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Section 787.06, Florida Statutes, is amended to  
27 read:

28       787.06 Human trafficking.—

29       (1) (a) The Legislature finds that human trafficking is a

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30 form of modern-day slavery. Victims of human trafficking are  
31 young children, teenagers, and adults. Approximately 800,000  
32 ~~Thousands of~~ victims are trafficked annually across  
33 international borders worldwide. Many of these victims are  
34 trafficked into this state. Victims of human trafficking also  
35 include citizens of the United States and those persons  
36 trafficked domestically within the borders of the United States.  
37 The Legislature finds that victims of human trafficking are  
38 subjected to force, fraud, or coercion for the purpose of sexual  
39 exploitation or forced labor.

40 (b) The Legislature finds that while many victims of human  
41 trafficking are forced to work in prostitution or the sexual  
42 entertainment industry, trafficking also occurs in forms of  
43 labor exploitation, such as domestic servitude or foreign labor  
44 contracts in, restaurant work, janitorial work, sweatshop  
45 factory work, and migrant agricultural work.

46 (c) The Legislature finds that victims of human trafficking  
47 are kidnapped, abducted, sexually abused, falsely imprisoned,  
48 raped, stalked, assaulted, battered, or tortured or become  
49 victims of incest or genital mutilation and that traffickers use  
50 various techniques to instill fear in victims ~~and~~ to keep them  
51 enslaved. Some traffickers keep their victims under lock and  
52 key. However, the most frequently used practices are less  
53 obvious techniques that include isolating victims from the  
54 public and family members; confiscating passports, visas,  
55 permanent resident cards, or other identification documents;  
56 using or threatening to use violence toward victims or their  
57 families; telling victims that they will be imprisoned or  
58 deported for immigration violations if they contact authorities;

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59 and controlling the victims' funds by holding the money  
60 ostensibly for safekeeping.

61 (d) The Legislature finds that human trafficking victims  
62 are often charged with crimes due to their trafficking which  
63 could include perjury, witness tampering, obstruction of  
64 justice, peonage, conspiracy, and solicitation to the above  
65 crimes and other related criminal activity.

66 (e) It is the intent of the Legislature that the  
67 perpetrators of human trafficking be penalized to the fullest  
68 extent allowable by law for their illegal conduct and that the  
69 victims of trafficking be protected and assisted by this state  
70 and its agencies. In furtherance of this policy, it is the  
71 intent of the Legislature that the state Supreme Court, The  
72 Florida Bar, and relevant state agencies prepare and implement  
73 human trafficking training programs in order that judges,  
74 attorneys, law enforcement personnel, investigators, and others  
75 are able to identify traffickers and victims of human  
76 trafficking and direct victims to appropriate agencies for  
77 assistance. It is the intent of the Legislature that the  
78 Department of Children and Families and other state agencies  
79 cooperate with other state and federal agencies to ensure that  
80 victims of human trafficking can access legal services, social  
81 services, and benefits to alleviate their plight, including any  
82 additional charges garnered during the victim's trafficking.

83 (2) As used in this section, the term:

84 (a) "Coercion" means:

85 1. Using or threatening to use physical force against any  
86 person;

87 2. Restraining, abducting, kidnapping, isolating, or

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88 confining or threatening to restrain, abduct, kidnap, isolate,  
89 or confine any person directly or by deceit without lawful  
90 authority and against her or his will;

91 3. Using federal financial institutions or credit unions in  
92 person or on e-commerce social platforms to wire, transfer, or  
93 launder proceeds gained from human trafficking, lending or other  
94 credit methods to establish a debt by any person when labor or  
95 services are pledged as a security for the debt, if the value of  
96 the labor or services as reasonably assessed is not applied  
97 toward the liquidation of the debt, the length and nature of the  
98 labor or services are not respectively limited and defined;

99 4. Destroying, concealing, removing, confiscating,  
100 withholding, or possessing any actual or purported passport,  
101 visa, permanent resident card, or other immigration document, or  
102 any other actual or purported government identification  
103 document, of any person directly or by deceit;

104 5. Causing or threatening to cause financial harm to any  
105 person;

106 6. Enticing or luring any person by fraud or deceit; or

107 7. Providing a controlled substance as outlined in Schedule  
108 I or Schedule II of s. 893.03 or using physical force or  
109 coercion to make any person inject, ingest, or consume any  
110 substance against their will for the purpose of exploitation of  
111 that person.

112 (b) "Commercial sexual activity" means any violation of  
113 chapter 796 or an attempt to commit any such offense, and  
114 includes sexually explicit performances and the production of  
115 pornography.

116 (c) "Financial harm" includes extortionate extension of

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117 credit, loan sharking as defined in s. 687.071, or employment  
118 contracts that violate the statute of frauds as provided in s.  
119 725.01.

120 (d) "Human trafficking" means transporting, soliciting,  
121 recruiting, harboring, providing, enticing, maintaining,  
122 purchasing, patronizing, procuring, or obtaining another person  
123 for the purpose of exploitation of that person or for subjection  
124 to involuntary servitude, peonage, debt bondage, or slavery.

125 (e) "Labor" means work of economic or financial value.

126 (f) "Labor trafficking" means the recruitment, harboring,  
127 transportation, provision, or obtaining of a person for labor or  
128 services, through the use of force, fraud, or coercion for the  
129 purpose of subjecting him or her to involuntary servitude,  
130 peonage, debt bondage, or slavery.

131 (g) "Maintain" means, in relation to labor or services, to  
132 secure or make possible continued performance thereof,  
133 regardless of any initial agreement on the part of the victim to  
134 perform such type service.

135 (h) ~~(g)~~ "Obtain" means, in relation to labor, commercial  
136 sexual activity, or services, to receive, take possession of, or  
137 take custody of another person or secure performance thereof.

138 (i) ~~(h)~~ "Services" means any act committed at the behest of,  
139 under the supervision of, or for the benefit of another. The  
140 term includes, but is not limited to, forced marriage,  
141 servitude, or the removal of organs.

142 (j) "Sex trafficking" means the recruitment, harboring,  
143 transportation, provision, obtaining, patronizing, or soliciting  
144 of a person for the purposes of a commercial sex act, in which  
145 the commercial sex act is induced by force, fraud, or coercion,

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146 or in which the person induced to perform such sex act has not  
147 attained 18 years of age.

148 (k)~~(i)~~ "Sexually explicit performance" means an act or  
149 show, whether public or private, that is live, photographed,  
150 recorded, or videotaped and intended to arouse or satisfy the  
151 sexual desires or appeal to the prurient interest.

152 (l)~~(j)~~ "Unauthorized alien" means an alien who is not  
153 authorized under federal law to be employed in the United  
154 States, as provided in 8 U.S.C. s. 1324a(h)(3). The term shall  
155 be interpreted consistently with that section and any applicable  
156 federal rules or regulations.

157 (m)~~(k)~~ "Venture" means any group of two or more individuals  
158 associated in fact, whether or not a legal entity.

159 (n) "Victim" means a person who has suffered direct or  
160 indirect physical, emotional, or pecuniary harm as a result of  
161 the commission of human trafficking.

162 (3) Any person who knowingly, or in reckless disregard of  
163 the facts, engages in human trafficking, or attempts to engage  
164 in human trafficking, or benefits financially by receiving  
165 anything of value from participation in a venture, whether in  
166 concert or separately, that has subjected a person to human  
167 trafficking:

168 (a)1. For labor or services of any child younger than 18  
169 years of age or an adult believed by the person to be a child  
170 younger than 18 years of age commits a felony of the first  
171 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
172 775.084, and shall be ordered to pay a fine of \$100,000.

173 2. Using coercion for labor or services of an adult commits  
174 a felony of the first degree, punishable as provided in s.

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175 775.082, s. 775.083, or s. 775.084.

176 (b) Using coercion for commercial sexual activity of an  
177 adult commits a felony of the first degree, punishable as  
178 provided in s. 775.082, s. 775.083, or s. 775.084.

179 (c)1. For labor or services of any child younger than 18  
180 years of age or an adult believed by the person to be a child  
181 younger than 18 years of age who is an unauthorized alien  
182 commits a felony of the first degree, punishable as provided in  
183 s. 775.082, s. 775.083, or s. 775.084, and shall be ordered to  
184 pay a fine of \$100,000.

185 2. Using coercion for labor or services of an adult who is  
186 an unauthorized alien commits a felony of the first degree,  
187 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

188 (d) Using coercion for commercial sexual activity of an  
189 adult who is an unauthorized alien commits a felony of the first  
190 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
191 775.084, and shall be ordered to pay a fine of \$50,000.

192 (e)1. For labor or services who does so by the transfer or  
193 transport of any child younger than 18 years of age or an adult  
194 believed by the person to be a child younger than 18 years of  
195 age from outside this state to within this state commits a  
196 felony of the first degree, punishable as provided in s.  
197 775.082, s. 775.083, or s. 775.084, and shall be ordered to pay  
198 a fine of \$100,000.

199 2. Using coercion for labor or services who does so by the  
200 transfer or transport of an adult from outside this state to  
201 within this state commits a felony of the first degree,  
202 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

203 (f)1. For commercial sexual activity who does so by the

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204 transfer or transport of any child younger than 18 years of age  
205 or an adult believed by the person to be a child younger than 18  
206 years of age from outside this state to within this state  
207 commits a felony of the first degree, punishable by imprisonment  
208 for a term of years not exceeding life, or as provided in s.  
209 775.082, s. 775.083, or s. 775.084, and shall be ordered to pay  
210 a fine of \$100,000.

211 2. Using coercion for commercial sexual activity who does  
212 so by the transfer or transport of an adult from outside this  
213 state to within this state commits a felony of the first degree,  
214 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
215 and shall be ordered to pay a fine of \$50,000.

216 (g) For commercial sexual activity in which any child  
217 younger than 18 years of age or an adult believed by the person  
218 to be a child younger than 18 years of age, or in which any  
219 person who is mentally defective or mentally incapacitated as  
220 those terms are defined in s. 794.011(1), is involved commits a  
221 life felony, punishable as provided in s. 775.082(3)(a)6., s.  
222 775.083, or s. 775.084, and shall be ordered to pay a fine of  
223 \$100,000.

224  
225 For each instance of human trafficking of any individual under  
226 this subsection, a separate crime is committed and a separate  
227 punishment is authorized.

228 (4) (a) Any parent, legal guardian, or other person having  
229 custody or control of a minor who sells or otherwise transfers  
230 custody or control of such minor, or offers to sell or otherwise  
231 transfer custody of such minor, with knowledge or in reckless  
232 disregard of the fact that, as a consequence of the sale or



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233 transfer, the minor will be subject to human trafficking commits  
234 a life felony, punishable as provided in s. 775.082, s. 775.083,  
235 or s. 775.084, and shall be ordered to pay a fine of \$100,000.

236 (b) Any person who, for the purpose of committing or  
237 facilitating an offense under this section, permanently brands,  
238 or directs to be branded, a victim of an offense under this  
239 section commits a second degree felony, punishable as provided  
240 in s. 775.082, s. 775.083, or s. 775.084, and shall be ordered  
241 to pay a fine of \$60,000. For purposes of this subsection, the  
242 term "permanently branded" means a mark on the individual's body  
243 that, if it can be removed or repaired at all, can only be  
244 removed or repaired by surgical means, laser treatment, or other  
245 medical procedure.

246 (c) Any act to acquire, control, or operate a business or  
247 enterprise for income through bribery, money laundering,  
248 obstructing justice or a criminal investigation, extortion,  
249 dealing in obscene matter, or drug crimes that result from any  
250 activity of human trafficking or labor trafficking crimes shall  
251 be prosecuted as a Florida RICO (Racketeer Influenced and  
252 Corrupt Organization) Act offense pursuant to chapter 895.

253 1. Any business entity that knowingly aids or is jointly  
254 involved in, or which reasonably should have known it was aiding  
255 or involved in, trafficking of persons for sex or labor is  
256 civilly liable to a fine up to \$1 million and an additional \$1  
257 million for each child found to be subject to sex trafficking or  
258 labor trafficking.

259 2. Any business owner who uses his or her business to  
260 facilitate sex trafficking or labor trafficking crimes is  
261 subject to a penalty of up to 10 years in prison, and any

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262 business license of such business is subject to revocation.

263 (5) The Criminal Justice Standards and Training Commission  
264 shall establish standards for basic and advanced training  
265 programs for law enforcement officers to identify, investigate,  
266 and prevent ~~in the subjects of investigating and preventing~~  
267 human trafficking crimes. Every basic skills course required for  
268 law enforcement officers to obtain initial certification must  
269 include training on human trafficking crime prevention and  
270 investigation.

271 (6) The Department of Education and Department of Health,  
272 in conjunction with the Statewide Council on Human Trafficking,  
273 shall establish an awareness training program and community  
274 partnership on human trafficking, sex trafficking, labor  
275 trafficking, and child trafficking to provide educators,  
276 students, and social service centers with trauma-informed  
277 practices, safety plans, campus and Internet security, risks,  
278 indicators, presentations, and resources that are age  
279 appropriate for students in K-12 and nurses in educational  
280 facilities.

281 (7) Each state attorney shall develop standards of  
282 instruction for prosecutors to receive mandatory educational  
283 training on the investigation and prosecution of human  
284 trafficking crimes and shall provide for semiannual ~~periodic and~~  
285 ~~timely~~ instruction, of which each respective state attorney's  
286 office shall document and maintain attendance and completion  
287 records by prosecutors for a period of 7 years to ensure  
288 compliance.

289 (8)~~(7)~~ Any real property or personal property that was  
290 used, attempted to be used, or intended to be used in violation

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291 of any provision of this section may be seized and shall be  
292 forfeited subject to the provisions of the Florida Contraband  
293 Forfeiture Act.

294 (9)~~(8)~~ The degree of an offense shall be reclassified as  
295 follows if a person causes great bodily harm, permanent  
296 disability, or permanent disfigurement to another person during  
297 the commission of an offense under this section:

298 (a) A felony of the second degree shall be reclassified as  
299 a felony of the first degree.

300 (b) A felony of the first degree shall be reclassified as a  
301 life felony.

302 (10)~~(9)~~ In a prosecution under this section, the  
303 defendant's ignorance of the victim's age, the victim's  
304 misrepresentation of his or her age, or the defendant's bona  
305 fide belief of the victim's age cannot be raised as a defense.

306 (11) (a)~~(10) (a)~~ Information about the location of a  
307 residential facility offering services for adult victims of  
308 human trafficking involving commercial sexual activity, which is  
309 held by an agency, as defined in s. 119.011, is confidential and  
310 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
311 Constitution. This exemption applies to such confidential and  
312 exempt information held by an agency before, on, or after the  
313 effective date of the exemption.

314 (b) Information about the location of a residential  
315 facility offering services for adult victims of human  
316 trafficking involving commercial sexual activity may be provided  
317 to an agency, as defined in s. 119.011, as necessary to maintain  
318 health and safety standards and to address emergency situations  
319 in the residential facility.

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320 (c) The exemptions from s. 119.07(1) and s. 24(a), Art. I  
321 of the State Constitution provided in this subsection do not  
322 apply to facilities licensed by the Agency for Health Care  
323 Administration.

324 (12)~~(11)~~ A victim's lack of chastity or the willingness or  
325 consent of a victim is not a defense to prosecution under this  
326 section if the victim was under 18 years of age at the time of  
327 the offense.

328 (13)~~(12)~~ ~~The Legislature encourages~~ Each state attorney  
329 shall ~~to~~ adopt a pro-prosecution policy for human trafficking  
330 offenses, as provided in this section. After consulting the  
331 victim, or making a good faith attempt to consult the victim,  
332 the state attorney shall determine the filing, nonfiling, finer,  
333 or diversion of criminal charges even in circumstances when  
334 there is no cooperation from a victim or over the objection of  
335 the victim, if necessary.

336 Section 2. This act shall take effect October 1, 2023.