

HB 651

2023

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:
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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
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
47 trafficking are kidnapped, abducted, sexually abused, falsely
48 imprisoned, raped, stalked, assaulted, battered, or tortured or
49 become victims of incest or genital mutilation and that
50 traffickers use various techniques to instill fear in victims

51 ~~and~~ to keep them enslaved. Some traffickers keep their victims
52 under lock and key. However, the most frequently used practices
53 are less obvious techniques that include isolating victims from
54 the 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;
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
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
92 in person or on e-commerce social platforms to wire, transfer,
93 or launder proceeds gained from human trafficking, lending or
94 other credit methods to establish a debt by any person when
95 labor or services are pledged as a security for the debt, if the
96 value of the labor or services as reasonably assessed is not
97 applied toward the liquidation of the debt, the length and
98 nature of the labor or services are not respectively limited and
99 defined;

100 4. Destroying, concealing, removing, confiscating,

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101 withholding, or possessing any actual or purported passport,
102 visa, permanent resident card, or other immigration document, or
103 any other actual or purported government identification
104 document, of any person directly or by deceit;

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

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

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

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

117 (c) "Financial harm" includes extortionate extension of
118 credit, loan sharking as defined in s. 687.071, or employment
119 contracts that violate the statute of frauds as provided in s.
120 725.01.

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

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

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

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

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

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

143 (j) "Sex trafficking" means the recruitment, harboring,
 144 transportation, provision, obtaining, patronizing, or soliciting
 145 of a person for the purposes of a commercial sex act, in which
 146 the commercial sex act is induced by force, fraud, or coercion,
 147 or in which the person induced to perform such sex act has not
 148 attained 18 years of age.

149 ~~(k)-(i)~~ "Sexually explicit performance" means an act or
 150 show, whether public or private, that is live, photographed,

151 recorded, or videotaped and intended to arouse or satisfy the
152 sexual desires or appeal to the prurient interest.

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

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

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

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

169 (a)1. For labor or services of any child younger than 18
170 years of age or an adult believed by the person to be a child
171 younger than 18 years of age commits a felony of the first
172 degree, punishable as provided in s. 775.082, s. 775.083, or s.
173 775.084, and shall be ordered to pay a fine of \$100,000.

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

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176 | s. 775.082, s. 775.083, or s. 775.084.

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

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

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

189 | (d) Using coercion for commercial sexual activity of an
190 | adult who is an unauthorized alien commits a felony of the first
191 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
192 | 775.084, and shall be ordered to pay a fine of \$50,000.

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

200 | 2. Using coercion for labor or services who does so by the

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201 transfer or transport of an adult from outside this state to
202 within this state commits a felony of the first degree,
203 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

204 (f)1. For commercial sexual activity who does so by the
205 transfer or transport of any child younger than 18 years of age
206 or an adult believed by the person to be a child younger than 18
207 years of age from outside this state to within this state
208 commits a felony of the first degree, punishable by imprisonment
209 for a term of years not exceeding life, or as provided in s.
210 775.082, s. 775.083, or s. 775.084, and shall be ordered to pay
211 a fine of \$100,000.

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

217 (g) For commercial sexual activity in which any child
218 younger than 18 years of age or an adult believed by the person
219 to be a child younger than 18 years of age, or in which any
220 person who is mentally defective or mentally incapacitated as
221 those terms are defined in s. 794.011(1), is involved commits a
222 life felony, punishable as provided in s. 775.082(3)(a)6., s.
223 775.083, or s. 775.084, and shall be ordered to pay a fine of
224 \$100,000.

225

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

229 (4)(a) Any parent, legal guardian, or other person having
 230 custody or control of a minor who sells or otherwise transfers
 231 custody or control of such minor, or offers to sell or otherwise
 232 transfer custody of such minor, with knowledge or in reckless
 233 disregard of the fact that, as a consequence of the sale or
 234 transfer, the minor will be subject to human trafficking commits
 235 a life felony, punishable as provided in s. 775.082, s. 775.083,
 236 or s. 775.084, and shall be ordered to pay a fine of \$100,000.

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

247 (c) Any act to acquire, control, or operate a business or
 248 enterprise for income through bribery, money laundering,
 249 obstructing justice or a criminal investigation, extortion,
 250 dealing in obscene matter, or drug crimes that result from any

251 activity of human trafficking or labor trafficking crimes shall
 252 be prosecuted as a Florida RICO (Racketeer Influenced and
 253 Corrupt Organization) Act offense pursuant to chapter 895.

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

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

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

272 (6) The Department of Education and Department of Health,
 273 in conjunction with the Statewide Council on Human Trafficking,
 274 shall establish an awareness training program and community
 275 partnership on human trafficking, sex trafficking, labor

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276 trafficking, and child trafficking to provide educators,
277 students, and social service centers with trauma-informed
278 practices, safety plans, campus and Internet security, risks,
279 indicators, presentations, and resources that are age
280 appropriate for students in K-12 and nurses in educational
281 facilities.

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

290 (8)-(7) Any real property or personal property that was
291 used, attempted to be used, or intended to be used in violation
292 of any provision of this section may be seized and shall be
293 forfeited subject to the provisions of the Florida Contraband
294 Forfeiture Act.

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

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

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

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

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

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

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

325 (12) ~~(11)~~ A victim's lack of chastity or the willingness or

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326 consent of a victim is not a defense to prosecution under this
327 section if the victim was under 18 years of age at the time of
328 the offense.

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

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