

1 A bill to be entitled
2 An act relating to human trafficking, prostitution,
3 and lewdness; amending s. 95.11, F.S.; conforming
4 provisions to changes made by the act; amending s.
5 450.045, F.S.; increasing criminal penalties for
6 specified offenses involving adult theaters; creating
7 s. 787.061, F.S.; providing legislative findings;
8 providing definitions; providing a civil cause of
9 action against a trafficker or facilitator by victims
10 of human trafficking; providing procedures and
11 requirements for claims; providing for damages,
12 penalties, punitive damages, attorney fees, expenses,
13 and costs; providing a statute of limitations;
14 providing an affirmative defense for owners or
15 operators of public lodging establishments under
16 certain circumstances; amending s. 796.07, F.S.;
17 authorizing judicial circuits to establish educational
18 programs for persons convicted of or charged with
19 certain violations; specifying contents of such
20 programs; providing that such programs may be offered
21 by faith-based providers; amending s. 943.17297, F.S.;
22 revising requirements for law enforcement training in
23 identifying and investigating human trafficking;
24 creating s. 1004.343, F.S.; creating the Statewide
25 Data Repository for Anonymous Human Trafficking Data

26 | at the University of South Florida; providing purposes
 27 | of the data repository; specifying duties of
 28 | university faculty and staff; designating required
 29 | reporting entities; requiring specified information to
 30 | be reported; providing for reporting; providing an
 31 | effective date.

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33 | Be It Enacted by the Legislature of the State of Florida:

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35 | Section 1. Subsections (7) and (9) of section 95.11,
 36 | Florida Statutes, are amended to read:

37 | 95.11 Limitations other than for the recovery of real
 38 | property.—Actions other than for recovery of real property shall
 39 | be commenced as follows:

40 | (7) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action
 41 | founded on alleged abuse, as defined in s. 39.01, s. 415.102, or
 42 | s. 984.03;~~;~~ ~~or~~ incest, as defined in s. 826.04;~~;~~ or an action
 43 | brought pursuant to s. 787.061, may be commenced at any time
 44 | within 7 years after the age of majority, or within 4 years
 45 | after the injured person leaves the dependency of the abuser, or
 46 | within 4 years from the time of discovery by the injured party
 47 | of both the injury and the causal relationship between the
 48 | injury and the abuse, whichever occurs later.

49 | (9) SPECIFIED ~~SEXUAL BATTERY~~ OFFENSES ON VICTIMS UNDER AGE
 50 | 16.—An action related to an act constituting a violation of s.

HB 7045

2023

51 | 794.011 or an action brought pursuant to s. 787.061 involving a
52 | victim who was under the age of 16 at the time of the act may be
53 | commenced at any time. This subsection applies to any such
54 | action other than one which would have been time barred on or
55 | before July 1, 2010.

56 | Section 2. Paragraph (d) of subsection (3) of section
57 | 450.045, Florida Statutes, is amended, and paragraphs (a), (b),
58 | and (c) of that subsection are republished, to read:

59 | 450.045 Proof of identity and age; posting of notices.—

60 | (3)(a) In order to provide the department and law
61 | enforcement agencies the means to more effectively identify,
62 | investigate, and arrest persons engaging in human trafficking,
63 | an adult theater, as defined in s. 847.001(2)(b), shall obtain
64 | proof of the identity and age of each of its employees or
65 | independent contractors, and shall verify the validity of the
66 | identification and age verification document with the issuer,
67 | before his or her employment or provision of services as an
68 | independent contractor.

69 | (b) The adult theater shall obtain and keep on record a
70 | photocopy of the person's driver license or state or federal
71 | government-issued photo identification card, along with a record
72 | of the verification of the validity of the identification and
73 | age verification document with the issuer, during the entire
74 | period of employment or business relationship with the
75 | independent contractor and for at least 3 years after the

76 employee or independent contractor ceases employment or the
 77 provision of services.

78 (c) The department and its agents have the authority to
 79 enter during operating hours, unannounced and without prior
 80 notice, and inspect at any time a place or establishment covered
 81 by this subsection and to have access to age verification
 82 documents kept on file by the adult theater and such other
 83 records as may aid in the enforcement of this subsection.

84 (d) A person who owns, operates, or manages an adult
 85 theater ~~owner, operator, or manager~~ who knowingly violates this
 86 subsection commits a felony of misdemeanor in the third first
 87 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or
 88 s. 775.084.

89 Section 3. Section 787.061, Florida Statutes, is created
 90 to read:

91 787.061 Civil actions by victims of human trafficking.-

92 (1) FINDINGS.-The Legislature finds that it is necessary
 93 to provide a civil cause of action for the recovery of specified
 94 damages and costs in order to achieve the intent of the
 95 Legislature relating to human trafficking as expressed in s.
 96 787.06(1)(d).

97 (2) DEFINITIONS.-As used in this section, the term:

98 (a) "Facilitator" means a person who knowingly, or through
 99 gross negligence, assists or provides goods or services to a
 100 trafficker that aids or enables the trafficker to carry out

HB 7045

2023

101 human trafficking. The term includes an adult entertainment
102 establishment, as defined in s. 847.001(2), that allows a victim
103 of human trafficking to work, perform, or dance at an
104 establishment. The term does not include a person who
105 facilitates human trafficking while under duress, whether due to
106 force, threat, or coercion.

107 (b) "Gross negligence" exists when a person has knowledge
108 of information that would raise suspicions in a reasonable
109 person and he or she deliberately refrains from obtaining
110 confirmation of or acting on the information because he or she
111 wants to remain ignorant, such that having and avoiding such
112 knowledge or information can reasonably and fairly be imputed to
113 the person who avoided obtaining such confirmation.

114 (c) "Human trafficking" has the same meaning as provided
115 in s. 787.06(2).

116 (d) "Trafficker" means any person who:

- 117 1. Knowingly engages in human trafficking;
118 2. Attempts to engage in human trafficking; or
119 3. Benefits financially by receiving anything of value
120 from participation in a group of two or more individuals
121 associated in fact, regardless of whether such group constitutes
122 a legal entity, that has subjected a person to human
123 trafficking.

124 (e) "Victim of human trafficking" means a person subjected
125 to coercion, as defined in s. 787.06(2), or by any other means,

HB 7045

2023

126 for the purpose of being used in human trafficking; a child
127 under 18 years of age subjected to human trafficking; or an
128 individual subjected to human trafficking as defined by federal
129 law.

130 (3) CIVIL CAUSE OF ACTION.—

131 (a) A victim of human trafficking has a civil cause of
132 action against a trafficker or facilitator who victimized her or
133 him and may recover damages as provided in this section.

134 (b) The action may be brought in any circuit court of
135 competent jurisdiction in this state.

136 (c) A victim who prevails in any such action may recover
137 economic and noneconomic damages; punitive damages, as provided
138 in ss. 768.72, 768.725, and 768.73; reasonable attorney fees;
139 and costs.

140 1. Economic damages include, but are not limited to, past
141 and future medical and mental health expenses; repatriation
142 expenses, when a victim elects repatriation; and all other
143 reasonable costs and expenses incurred by the victim in the past
144 or estimated to be incurred by the victim in the future as a
145 result of the human trafficking.

146 2. Noneconomic damages are nonfinancial losses that would
147 not have occurred but for the victimization, and include pain
148 and suffering, inconvenience, physical impairment, mental
149 anguish, disfigurement, loss of capacity for enjoyment of life,
150 and other nonfinancial losses.

HB 7045

2023

151 (d) The civil remedies provided for in this section do not
152 preempt any other remedy or cause of action provided by law,
153 except that a victim may not recover under both this section and
154 s. 772.104(2).

155 (e) If the factfinder determines a parent or legal
156 guardian knowingly or through gross negligence trafficked the
157 victim, facilitated such trafficking, or otherwise participated
158 in the human trafficking of the victim, the court may not allow
159 such parent or legal guardian to receive any distribution of
160 damages awarded under this section.

161 (f) The court shall have specific authority to consolidate
162 civil actions for the same trafficker or facilitator for the
163 purpose of case resolution and aggregate jurisdiction.

164 (4) STATUTE OF LIMITATIONS.—The statute of limitations as
165 specified in s. 95.11(7) or (9), as applicable, governs an
166 action brought under this section.

167 (5) AFFIRMATIVE DEFENSE.—In any action brought under this
168 section against the owner or operator of a public lodging
169 establishment based on a claim of vicarious liability, it is an
170 affirmative defense if the owner or operator proves that:

171 (a) Employees of the establishment have received human
172 trafficking awareness training in accordance with s. 509.096 and
173 rules adopted thereunder.

174 (b) The owner or operator had in place an effective
175 employee protocol or employee code of conduct to detect and

176 report suspected human trafficking to the National Human
 177 Trafficking Hotline or to a local law enforcement agency in
 178 accordance with s. 509.096.

179 (c) The owner or operator has posted a human trafficking
 180 public awareness sign in a conspicuous location in the
 181 establishment in accordance with s. 509.096.

182 (d) The owner or operator exercised reasonable care and
 183 diligence in screening, training, overseeing, and supervising
 184 any employee alleged in the action to have been facilitators of,
 185 or otherwise participants in, human trafficking and made a
 186 reasonable attempt to ensure such employees complied with the
 187 recommendations and practices suggested or required in the
 188 training, protocols, or policies required by this subsection.

189 Section 4. Paragraph (b) of subsection (5) of section
 190 796.07, Florida Statutes, is amended, subsection (8) is added to
 191 that section, and paragraph (f) of subsection (2) and paragraph
 192 (a) of subsection (5) of that section are republished, to read:

193 796.07 Prohibiting prostitution and related acts.—

194 (2) It is unlawful:

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

197 (5)(a) A person who violates paragraph (2)(f) commits:

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

200 2. A felony of the third degree for a second violation,

201 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

202 3. A felony of the second degree for a third or subsequent
 203 violation, punishable as provided in s. 775.082, s. 775.083, or
 204 s. 775.084.

205 (b) In addition to any other penalty imposed, the court
 206 shall order a person convicted of a violation of paragraph
 207 (2)(f) to:

208 1. Perform 100 hours of community service ~~;~~ and

209 2. Pay for and attend an educational program as described
 210 in subsection (8), ~~about the negative effects of prostitution~~
 211 ~~and human trafficking, such as a sexual violence prevention~~
 212 ~~education program, including such programs offered by faith-~~
 213 ~~based providers,~~ if such a program exists ~~programs exist~~ in the
 214 judicial circuit in which the offender is sentenced.

215 (8)(a) A judicial circuit may establish an educational
 216 program for persons convicted of or charged with a violation of
 217 paragraph (2)(f), to include education on:

218 1. The relationship between demand for commercial sex and
 219 human trafficking.

220 2. The impact of human trafficking on victims.

221 3. Coercion, consent, and sexual violence.

222 4. The health and legal consequences of commercial sex.

223 5. The negative impact of commercial sex on prostituted
 224 persons and the community.

225 6. The reasons and motivations for engaging in

226 prostitution.

227 (b) An educational program may include a program offered
 228 by a faith-based provider.

229 Section 5. Section 943.17297, Florida Statutes, is amended
 230 to read:

231 943.17297 ~~Continuing employment~~ Training in identifying
 232 and investigating human trafficking. ~~Within 1 year after~~
 233 ~~beginning employment,~~ Each certified law enforcement officer
 234 must successfully complete 4 hours of training in identifying
 235 and investigating human trafficking as part of the basic recruit
 236 training of the officer required in s. 943.13(9) or additional
 237 training required in s. 943.131(4). ~~Completion of the training~~
 238 ~~component may count toward the 40 hours of instruction for~~
 239 ~~continued employment or appointment as a law enforcement officer~~
 240 ~~required under s. 943.135. This training component must be~~
 241 ~~completed by current law enforcement officers by July 1, 2022.~~
 242 The training must be developed by the commission in consultation
 243 with the Department of Legal Affairs and the Statewide Council
 244 on Human Trafficking. ~~If an officer fails to complete the~~
 245 ~~required training, his or her certification must be placed on~~
 246 ~~inactive status until the employing agency notifies the~~
 247 ~~commission that the officer has completed the training.~~

248 Section 6. Section 1004.343, Florida Statutes, is created
 249 to read:

250 1004.343 Statewide Data Repository for Anonymous Human

HB 7045

2023

251 Trafficking Data.—

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

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

257 1. Collect and analyze anonymous human trafficking data to
258 better understand the magnitude and trends in human trafficking
259 in the state over time.

260 2. Help evaluate the effectiveness of various state-funded
261 initiatives to combat human trafficking to determine the impact
262 of such initiatives and to use evidence-based decisionmaking in
263 the determination of state investments in such initiatives.

264 3. To inform statewide efforts among law enforcement,
265 state agencies, and other entities to combat human trafficking
266 and apprehend and prosecute those persons responsible for human
267 trafficking.

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

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

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

274 2. Design, in consultation with the Department of Law
275 Enforcement and other law enforcement partners, and launch a

HB 7045

2023

276 user-friendly system for uploading anonymous human trafficking
277 data to the repository in a manner that can be accomplished
278 quickly and at no additional cost to the required reporting
279 entities.

280 3. Analyze such data to identify initiatives and
281 interventions that worked best in combatting human trafficking,
282 prosecuting individuals conducting human trafficking, and
283 assisting victims of human trafficking.

284 4. Work with law enforcement and state agencies to report
285 data on human trafficking investigations and prosecutions that
286 can aid those agencies in combatting human trafficking and
287 prosecuting those individuals responsible for human trafficking.

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

290 1. Law enforcement agencies operating with state or local
291 government tax proceeds, including, but not limited to,
292 municipal police departments, county sheriff's departments,
293 county attorney's offices, and state attorney's offices.

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

296 3. Service providers and other nongovernmental
297 organizations that serve victims of human trafficking through
298 state or federal funding for such purpose.

299 (b) Notwithstanding paragraph (a), any required reporting
300 entity that submits the data required under subsection (3) from

301 its local jurisdiction to the Department of Law Enforcement's
302 Uniform Crime Report (UCR) system or Florida Incident-Based
303 Reporting System (FIBRS) may, but is not required to, submit any
304 additional data to the statewide human trafficking data
305 repository. However, the Department of Law Enforcement shall
306 upload or otherwise share with the statewide human trafficking
307 data repository, at least quarterly, the relevant data required
308 by this section that has been reported by local jurisdictions to
309 the UCR system and the FIBRS.

310 (3) The following human trafficking data shall be
311 submitted by required reporting entities to the statewide human
312 trafficking data repository unless such entity is exempt from
313 the reporting under paragraph (2) (b):

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

316 (b) The age, gender, and race or ethnicity of each suspect
317 and victim and the case number associated with that suspect and
318 victim.

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

320 (d) The type of human trafficking involved.

321 (e) Any other related prosecution charges.

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

324 (g) The disposition of the investigation or prosecution,
325 regardless of its manner of disposition.

HB 7045

2023

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

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

338 (5) Beginning July 1, 2024, and annually thereafter,
339 University of South Florida Trafficking in Persons - Risk to
340 Resilience Lab, shall submit an annual report and analysis on
341 its findings to the Governor, the Attorney General, the
342 President of the Senate and the Speaker of the House of
343 Representatives.

344 Section 7. This act shall take effect July 1, 2023.