



26 and staff; designating required reporting entities;  
 27 requiring specified information to be reported;  
 28 providing for reporting; providing for future repeal;  
 29 providing an effective date.

30

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

32

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

35 95.11 Limitations other than for the recovery of real  
 36 property.—Actions other than for recovery of real property shall  
 37 be commenced as follows:

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

47 (9) SPECIFIED ~~SEXUAL BATTERY~~ OFFENSES ON VICTIMS UNDER AGE  
 48 16.—An action related to an act constituting a violation of s.  
 49 794.011 or an action brought pursuant to s. 787.061 involving a  
 50 victim who was under the age of 16 at the time of the act may be

51 commenced at any time. This subsection applies to any such  
52 action other than one which would have been time barred on or  
53 before July 1, 2010.

54 Section 2. Paragraph (d) of subsection (3) of section  
55 450.045, Florida Statutes, is amended, and paragraphs (a), (b),  
56 and (c) of that subsection are republished, to read:

57 450.045 Proof of identity and age; posting of notices.—

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

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

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

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

87 Section 3. Section 787.061, Florida Statutes, is created  
 88 to read:

89 787.061 Civil actions by victims of human trafficking.-

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

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

96 (a) "Human trafficking" has the same meaning as provided  
 97 in s. 787.06(2).

98 (b) "Victim of human trafficking" means a person subjected  
 99 to coercion, as defined in s. 787.06(2), or by any other means,  
 100 for the purpose of being used in human trafficking; a child

101 under 18 years of age subjected to human trafficking; or an  
 102 individual subjected to human trafficking as defined by federal  
 103 law.

104 (3) CIVIL CAUSE OF ACTION.—

105 (a) A victim of human trafficking has a civil cause of  
 106 action against an adult theater, as defined in s. 847.001(2)(b),  
 107 or an owner, operator, or manager of such theater, that  
 108 knowingly allows a victim of human trafficking to work, perform,  
 109 or dance at the adult theater. Such victim may recover damages  
 110 as provided in this section.

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

113 (c) A victim who prevails in any such action may recover  
 114 economic and noneconomic damages; punitive damages, as provided  
 115 in ss. 768.72, 768.725, and 768.73; reasonable attorney fees;  
 116 and costs.

117 1. Economic damages include, but are not limited to, past  
 118 and future medical and mental health expenses; repatriation  
 119 expenses, when a victim elects repatriation; and all other  
 120 reasonable costs and expenses incurred by the victim in the past  
 121 or estimated to be incurred by the victim in the future as a  
 122 result of the human trafficking.

123 2. Noneconomic damages are nonfinancial losses that would  
 124 not have occurred but for the victimization, and include pain  
 125 and suffering, inconvenience, physical impairment, mental

126 anguish, disfigurement, loss of capacity for enjoyment of life,  
127 and other nonfinancial losses.

128 (d) The civil remedies provided for in this section do not  
129 preempt any other remedy or cause of action provided by law,  
130 except that a victim may not recover against the same defendant  
131 under both this section and s. 772.104(2).

132 (e) If the factfinder determines a parent or legal  
133 guardian knowingly trafficked the victim, facilitated such  
134 trafficking, or otherwise participated in the human trafficking  
135 of the victim, the court may not allow such parent or legal  
136 guardian to receive any distribution of damages awarded under  
137 this section.

138 (f) The court shall have specific authority to consolidate  
139 civil actions for the same defendant for the purpose of case  
140 resolution and aggregate jurisdiction.

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

144 Section 4. Paragraph (b) of subsection (5) of section  
145 796.07, Florida Statutes, is amended, subsection (8) is added to  
146 that section, and paragraph (f) of subsection (2) and paragraph  
147 (a) of subsection (5) of that section are republished, to read:

148 796.07 Prohibiting prostitution and related acts.—

149 (2) It is unlawful:

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

151 | commit prostitution, lewdness, or assignation.

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

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

155 |       2. A felony of the third degree for a second violation,  
156 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

157 |       3. A felony of the second degree for a third or subsequent  
158 | violation, punishable as provided in s. 775.082, s. 775.083, or  
159 | s. 775.084.

160 |       (b) In addition to any other penalty imposed, the court  
161 | shall order a person convicted of a violation of paragraph  
162 | (2)(f) to:

163 |       1. Perform 100 hours of community service ~~;~~ ~~and~~

164 |       2. Pay for and attend an educational program as described  
165 | in subsection (8), ~~about the negative effects of prostitution~~  
166 | ~~and human trafficking, such as a sexual violence prevention~~  
167 | ~~education program, including such programs offered by faith-~~  
168 | ~~based providers,~~ if such a program exists ~~programs exist~~ in the  
169 | judicial circuit in which the offender is sentenced.

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

173 |       1. The relationship between demand for commercial sex and  
174 | human trafficking.

175 |       2. The impact of human trafficking on victims.

176 3. Coercion, consent, and sexual violence.

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

178 5. The negative impact of commercial sex on prostituted  
 179 persons and the community.

180 6. The reasons and motivations for engaging in  
 181 prostitution.

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

184 Section 5. Section 943.17297, Florida Statutes, is amended  
 185 to read:

186 943.17297 ~~Continuing employment~~ Training in identifying  
 187 and investigating human trafficking. ~~Within 1 year after~~  
 188 ~~beginning employment,~~ Each certified law enforcement officer  
 189 must successfully complete 4 hours of training in identifying  
 190 and investigating human trafficking as part of the basic recruit  
 191 training of the officer required in s. 943.13(9) or additional  
 192 training required in s. 943.131(4). ~~Completion of the training~~  
 193 ~~component may count toward the 40 hours of instruction for~~  
 194 ~~continued employment or appointment as a law enforcement officer~~  
 195 ~~required under s. 943.135. This training component must be~~  
 196 ~~completed by current law enforcement officers by July 1, 2022.~~  
 197 The training must be developed by the commission in consultation  
 198 with the Department of Legal Affairs and the Statewide Council  
 199 on Human Trafficking. ~~If an officer fails to complete the~~  
 200 ~~required training, his or her certification must be placed on~~



201 ~~inactive status until the employing agency notifies the~~  
202 ~~commission that the officer has completed the training.~~

203 Section 6. Section 1004.343, Florida Statutes, is created  
204 to read:

205 1004.343 Statewide Data Repository for Anonymous Human  
206 Trafficking Data.-

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

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

212 1. Collect and analyze anonymous human trafficking data to  
213 better understand the magnitude and trends in human trafficking  
214 in the state over time.

215 2. Help evaluate the effectiveness of various state-funded  
216 initiatives to combat human trafficking to determine the impact  
217 of such initiatives and to use evidence-based decision-making in  
218 the determination of state investments in such initiatives.

219 3. To inform statewide efforts among law enforcement,  
220 state agencies, and other entities to combat human trafficking  
221 and apprehend and prosecute those persons responsible for human  
222 trafficking.

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

225 (b) University of South Florida faculty and staff assigned

226 to the lab shall:

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

229 2. Design, in consultation with the Department of Law  
230 Enforcement and other law enforcement partners, and launch a  
231 user-friendly system for uploading anonymous human trafficking  
232 data to the repository in a manner that can be accomplished  
233 quickly and at no additional cost to the required reporting  
234 entities.

235 3. Analyze such data to identify initiatives and  
236 interventions that worked best in combatting human trafficking,  
237 prosecuting individuals conducting human trafficking, and  
238 assisting victims of human trafficking.

239 4. Work with law enforcement and state agencies to report  
240 data on human trafficking investigations and prosecutions that  
241 can aid those agencies in combatting human trafficking and  
242 prosecuting those individuals responsible for human trafficking.

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

245 1. Law enforcement agencies operating with state or local  
246 government tax proceeds, including, but not limited to,  
247 municipal police departments, county sheriff's departments,  
248 county attorney's offices, and state attorney's offices.

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

251 3. Service providers and other nongovernmental  
252 organizations that serve victims of human trafficking through  
253 state or federal funding for such purpose.

254 (b) Notwithstanding paragraph (a), any required reporting  
255 entity that submits the data required under subsection (3) from  
256 its local jurisdiction to the Department of Law Enforcement's  
257 Uniform Crime Report (UCR) system or Florida Incident-Based  
258 Reporting System (FIBRS) may, but is not required to, submit any  
259 additional data to the statewide human trafficking data  
260 repository. However, the Department of Law Enforcement shall  
261 upload or otherwise share with the statewide human trafficking  
262 data repository, at least quarterly, the relevant data required  
263 by this section that has been reported by local jurisdictions to  
264 the UCR system and the FIBRS.

265 (3) The following human trafficking data shall be  
266 submitted by required reporting entities to the statewide human  
267 trafficking data repository unless such entity is exempt from  
268 the reporting under paragraph (2) (b):

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

271 (b) The age, gender, and race or ethnicity of each suspect  
272 and victim and the case number associated with that suspect and  
273 victim.

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

275 (d) The type of human trafficking involved.

276 (e) Any other related prosecution charges.

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

279 (g) The disposition of the investigation or prosecution,  
280 regardless of its manner of disposition.

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

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

293 (5) Beginning July 1, 2024, and annually thereafter,  
294 University of South Florida Trafficking in Persons - Risk to  
295 Resilience Lab, shall submit an annual report and analysis on  
296 its findings to the Governor, the Attorney General, the  
297 President of the Senate and the Speaker of the House of  
298 Representatives.

299 (6) This section is repealed July 1, 2026, unless reviewed  
300 and reenacted by the Legislature before that date.

CS/HB 7045

2023

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