

By the Committee on Fiscal Policy

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1 A bill to be entitled
2 An act relating to human trafficking; amending s.
3 95.11, F.S.; conforming provisions to changes made by
4 the act; amending s. 450.045, F.S.; increasing
5 criminal penalties for specified offenses involving
6 adult theaters; creating s. 787.061, F.S.; providing
7 legislative findings; providing definitions; providing
8 a civil cause of action for victims of human
9 trafficking against certain entities or persons;
10 providing procedures and requirements for claims;
11 providing for damages, penalties, punitive damages,
12 attorney fees, expenses, and costs; providing a
13 statute of limitations; amending s. 796.07, F.S.;
14 authorizing judicial circuits to establish educational
15 programs for persons convicted of or charged with
16 certain violations; specifying contents of such
17 programs; providing that such programs may be offered
18 by faith-based providers; amending s. 943.17297, F.S.;
19 revising requirements for law enforcement training in
20 identifying and investigating human trafficking;
21 creating s. 1004.343, F.S.; creating the Statewide
22 Data Repository for Anonymous Human Trafficking Data
23 at the University of South Florida; providing purposes
24 of the data repository; specifying duties of
25 university faculty and staff; designating required
26 reporting entities; requiring specified information to
27 be reported; providing for reporting; providing for
28 future repeal; providing an effective date.

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

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

34 95.11 Limitations other than for the recovery of real
35 property.—Actions other than for recovery of real property shall
36 be commenced as follows:

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

46 (9) SPECIFIED ~~SEXUAL BATTERY~~ OFFENSES ON VICTIMS UNDER AGE
47 16.—An action related to an act constituting a violation of s.
48 794.011 or an action brought pursuant to s. 787.061 involving a
49 victim who was under the age of 16 at the time of the act may be
50 commenced at any time. This subsection applies to any such
51 action other than one which would have been time barred on or
52 before July 1, 2010.

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

56 450.045 Proof of identity and age; posting of notices.—

57 (3) (a) In order to provide the department and law
58 enforcement agencies the means to more effectively identify,

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59 investigate, and arrest persons engaging in human trafficking,
60 an adult theater, as defined in s. 847.001(2) (b), shall obtain
61 proof of the identity and age of each of its employees or
62 independent contractors, and shall verify the validity of the
63 identification and age verification document with the issuer,
64 before his or her employment or provision of services as an
65 independent contractor.

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

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

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

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

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88 787.061 Civil actions by victims of human trafficking.-

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

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

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

97 (b) "Victim of human trafficking" means a person subjected
98 to coercion, as defined in s. 787.06(2), or by any other means,
99 for the purpose of being used in human trafficking; a child
100 under 18 years of age subjected to human trafficking; or an
101 individual subjected to human trafficking as defined by federal
102 law.

103 (3) CIVIL CAUSE OF ACTION.-

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

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

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

116 1. Economic damages include, but are not limited to, past

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117 and future medical and mental health expenses; repatriation
118 expenses, when a victim elects repatriation; and all other
119 reasonable costs and expenses incurred by the victim in the past
120 or estimated to be incurred by the victim in the future as a
121 result of the human trafficking.

122 2. Noneconomic damages are nonfinancial losses that would
123 not have occurred but for the victimization, and include pain
124 and suffering, inconvenience, physical impairment, mental
125 anguish, disfigurement, loss of capacity for enjoyment of life,
126 and other nonfinancial losses.

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

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

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

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

142 Section 4. Paragraph (b) of subsection (5) of section
143 796.07, Florida Statutes, is amended, subsection (8) is added to
144 that section, and paragraph (f) of subsection (2) and paragraph
145 (a) of subsection (5) of that section are republished, to read:

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146 796.07 Prohibiting prostitution and related acts.—

147 (2) It is unlawful:

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

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

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

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

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

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

161 1. Perform 100 hours of community service. ~~and~~

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

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

171 1. The relationship between demand for commercial sex and
172 human trafficking.

173 2. The impact of human trafficking on victims.

174 3. Coercion, consent, and sexual violence.

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

176 5. The negative impact of commercial sex on prostituted
177 persons and the community.

178 6. The reasons and motivations for engaging in
179 prostitution.

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

182 Section 5. Section 943.17297, Florida Statutes, is amended
183 to read:

184 943.17297 ~~Continuing employment~~ Training in identifying and
185 investigating human trafficking. ~~Within 1 year after beginning~~
186 ~~employment,~~ Each certified law enforcement officer must
187 successfully complete 4 hours of training in identifying and
188 investigating human trafficking as part of the basic recruit
189 training of the officer required in s. 943.13(9) or additional
190 training required in s. 943.131(4). ~~Completion of the training~~
191 ~~component may count toward the 40 hours of instruction for~~
192 ~~continued employment or appointment as a law enforcement officer~~
193 ~~required under s. 943.135. This training component must be~~
194 ~~completed by current law enforcement officers by July 1, 2022.~~
195 The training must be developed by the commission in consultation
196 with the Department of Legal Affairs and the Statewide Council
197 on Human Trafficking. ~~If an officer fails to complete the~~
198 ~~required training, his or her certification must be placed on~~
199 ~~inactive status until the employing agency notifies the~~
200 ~~commission that the officer has completed the training.~~

201 Section 6. Section 1004.343, Florida Statutes, is created
202 to read:

203 1004.343 Statewide Data Repository for Anonymous Human

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204 Trafficking Data.-

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

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

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

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

217 3. Inform statewide efforts among law enforcement agencies,
218 state agencies, and other entities to combat human trafficking
219 and apprehend and prosecute those persons responsible for human
220 trafficking; and

221 4. Better serve victims of human trafficking through
222 evidence-based interventions that have proven effective.

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

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

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

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

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

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

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

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

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

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

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262 to the UCR system and the FIBRS.

263 (3) All of the following human trafficking data shall be
264 submitted by required reporting entities to the statewide human
265 trafficking data repository, unless such entity is exempt from
266 the reporting under paragraph (2) (b):

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

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

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

273 (d) The type of human trafficking involved.

274 (e) Any other related prosecution charges.

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

277 (g) The disposition of the investigation or prosecution,
278 regardless of its manner of disposition.

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

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

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

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

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