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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; amending s. 787.06, F.S.; directing
7 the proceeds from the sale of specified property to be
8 allocated to pay restitution to human trafficking
9 victims; specifying the allocation of proceeds if
10 there are multiple human trafficking victims;
11 specifying the allocation of any remaining proceeds;
12 creating s. 787.061, F.S.; providing legislative
13 findings; providing definitions; providing a civil
14 cause of action for victims of human trafficking
15 against certain entities or persons; providing
16 procedures and requirements for claims; providing for
17 damages, penalties, punitive damages, attorney fees,
18 expenses, and costs; providing a statute of
19 limitations; amending s. 796.07, F.S.; authorizing
20 judicial circuits to establish educational programs
21 for persons convicted of or charged with certain
22 violations; specifying contents of such programs;
23 providing that such programs may be offered by faith-
24 based providers; amending s. 943.17297, F.S.; revising
25 requirements for law enforcement training in
26 identifying and investigating human trafficking;
27 creating s. 1004.343, F.S.; creating the Statewide
28 Data Repository for Anonymous Human Trafficking Data
29 at the University of South Florida; providing purposes

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30 of the data repository; specifying duties of
31 university faculty and staff; designating required
32 reporting entities; requiring specified information to
33 be reported; providing for reporting; providing for
34 future repeal; providing an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

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

40 95.11 Limitations other than for the recovery of real
41 property.—Actions other than for recovery of real property shall
42 be commenced as follows:

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

52 (9) SPECIFIED ~~SEXUAL BATTERY~~ OFFENSES ON VICTIMS UNDER AGE
53 16.—An action related to an act constituting a violation of s.
54 794.011 or an action brought pursuant to s. 787.061 involving a
55 victim who was under the age of 16 at the time of the act may be
56 commenced at any time. This subsection applies to any such
57 action other than one which would have been time barred on or
58 before July 1, 2010.

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59 Section 2. Paragraph (d) of subsection (3) of section
60 450.045, Florida Statutes, is amended, and paragraphs (a), (b),
61 and (c) of that subsection are republished, to read:

62 450.045 Proof of identity and age; posting of notices.—

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

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

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

87 (d) A person who owns, operates, or manages an adult

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88 theater ~~owner, operator, or manager~~ who knowingly violates this
89 subsection commits a felony of misdemeanor in the third first
90 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or
91 s. 775.084.

92 Section 3. Subsection (7) of section 787.06, Florida
93 Statutes, is amended to read:

94 787.06 Human trafficking.—

95 (7) Any real property or personal property that was used,
96 attempted to be used, or intended to be used in violation of ~~any~~
97 ~~provision of~~ this section may be seized and shall be forfeited
98 as provided by subject to the provisions of the Florida
99 Contraband Forfeiture Act. After satisfying any liens on the
100 property, the remaining proceeds from the sale of any property
101 seized under this section and owned by a defendant convicted of
102 a violation of this section must first be allocated to pay any
103 order of restitution of a human trafficking victim in the
104 criminal case for which the owner was convicted. If there are
105 multiple human trafficking victims in the criminal case, the
106 remaining proceeds must be allocated equally among the victims
107 to pay restitution. If the proceeds are sufficient to pay any
108 such order of restitution, any remaining proceeds must be
109 disbursed as required by s. 932.7055(5)-(9).

110 Section 4. Section 787.061, Florida Statutes, is created to
111 read:

112 787.061 Civil actions by victims of human trafficking.—

113 (1) FINDINGS.—The Legislature finds that it is necessary to
114 provide a civil cause of action for the recovery of specified
115 damages and costs in order to achieve the intent of the
116 Legislature relating to human trafficking as expressed in s.

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117 787.06(1)(d).

118 (2) DEFINITIONS.—As used in this section, the term:

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

121 (b) "Victim of human trafficking" means a person subjected
122 to coercion, as defined in s. 787.06(2), or by any other means,
123 for the purpose of being used in human trafficking; a child
124 under 18 years of age subjected to human trafficking; or an
125 individual subjected to human trafficking as defined by federal
126 law.

127 (3) CIVIL CAUSE OF ACTION.—

128 (a) A victim of human trafficking has a civil cause of
129 action against an adult theater, as defined in s. 847.001(2)(b),
130 or an owner, an operator, or a manager of such theater, that
131 knowingly allows a victim of human trafficking to work, perform,
132 or dance at the adult theater. Such victim may recover damages
133 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.

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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.

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 against the same defendant
154 under both this section and s. 772.104(2).

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

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

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

166 Section 5. Paragraph (b) of subsection (5) of section
167 796.07, Florida Statutes, is amended, subsection (8) is added to
168 that section, and paragraph (f) of subsection (2) and paragraph
169 (a) of subsection (5) of that section are republished, to read:

170 796.07 Prohibiting prostitution and related acts.—

171 (2) It is unlawful:

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

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

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

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

179 3. A felony of the second degree for a third or subsequent
180 violation, punishable as provided in s. 775.082, s. 775.083, or
181 s. 775.084.

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

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

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

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

195 1. The relationship between demand for commercial sex and
196 human trafficking.

197 2. The impact of human trafficking on victims.

198 3. Coercion, consent, and sexual violence.

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

200 5. The negative impact of commercial sex on prostituted
201 persons and the community.

202 6. The reasons and motivations for engaging in
203 prostitution.

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

206 Section 6. Section 943.17297, Florida Statutes, is amended
207 to read:

208 943.17297 ~~Continuing employment~~ Training in identifying and
209 investigating human trafficking. ~~Within 1 year after beginning~~
210 ~~employment,~~ Each certified law enforcement officer must
211 successfully complete 4 hours of training in identifying and
212 investigating human trafficking as part of the basic recruit
213 training of the officer required in s. 943.13(9) or additional
214 training required in s. 943.131(4). ~~Completion of the training~~
215 ~~component may count toward the 40 hours of instruction for~~
216 ~~continued employment or appointment as a law enforcement officer~~
217 ~~required under s. 943.135. This training component must be~~
218 ~~completed by current law enforcement officers by July 1, 2022.~~
219 The training must be developed by the commission in consultation
220 with the Department of Legal Affairs and the Statewide Council
221 on Human Trafficking. ~~If an officer fails to complete the~~
222 ~~required training, his or her certification must be placed on~~
223 ~~inactive status until the employing agency notifies the~~
224 ~~commission that the officer has completed the training.~~

225 Section 7. Section 1004.343, Florida Statutes, is created
226 to read:

227 1004.343 Statewide Data Repository for Anonymous Human
228 Trafficking Data.-

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

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

234 1. Collect and analyze anonymous human trafficking data to
235 better understand the magnitude and trends in human trafficking
236 in the state over time.

237 2. Help evaluate the effectiveness of various state-funded
238 initiatives to combat human trafficking to determine the impact
239 of such initiatives and to use evidence-based decisionmaking in
240 the determination of state investments in such initiatives.

241 3. Inform statewide efforts among law enforcement agencies,
242 state agencies, and other entities to combat human trafficking
243 and apprehend and prosecute those persons responsible for human
244 trafficking; and

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

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

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

251 2. Design, in consultation with the Department of Law
252 Enforcement and other law enforcement partners, and launch a
253 user-friendly system for uploading anonymous human trafficking
254 data to the repository in a manner that can be accomplished
255 quickly and at no additional cost to the required reporting
256 entities.

257 3. Analyze such data to identify initiatives and
258 interventions that worked best in combatting human trafficking,
259 prosecuting individuals conducting human trafficking, and
260 assisting victims of human trafficking.

261 4. Work with law enforcement agencies and state agencies to

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262 report data on human trafficking investigations and prosecutions
263 which can aid those agencies in combatting human trafficking and
264 prosecuting those individuals responsible for human trafficking.

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

267 1. Law enforcement agencies operating with state or local
268 government tax proceeds, including, but not limited to,
269 municipal police departments, county sheriff's departments,
270 county attorney's offices, and state attorney's offices.

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

273 3. Service providers and other nongovernmental
274 organizations that serve victims of human trafficking through
275 state or federal funding for such purpose.

276 (b) Notwithstanding paragraph (a), any required reporting
277 entity that submits the data required under subsection (3) from
278 its local jurisdiction to the Department of Law Enforcement's
279 Uniform Crime Report (UCR) system or Florida Incident-Based
280 Reporting System (FIBRS) may, but is not required to, submit any
281 additional data to the statewide human trafficking data
282 repository. However, the Department of Law Enforcement shall
283 upload or otherwise share with the statewide human trafficking
284 data repository, at least quarterly, the relevant data required
285 by this section which has been reported by local jurisdictions
286 to the UCR system and the FIBRS.

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

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

293 (b) The age, gender, and race or ethnicity of each suspect
294 and victim and the case number associated with that suspect and
295 victim.

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

297 (d) The type of human trafficking involved.

298 (e) Any other related prosecution charges.

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

301 (g) The disposition of the investigation or prosecution,
302 regardless of its manner of disposition.

303 (4) (a) A required reporting entity located in a county with
304 a population of more than 500,000 must begin reporting its
305 jurisdiction's human trafficking data required by this section
306 to the statewide human trafficking data repository, or to the
307 UCR system or the FIBRS, on or before July 1, 2024, and at least
308 quarterly each year thereafter.

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

315 (5) Beginning July 1, 2025, and annually thereafter, the
316 University of South Florida Trafficking in Persons - Risk to
317 Resilience Lab shall submit an annual report and analysis on its
318 findings to the Governor, the Attorney General, the President of
319 the Senate, and the Speaker of the House of Representatives.

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

322 Section 8. This act shall take effect July 1, 2023.