

By Senator Osgood

32-00358-24

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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 the definition of the term  
5       "coercion"; authorizing the prosecution of specified  
6       offenses under the Florida RICO (Racketeer Influenced  
7       and Corrupt Organization) Act; requiring the  
8       Department of Education and Department of Health, in  
9       conjunction with the Statewide Council on Human  
10      Trafficking, to establish an awareness training  
11      program and community partnership on human  
12      trafficking, sex trafficking, labor trafficking, and  
13      child trafficking; requiring each state attorney's  
14      office to document and maintain attendance and  
15      completion records of prosecutors' training on the  
16      investigation and prosecution of human trafficking  
17      crimes for a certain period of time; requiring the  
18      court to order restitution upon a defendant's  
19      conviction for specified offenses; providing  
20      restitution order requirements; defining terms;  
21      requiring each state attorney to adopt a pro-  
22      prosecution policy for human trafficking offenses;  
23      amending s. 787.061, F.S.; conforming a cross-  
24      reference; providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28       Section 1. Section 787.06, Florida Statutes, is amended to  
29 read:

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30 787.06 Human trafficking.—

31 (1) (a) The Legislature finds that human trafficking is a  
32 form of modern-day slavery. Victims of human trafficking are  
33 young children, teenagers, and adults. Approximately 800,000  
34 ~~Thousands of~~ victims are trafficked annually across  
35 international borders worldwide, including. ~~Many of these~~  
36 ~~victims are trafficked~~ into this state. Victims of human  
37 trafficking ~~also~~ include citizens of the United States and those  
38 persons trafficked domestically within the borders of the United  
39 States. The Legislature finds that victims of human trafficking  
40 are subjected to force, fraud, or coercion for the purpose of  
41 sexual exploitation or forced labor.

42 (b) The Legislature finds that while many victims of human  
43 trafficking are forced to work in prostitution or the sexual  
44 entertainment industry, trafficking also occurs in forms of  
45 labor exploitation, such as domestic servitude or foreign labor  
46 contracts in, restaurant work, janitorial work, sweatshop  
47 factory work, and migrant agricultural work.

48 (c) The Legislature finds that traffickers use various  
49 techniques to instill fear in victims ~~and~~ to keep them enslaved.  
50 Some traffickers keep their victims under lock and key. However,  
51 the most frequently used practices are less obvious techniques  
52 that include isolating victims from the public and family  
53 members; confiscating passports, visas, permanent resident  
54 cards, or other identification documents; using or threatening  
55 to use violence toward victims or their families; telling  
56 victims that they will be imprisoned or deported for immigration  
57 violations if they contact authorities; and controlling the  
58 victims' funds by holding the money ostensibly for safekeeping.

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59           (d) The Legislature finds that human trafficking victims  
60 are often charged with crimes due to their being trafficked,  
61 which may include prostitution, drug-related offenses,  
62 panhandling, theft, perjury, witness tampering, obstruction of  
63 justice, peonage, conspiracy, and solicitation to the above  
64 crimes and other related criminal activity.

65           (e) It is the intent of the Legislature that the  
66 perpetrators of human trafficking be penalized to the fullest  
67 extent allowed by law for their illegal conduct and that the  
68 victims of trafficking be protected and assisted by this state  
69 and its agencies. In furtherance of this policy, it is the  
70 intent of the Legislature that the state Supreme Court, The  
71 Florida Bar, and relevant state agencies prepare and implement  
72 human trafficking training programs in order that judges,  
73 attorneys, law enforcement personnel, investigators, and others  
74 are able to identify traffickers and victims of human  
75 trafficking and direct victims to appropriate agencies for  
76 assistance. It is the intent of the Legislature that the  
77 Department of Children and Families and other state agencies  
78 cooperate with other state and federal agencies to ensure that  
79 victims of human trafficking can access legal services, social  
80 services, and benefits to alleviate their plight, including the  
81 expunction of criminal arrest records acquired as a result of  
82 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, isolating, or confining or threatening to

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88 restrain, isolate, or confine any person, regardless of whether  
89 directly or by deceit, without lawful authority and against her  
90 or his will;

91 3. Using federal financial institutions or credit unions in  
92 person or on e-commerce social platforms to wire, transfer, or  
93 launder proceeds gained from human trafficking, or using lending  
94 or 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,  
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 other person, regardless of whether directly or  
105 by deceit;

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

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

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

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

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117 pornography.

118 (c) "Financial harm" includes extortionate extension of  
119 credit, loan sharking as defined in s. 687.071, or employment  
120 contracts that violate the statute of frauds as provided in s.  
121 725.01.

122 (d) "Human trafficking" means transporting, soliciting,  
123 recruiting, harboring, providing, enticing, maintaining,  
124 purchasing, patronizing, procuring, or obtaining another person  
125 for the purpose of exploitation of that person.

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

127 (f) "Maintain" means, in relation to labor or services, to  
128 secure or make possible continued performance thereof,  
129 regardless of any initial agreement on the part of the victim to  
130 perform such type service.

131 (g) "Obtain" means, in relation to labor, commercial sexual  
132 activity, or services, to receive, take possession of, or take  
133 custody of another person or secure performance thereof.

134 (h) "Services" means any act committed at the behest of,  
135 under the supervision of, or for the benefit of another. The  
136 term includes, but is not limited to, forced marriage,  
137 servitude, or the removal of organs.

138 (i) "Sexually explicit performance" means an act or a show,  
139 whether public or private, that is live, photographed, recorded,  
140 or videotaped and intended to arouse or satisfy the sexual  
141 desires or appeal to the prurient interest.

142 (j) "Unauthorized alien" means an alien who is not  
143 authorized under federal law to be employed in the United  
144 States, as provided in 8 U.S.C. s. 1324a(h)(3). The term shall  
145 be interpreted consistently with that section and any applicable

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146 federal rules or regulations.

147 (k) "Venture" means any group of two or more individuals  
148 associated in fact, regardless of whether considered ~~or not~~ a  
149 legal entity.

150 (3) Any person who knowingly, or in reckless disregard of  
151 the facts, engages in human trafficking, or attempts to engage  
152 in human trafficking, or benefits financially by receiving  
153 anything of value from participation in a venture that,  
154 regardless of whether in concert or separately, has subjected a  
155 person to human trafficking:

156 (a)1. For labor or services of any child younger than 18  
157 years of age or an adult believed by the person to be a child  
158 younger than 18 years of age commits a felony of the first  
159 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
160 775.084.

161 2. Using coercion for labor or services of an adult commits  
162 a felony of the first degree, punishable as provided in s.  
163 775.082, s. 775.083, or s. 775.084.

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

167 (c)1. For labor or services of any child younger than 18  
168 years of age or an adult believed by the person to be a child  
169 younger than 18 years of age who is an unauthorized alien  
170 commits a felony of the first degree, punishable as provided in  
171 s. 775.082, s. 775.083, or s. 775.084.

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

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175 (d) Using coercion for commercial sexual activity of an  
176 adult who is an unauthorized alien commits a felony of the first  
177 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
178 775.084.

179 (e)1. For labor or services who does so by the transfer or  
180 transport of any child younger than 18 years of age or an adult  
181 believed by the person to be a child younger than 18 years of  
182 age from outside this state to within this state commits a  
183 felony of the first degree, punishable as provided in s.  
184 775.082, s. 775.083, or s. 775.084.

185 2. Using coercion for labor or services who does so by the  
186 transfer or transport of an adult from outside this state to  
187 within this state commits a felony of the first degree,  
188 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

189 (f)1. For commercial sexual activity who does so by the  
190 transfer or transport of any child younger than 18 years of age  
191 or an adult believed by the person to be a child younger than 18  
192 years of age from outside this state to within this state  
193 commits a felony of the first degree, punishable by imprisonment  
194 for a term of years not exceeding life, or as provided in s.  
195 775.082, s. 775.083, or s. 775.084.

196 2. Using coercion for commercial sexual activity who does  
197 so by the transfer or transport of an adult from outside this  
198 state to within this state commits a felony of the first degree,  
199 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

200 (g) For commercial sexual activity in which any child  
201 younger than 18 years of age or an adult believed by the person  
202 to be a child younger than 18 years of age, or in which any  
203 person who is mentally defective or mentally incapacitated as

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204 those terms are defined in s. 794.011(1), is involved commits a  
205 life felony, punishable as provided in s. 775.082(3)(a)6., s.  
206 775.083, or s. 775.084.

207  
208 For each instance of human trafficking of any individual under  
209 this subsection, a separate crime is committed and a separate  
210 punishment is authorized.

211 (4)(a) Any parent, legal guardian, or other person having  
212 custody or control of a minor who sells or otherwise transfers  
213 custody or control of such minor, or offers to sell or otherwise  
214 transfer custody of such minor, with knowledge or in reckless  
215 disregard of the fact that, as a consequence of the sale or  
216 transfer, the minor will be subject to human trafficking commits  
217 a life felony, punishable as provided in s. 775.082, s. 775.083,  
218 or s. 775.084.

219 (b) Any person who, for the purpose of committing or  
220 facilitating an offense under this section, permanently brands,  
221 or directs to be branded, a victim of an offense under this  
222 section commits a second degree felony, punishable as provided  
223 in s. 775.082, s. 775.083, or s. 775.084. For purposes of this  
224 subsection, the term "permanently branded" means a mark on the  
225 individual's body that, if it can be removed or repaired at all,  
226 can only be removed or repaired by surgical means, laser  
227 treatment, or other medical procedure.

228 (c) Any act to acquire, control, or operate a business or  
229 an enterprise for income through bribery, money laundering,  
230 obstructing justice or a criminal investigation, extortion,  
231 dealing in obscene matter, or drug crimes that result from any  
232 activity of human trafficking or labor trafficking crimes may be



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233 prosecuted as a Florida RICO (Racketeer Influenced and Corrupt  
234 Organization) Act offense pursuant to chapter 895.

235 1. Any business entity that knowingly aids or is jointly  
236 involved in, or which reasonably should have known it was aiding  
237 or involved in, trafficking of persons for sex or labor is  
238 civilly liable for a fine of up to \$1 million and an additional  
239 \$1 million for each child found to be subject to sex trafficking  
240 or labor trafficking.

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

245 (5) The Criminal Justice Standards and Training Commission  
246 shall establish standards for basic and advanced training  
247 programs for law enforcement officers to identify, investigate,  
248 and prevent ~~in the subjects of investigating and preventing~~  
249 human trafficking crimes. Every basic skills course required for  
250 law enforcement officers to obtain initial certification must  
251 include training on human trafficking crime prevention and  
252 investigation.

253 (6) The Department of Education and Department of Health,  
254 in conjunction with the Statewide Council on Human Trafficking,  
255 shall establish an awareness training program and community  
256 partnership on human trafficking, sex trafficking, labor  
257 trafficking, and child trafficking to provide educators,  
258 students, and social service centers with trauma-informed  
259 practices, safety plans, campus and Internet security, risks,  
260 indicators, presentations, and resources that are age  
261 appropriate for students in grades K-12 and nurses in

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262 educational facilities.

263 (7) Each state attorney shall develop standards of  
264 instruction for prosecutors to receive training on the  
265 investigation and prosecution of human trafficking crimes and  
266 shall provide for periodic and timely instruction, of which each  
267 respective state attorney's office shall document and maintain  
268 attendance and completion records by prosecutors for a period of  
269 7 years to ensure compliance.

270 (8)~~(7)~~ Any real property or personal property that was  
271 used, attempted to be used, or intended to be used in violation  
272 of this section may be seized and shall be forfeited as provided  
273 by the Florida Contraband Forfeiture Act. After satisfying any  
274 liens on the property, the remaining proceeds from the sale of  
275 any property seized under this section and owned by a defendant  
276 convicted of a violation of this section must first be allocated  
277 to pay any order of restitution of a human trafficking victim in  
278 the criminal case for which the owner was convicted. If there  
279 are multiple human trafficking victims in the criminal case, the  
280 remaining proceeds must be allocated equally among the victims  
281 to pay restitution. If the proceeds are sufficient to pay any  
282 such order of restitution, any remaining proceeds must be  
283 disbursed as required by s. 932.7055(5)-(9).

284 (9) Notwithstanding any other law, and in addition to any  
285 other civil or criminal penalties authorized by law, the court  
286 shall order restitution upon a defendant's conviction for any  
287 offense under this section.

288 (a) The order of restitution under this section must direct  
289 the defendant to pay the victim through the appropriate court  
290 mechanism the full amount of the victim's losses as determined

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291 by the court.

292 (b) An order of restitution under this subsection must be  
293 issued and enforced in accordance with 18 U.S.C. s. 3664 in the  
294 same manner as an order under 18 U.S.C. s. 3663A. A victim must  
295 receive restitution, notwithstanding that her or his earnings  
296 came from illegal conduct.

297 (c) As used in this subsection, the term:

298 1. "Full amount of the victim's losses" includes the  
299 greater of the gross income or value to the defendant of the  
300 victim's services or labor or the value of the victim's labor as  
301 guaranteed under the minimum wage and overtime guarantees of the  
302 Fair Labor Standards Act, 29 U.S.C. 201 et seq.

303 2. "Victim" means the individual harmed as a result of a  
304 crime under this chapter, including a victim who is under 18  
305 years of age, incompetent, incapacitated, or deceased; the legal  
306 guardian of the victim or a representative of the victim's  
307 estate; or another family member or any other person appointed  
308 as suitable by the court, but in no event may the defendant be  
309 named such guardian or representative.

310 (10)(8) The degree of an offense must ~~shall~~ be reclassified  
311 as follows if a person causes great bodily harm, permanent  
312 disability, or permanent disfigurement to another person during  
313 the commission of an offense under this section:

314 (a) A felony of the second degree must ~~shall~~ be  
315 reclassified as a felony of the first degree.

316 (b) A felony of the first degree must ~~shall~~ be reclassified  
317 as a life felony.

318 (11)(9) In a prosecution under this section, the  
319 defendant's ignorance of the victim's age, the victim's

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320 misrepresentation of ~~his or~~ her or his age, or the defendant's  
321 bona fide belief of the victim's age cannot be raised as a  
322 defense.

323 (12) (a) ~~(10) (a)~~ Information about the location of a  
324 residential facility offering services for adult victims of  
325 human trafficking involving commercial sexual activity, which is  
326 held by an agency, as defined in s. 119.011, is confidential and  
327 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
328 Constitution. This exemption applies to such confidential and  
329 exempt information held by an agency before, on, or after the  
330 effective date of the exemption.

331 (b) Information about the location of a residential  
332 facility offering services for adult victims of human  
333 trafficking involving commercial sexual activity may be provided  
334 to an agency, as defined in s. 119.011, as necessary to maintain  
335 health and safety standards and to address emergency situations  
336 in the residential facility.

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

341 (13) ~~(11)~~ A victim's lack of chastity or the willingness or  
342 consent of a victim is not a defense to prosecution under this  
343 section if the victim was under 18 years of age at the time of  
344 the offense.

345 (14) ~~(12)~~ ~~The Legislature encourages~~ Each state attorney  
346 shall ~~to~~ adopt a pro-prosecution policy for human trafficking  
347 offenses, as provided in this section. After consulting the  
348 victim, or making a good faith attempt to consult the victim,

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349 the state attorney shall determine the filing, nonfiling, fines,  
350 or diversion of criminal charges even in circumstances when  
351 there is no cooperation from a victim or over the objection of  
352 the victim, if necessary.

353 Section 2. Subsection (1) of section 787.061, Florida  
354 Statutes, is amended to read:

355 787.061 Civil actions by victims of human trafficking.—

356 (1) FINDINGS.—The Legislature finds that it is necessary to  
357 provide a civil cause of action for the recovery of specified  
358 damages and costs in order to achieve the intent of the  
359 Legislature relating to human trafficking as expressed in s.  
360 787.06(1)(e) ~~s. 787.06(1)(d)~~.

361 Section 3. This act shall take effect October 1, 2025.