

By the Committees on Community Affairs; and Criminal Justice;
and Senators Book and Berman

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1 A bill to be entitled
2 An act relating to human trafficking; creating s.
3 16.618, F.S.; requiring the Department of Legal
4 Affairs to establish a certain direct-support
5 organization; providing requirements for the direct-
6 support organization; requiring the direct-support
7 organization to operate under written contract with
8 the department; providing contractual requirements;
9 providing for the membership of and the appointment of
10 directors to the board of directors of the direct-
11 support organization; requiring the direct-support
12 organization, in conjunction with the Statewide
13 Council on Human Trafficking, to form certain
14 partnerships for specified purposes; authorizing the
15 department to allow appropriate use of department
16 property, facilities, and personnel by the direct-
17 support organization; providing requirements and
18 conditions for such use of department property,
19 facilities, and personnel by the direct-support
20 organization; authorizing the direct-support
21 organization to engage in certain activities for the
22 direct or indirect benefit of the council; providing
23 for moneys received by the direct-support
24 organization; prohibiting certain persons and
25 employees from receiving specified benefits as they
26 relate to the council or the direct-support
27 organization; authorizing the department to terminate
28 its agreement with the direct-support organization if
29 the department determines that the direct-support

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30 organization does not meet specified objectives;
31 providing for future review and repeal by the
32 Legislature; amending s. 480.043, F.S.; requiring a
33 massage establishment to train certain employees and
34 create certain policies relating to human trafficking
35 by a specified date; providing requirements for such
36 training; requiring the Board of Massage Therapy to
37 take disciplinary action against a massage
38 establishment for failure to comply with such
39 requirements; providing that this section does not
40 establish a private cause of action against a massage
41 establishment under certain circumstances; creating s.
42 509.096, F.S.; requiring a public lodging
43 establishment to train certain employees and create
44 certain policies relating to human trafficking by a
45 specified date; providing requirements for such
46 training; requiring the Division of Hotels and
47 Restaurants of the Department of Business and
48 Professional Regulation to take disciplinary action
49 against a public lodging establishment for failure to
50 comply with such requirements; providing that this
51 section does not establish a private cause of action
52 against a public lodging establishment under certain
53 circumstances; amending s. 796.07, F.S.; requiring
54 that the criminal history record of a person who is
55 convicted of, or who enters a plea of guilty or nolo
56 contendere to, soliciting, inducing, enticing, or
57 procuring another to commit prostitution, lewdness, or
58 assignation be added to the Soliciting for

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59 Prostitution Public Database; requiring the clerk of
60 the court to forward the criminal history record of
61 such persons to the Department of Law Enforcement for
62 certain purposes; creating s. 943.0433, F.S.;
63 requiring the Department of Law Enforcement to create
64 and administer the Soliciting for Prostitution Public
65 Database; requiring the department to add certain
66 criminal history records to the database; requiring
67 the department to automatically remove certain
68 criminal history records from the database under
69 certain circumstances; prohibiting the department from
70 removing certain criminal history records from the
71 database under certain circumstances; requiring the
72 database to include specified information on
73 offenders; requiring the department to adopt rules;
74 amending s. 943.0583, F.S.; creating an exception to a
75 prohibition that bars certain victims of human
76 trafficking from petitioning for the expunction of a
77 criminal history record for offenses committed while
78 the person was a victim of human trafficking as part
79 of the human trafficking scheme or at the direction of
80 an operator of the scheme; creating s. 943.17297,
81 F.S.; requiring each certified law enforcement officer
82 to successfully complete training on identifying and
83 investigating human trafficking before a certain date;
84 requiring that the training be developed in
85 consultation with specified entities; specifying that
86 an officer's certification shall be inactive if he or
87 she fails to complete the required training until the

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88 employing agency notifies the Criminal Justice
89 Standards and Training Commission that the officer has
90 completed the training; providing effective dates.

91
92 WHEREAS, the state of Florida is ranked third nationally
93 for human trafficking abuses, and the Legislature recognizes
94 that the crime of human trafficking is a gross violation of
95 human rights, and has taken measures to raise awareness of the
96 practices of human sex trafficking and of labor trafficking of
97 children and adults in this state, and

98 WHEREAS, the Legislature deems it critical to the health,
99 safety, and welfare of the people in this state to prevent and
100 deter human trafficking networks, and persons who would aid and
101 abet these networks, from operating in this state, and

102 WHEREAS, repeat offenses to aid and abet traffickers by way
103 of recruitment or financial support, and clients of human
104 trafficking networks who use physical violence, are a
105 particularly extreme threat to public safety, and

106 WHEREAS, repeat offenders are extremely likely to use
107 violence and to repeat their offenses, and to commit many
108 offenses with many victims, many of whom are never given
109 justice, and these offenders are only prosecuted for a small
110 fraction of their crimes, and

111 WHEREAS, traffickers and clients of human trafficking
112 networks often use hotels, motels, public lodging
113 establishments, massage establishments, spas, or property rental
114 sharing sites to acquire facilities wherein men, women, and
115 children are coerced into performing sexual acts, which places
116 the employees of these establishments in direct and frequent

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117 contact with victims of human trafficking, and

118 WHEREAS, this state is in critical need of a coordinated
119 and collaborative human trafficking law enforcement response to
120 prepare for future large-scale events taking place in this
121 state, and the Legislature finds that a statewide effort focused
122 on law enforcement training, detection, and enforcement, with
123 additional focus on the safe rehabilitation of survivors, will
124 benefit such critical need, and

125 WHEREAS, research from 2011 has demonstrated that a
126 majority of human trafficker's clients are not interviewed by
127 law enforcement, despite having extensive knowledge of the
128 traffickers and the traffickers' practices, and are even used as
129 recruiters for traffickers, and

130 WHEREAS, human trafficker's clients who were interviewed in
131 the same 2011 research stated that they would think twice about
132 purchasing sex from a victim of human trafficking if they were
133 named on a public database, and

134 WHEREAS, client and trafficker anonymity has allowed for
135 trafficking networks to continue in the shadows, and the
136 publication of client and trafficker identities would protect
137 the public from potential harm and protect victims of
138 trafficking from future harm, NOW, THEREFORE,

139
140 Be It Enacted by the Legislature of the State of Florida:

141
142 Section 1. Section 16.618, Florida Statutes, is created to
143 read:

144 16.618 Direct-support organization.—

145 (1) The Department of Legal Affairs shall establish a

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146 direct-support organization to provide assistance, funding, and
147 support to the Statewide Council on Human Trafficking and to
148 assist in the fulfillment of the council's purposes. The direct-
149 support organization must be:

150 (a) A Florida corporation, not for profit, incorporated
151 under chapter 617, and approved by the Secretary of State;

152 (b) Organized and operated exclusively to solicit funds;
153 request and receive grants, gifts, and bequests of money;
154 acquire, receive, hold, invest, and administer, in its own name,
155 property and funds; and make expenditures in support of the
156 purposes specified in this section; and

157 (c) Certified by the department, after review, to be
158 operating in a manner consistent with the purposes of the
159 organization and in the best interests of this state.

160 (2) The direct-support organization shall operate under
161 written contract with the department. The contract must provide
162 for all of the following:

163 (a) Approval of the articles of incorporation and bylaws of
164 the direct-support organization by the department.

165 (b) Submission of an annual budget for approval by the
166 department.

167 (c) Annual certification by the department that the direct-
168 support organization is complying with the terms of the contract
169 and is operating in a manner consistent with the purposes of the
170 organization and in the best interests of this state.

171 (d) Reversion to the Florida Council Against Sexual
172 Violence of moneys and property held in trust by the direct-
173 support organization if the direct-support organization is no
174 longer approved to operate or if it ceases to exist.

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175 (e) Disclosure of the material provisions of the contract
176 and the distinction between the board of directors and the
177 direct-support organization to donors of gifts, contributions,
178 or bequests, which disclosures must be included in all
179 promotional and fundraising publications.

180 (f) An annual financial audit in accordance with s.
181 215.981.

182 (g) Establishment of the fiscal year of the direct-support
183 organization as beginning on July 1 of each year and ending on
184 June 30 of the following year.

185 (h) Appointment of the board of directors, pursuant to this
186 section.

187 (i) Authority of the board of directors of the direct-
188 support organization to hire an executive director.

189 (3) The board of directors of the direct-support
190 organization shall consist of seven members. Each member of the
191 board of directors shall be appointed to a 4-year term; however,
192 for the purpose of providing staggered terms, the appointee of
193 the President of the Senate and the appointee of the Speaker of
194 the House of Representatives shall each initially be appointed
195 to a 2-year term, and the Attorney General shall initially
196 appoint two members to serve 2-year terms. All subsequent
197 appointments shall be for 4-year terms. Any vacancy that occurs
198 must be filled in the same manner as the original appointment
199 and is for the unexpired term of that seat. The board of
200 directors shall be appointed as follows:

201 (a) Four members appointed by the Attorney General, one of
202 which must be a survivor of human trafficking and one of which
203 must be a mental health expert.

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- 204 (b) One member appointed by the Governor.
- 205 (c) One member appointed by the President of the Senate.
- 206 (d) One member appointed by the Speaker of the House of
207 Representatives.
- 208 (4) In conjunction with the Statewide Council on Human
209 Trafficking, and funded exclusively by the direct-support
210 organization, the direct-support organization shall form
211 strategic partnerships to foster the development of community
212 and private sector resources to advance the goals of the
213 council.
- 214 (5) The direct-support organization shall consider the
215 participation of counties and municipalities in this state which
216 demonstrate a willingness to participate and an ability to be
217 successful in any programs funded by the direct-support
218 organization.
- 219 (6) (a) The department may authorize the appropriate use
220 without charge, of the department's property, facilities, and
221 personnel by the direct-support organization. The use must be
222 for the approved purposes of the direct-support organization and
223 may not be made at times or places that would unreasonably
224 interfere with opportunities for the general public to use
225 departmental facilities.
- 226 (b) The department shall prescribe by agreement conditions
227 with which the direct-support organization must comply in order
228 to use department property, facilities, or personnel. Such
229 conditions must provide for budget and audit review and
230 oversight by the department.
- 231 (c) The department may not authorize the use of property,
232 facilities, or personnel of the council, department, or

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233 designated program by the direct-support organization which does
234 not provide equal employment opportunities to all persons
235 regardless of race, color, religion, sex, age, or national
236 origin.

237 (7) (a) The direct-support organization may conduct programs
238 and activities; raise funds; request and receive grants, gifts,
239 and bequests of money; acquire, receive, hold, invest, and
240 administer, in its own name, securities, funds, objects of
241 value, or other property, real or personal; and make
242 expenditures to or for the direct or indirect benefit of the
243 council or designated program.

244 (b) Notwithstanding s. 287.025(1) (e), the direct-support
245 organization may enter into contracts to insure the property of
246 the council or designated programs and may insure objects or
247 collections on loan from other entities in satisfying security
248 terms of the lender.

249 (8) A departmental employee, a direct-support organization
250 or council employee, a volunteer, or a director or a designated
251 program may not:

252 (a) Receive a commission, fee, or financial benefit in
253 connection with serving on the council; or

254 (b) Be a business associate of any individual, firm, or
255 organization involved in the sale or the exchange of real or
256 personal property to the direct-support organization, the
257 council, or a designated program.

258 (9) All moneys received by the direct-support organization
259 shall be deposited into an account of the direct-support
260 organization and shall be used in a manner consistent with the
261 goals of the council or designated program.

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262 (10) The department may terminate its agreement with the
263 direct-support organization at any time if the department
264 determines that the direct-support organization does not meet
265 the objectives of this section.

266 (11) This section is repealed October 1, 2024, unless
267 reviewed and saved from repeal by the Legislature.

268 Section 2. Section 480.043, Florida Statutes, is amended to
269 read:

270 480.043 Massage establishments; requisites; licensure;
271 inspection; human trafficking awareness training and policies;
272 enforcement.—

273 (1) No massage establishment shall be allowed to operate
274 without a license granted by the department in accordance with
275 rules adopted by the board.

276 (2) A person who has an ownership interest in an
277 establishment shall submit to the background screening
278 requirements under s. 456.0135. However, if a corporation
279 submits proof of having more than \$250,000 of business assets in
280 this state, the department shall require the owner, officer, or
281 individual directly involved in the management of the
282 establishment to submit to the background screening requirements
283 of s. 456.0135. The department may adopt rules regarding the
284 type of proof that may be submitted by a corporation.

285 (3) The board shall adopt rules governing the operation of
286 establishments and their facilities, personnel, safety and
287 sanitary requirements, financial responsibility, insurance
288 coverage, and the license application and granting process.

289 (4) Any person, firm, or corporation desiring to operate a
290 massage establishment in the state shall submit to the

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291 department an application, upon forms provided by the
292 department, accompanied by any information requested by the
293 department and an application fee.

294 (5) Upon receiving the application, the department may
295 cause an investigation to be made of the proposed massage
296 establishment.

297 (6) If, based upon the application and any necessary
298 investigation, the department determines that the proposed
299 establishment would fail to meet the standards adopted by the
300 board under subsection (3), the department shall deny the
301 application for license. Such denial shall be in writing and
302 shall list the reasons for denial. Upon correction of any
303 deficiencies, an applicant previously denied permission to
304 operate a massage establishment may reapply for licensure.

305 (7) If, based upon the application and any necessary
306 investigation, the department determines that the proposed
307 massage establishment may reasonably be expected to meet the
308 standards adopted by the department under subsection (3), the
309 department shall grant the license under such restrictions as it
310 shall deem proper as soon as the original licensing fee is paid.

311 (8) The department shall deny an application for a new or
312 renewal license if a person with an ownership interest in the
313 establishment or, for a corporation that has more than \$250,000
314 of business assets in this state, the owner, officer, or
315 individual directly involved in the management of the
316 establishment has been convicted or found guilty of, or entered
317 a plea of guilty or nolo contendere to, regardless of
318 adjudication, a violation of s. 796.07(2)(a) which is
319 reclassified under s. 796.07(7) or a felony offense under any of

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320 the following provisions of state law or a similar provision in
321 another jurisdiction:

322 (a) Section 787.01, relating to kidnapping.

323 (b) Section 787.02, relating to false imprisonment.

324 (c) Section 787.025, relating to luring or enticing a
325 child.

326 (d) Section 787.06, relating to human trafficking.

327 (e) Section 787.07, relating to human smuggling.

328 (f) Section 794.011, relating to sexual battery.

329 (g) Section 794.08, relating to female genital mutilation.

330 (h) Former s. 796.03, relating to procuring a person under
331 the age of 18 for prostitution.

332 (i) Former s. 796.035, relating to selling or buying of
333 minors into prostitution.

334 (j) Section 796.04, relating to forcing, compelling, or
335 coercing another to become a prostitute.

336 (k) Section 796.05, relating to deriving support from the
337 proceeds of prostitution.

338 (l) Section 796.07(4)(a)3., relating to a felony of the
339 third degree for a third or subsequent violation of s. 796.07,
340 relating to prohibiting prostitution and related acts.

341 (m) Section 800.04, relating to lewd or lascivious offenses
342 committed upon or in the presence of persons less than 16 years
343 of age.

344 (n) Section 825.1025(2)(b), relating to lewd or lascivious
345 offenses committed upon or in the presence of an elderly or
346 disabled person.

347 (o) Section 827.071, relating to sexual performance by a
348 child.

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349 (p) Section 847.0133, relating to the protection of minors.

350 (q) Section 847.0135, relating to computer pornography.

351 (r) Section 847.0138, relating to the transmission of
352 material harmful to minors to a minor by electronic device or
353 equipment.

354 (s) Section 847.0145, relating to the selling or buying of
355 minors.

356 (9) (a) Once issued, no license for operation of a massage
357 establishment may be transferred from one owner to another.

358 (b) A license may be transferred from one location to
359 another only after inspection and approval by the board and
360 receipt of an application and inspection fee set by rule of the
361 board, not to exceed \$125.

362 (c) A license may be transferred from one business name to
363 another after approval by the board and receipt of an
364 application fee set by rule of the board, not to exceed \$25.

365 (10) Renewal of license registration for massage
366 establishments shall be accomplished pursuant to rules adopted
367 by the board. The board is further authorized to adopt rules
368 governing delinquent renewal of licenses and may impose penalty
369 fees for delinquent renewal.

370 (11) The board is authorized to adopt rules governing the
371 periodic inspection of massage establishments licensed under
372 this act.

373 (12) A person with an ownership interest in or, for a
374 corporation that has more than \$250,000 of business assets in
375 this state, the owner, officer, or individual directly involved
376 in the management of an establishment that was issued a license
377 before July 1, 2014, shall submit to the background screening

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378 requirements of s. 456.0135 before January 31, 2015.

379 (13) (a) A massage establishment shall:

380 1. Provide training regarding human trafficking awareness
381 to massage therapists and employees of the establishment who
382 ordinarily interact with guests. Such training must be provided
383 to such massage therapists and employees within 6 months after
384 their employment in that role, or by January 1, 2021, whichever
385 occurs later. Proof of such employee training must be provided
386 to the board upon request.

387 2. By January 1, 2021, implement a procedure for the
388 reporting of suspected human trafficking to the National Human
389 Trafficking Hotline or to a local law enforcement agency.

390 3. By January 1, 2021, post in a conspicuous place in the
391 establishment which is accessible to employees a sign with the
392 relevant provisions of the reporting procedure provided for in
393 subparagraph 2.

394 (b) The human trafficking awareness training required under
395 subparagraph 1. must be submitted to and approved by the
396 department before the training is provided to employees and must
397 include the following:

398 1. The definition of human trafficking and the difference
399 between the two forms of human trafficking: sex trafficking and
400 labor trafficking.

401 2. Guidance specific to the massage establishment sector
402 concerning how to identify individuals who may be victims of
403 human trafficking.

404 3. Guidance concerning the role of the employees of a
405 massage establishment in reporting and responding to suspected
406 human trafficking.

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407 (c) The board must take disciplinary action against a
408 massage establishment that has operated or that is operating in
409 violation of this section.

410 (d) This section does not establish a private cause of
411 action. A massage establishment is not liable for any harm
412 resulting from the failure of an employee to prevent, detect, or
413 report suspected human trafficking if the massage establishment
414 was in compliance with the requirements of this section at the
415 time of such harm.

416 (14)~~(13)~~ This section does not apply to a physician
417 licensed under chapter 458, chapter 459, or chapter 460 who
418 employs a licensed massage therapist to perform massage on the
419 physician's patients at the physician's place of practice. This
420 subsection does not restrict investigations by the department
421 for violations of chapter 456 or this chapter.

422 Section 3. Section 509.096, Florida Statutes, is created to
423 read:

424 509.096 Human trafficking awareness training and policies
425 for employees of public lodging establishments; enforcement.—

426 (1) A public lodging establishment shall:

427 (a) Provide training regarding human trafficking awareness
428 to employees of the establishment who perform housekeeping
429 duties in the rental units or who work at the front desk or
430 reception area where guests ordinarily check-in or check-out.
431 Such training must be provided to such employees within 6 months
432 after their employment in that role, or by January 1, 2020,
433 whichever occurs later. Proof of such employee training must be
434 provided to the division upon request.

435 (b) By January 1, 2020, implement a procedure for the

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436 reporting of suspected human trafficking to the National Human
437 Trafficking Hotline or to a local law enforcement agency.

438 (c) By January 1, 2020, post in a conspicuous place in the
439 establishment which is accessible to employees a sign with the
440 relevant provisions of the reporting procedure provided for in
441 paragraph (b).

442 (2) The human trafficking awareness training required under
443 paragraph (1)(a) must be submitted to and approved by the
444 division before the training is provided to employees and must
445 include all of the following:

446 (a) The definition of human trafficking and the difference
447 between the two forms of human trafficking: sex trafficking and
448 labor trafficking.

449 (b) Guidance specific to the public lodging sector
450 concerning how to identify individuals who may be victims of
451 human trafficking.

452 (c) Guidance concerning the role of the employees of a
453 public lodging establishment in reporting and responding to
454 suspected human trafficking.

455 (3) Pursuant to s. 509.261, the division must take
456 disciplinary action against a public lodging establishment that
457 has operated or that is operating in violation of this section.

458 (4) This section does not establish a private cause of
459 action. A public lodging establishment is not liable for any
460 harm resulting from the failure of an employee to prevent,
461 detect, or report suspected human trafficking if the public
462 lodging establishment was in compliance with the requirements of
463 this section at the time of such harm.

464 Section 4. Effective October 1, 2019, subsection (5) of

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465 section 796.07, Florida Statutes, is amended, and subsection (2)
466 of that section is republished, to read:

467 796.07 Prohibiting prostitution and related acts.—

468 (2) It is unlawful:

469 (a) To own, establish, maintain, or operate any place,
470 structure, building, or conveyance for the purpose of lewdness,
471 assignation, or prostitution.

472 (b) To offer, or to offer or agree to secure, another for
473 the purpose of prostitution or for any other lewd or indecent
474 act.

475 (c) To receive, or to offer or agree to receive, any person
476 into any place, structure, building, or conveyance for the
477 purpose of prostitution, lewdness, or assignation, or to permit
478 any person to remain there for such purpose.

479 (d) To direct, take, or transport, or to offer or agree to
480 direct, take, or transport, any person to any place, structure,
481 or building, or to any other person, with knowledge or
482 reasonable cause to believe that the purpose of such directing,
483 taking, or transporting is prostitution, lewdness, or
484 assignation.

485 (e) For a person 18 years of age or older to offer to
486 commit, or to commit, or to engage in, prostitution, lewdness,
487 or assignation.

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

490 (g) To reside in, enter, or remain in, any place,
491 structure, or building, or to enter or remain in any conveyance,
492 for the purpose of prostitution, lewdness, or assignation.

493 (h) To aid, abet, or participate in any of the acts or

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494 things enumerated in this subsection.

495 (i) To purchase the services of any person engaged in
496 prostitution.

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

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

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

502 3. A felony of the second degree for a third or subsequent
503 violation, punishable as provided in s. 775.082, s. 775.083, or
504 s. 775.084.

505 (b) In addition to any other penalty imposed, the court
506 shall order a person convicted of a violation of paragraph

507 (2) (f) to:

508 1. Perform 100 hours of community service; and

509 2. Pay for and attend an educational program about the
510 negative effects of prostitution and human trafficking, such as
511 a sexual violence prevention education program, including such
512 programs offered by faith-based providers, if such programs
513 exist in the judicial circuit in which the offender is
514 sentenced.

515 (c) In addition to any other penalty imposed, the court
516 shall sentence a person convicted of a second or subsequent
517 violation of paragraph (2) (f) to a minimum mandatory period of
518 incarceration of 10 days.

519 (d) 1. If a person who violates paragraph (2) (f) uses a
520 vehicle in the course of the violation, the judge, upon the
521 person's conviction, may issue an order for the impoundment or
522 immobilization of the vehicle for a period of up to 60 days. The

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523 order of impoundment or immobilization must include the names
524 and telephone numbers of all immobilization agencies meeting all
525 of the conditions of s. 316.193(13). Within 7 business days
526 after the date that the court issues the order of impoundment or
527 immobilization, the clerk of the court must send notice by
528 certified mail, return receipt requested, to the registered
529 owner of the vehicle, if the registered owner is a person other
530 than the defendant, and to each person of record claiming a lien
531 against the vehicle.

532 2. The owner of the vehicle may request the court to
533 dismiss the order. The court must dismiss the order, and the
534 owner of the vehicle will incur no costs, if the owner of the
535 vehicle alleges and the court finds to be true any of the
536 following:

537 a. The owner's family has no other private or public means
538 of transportation;

539 b. The vehicle was stolen at the time of the offense;

540 c. The owner purchased the vehicle after the offense was
541 committed, and the sale was not made to circumvent the order and
542 allow the defendant continued access to the vehicle; or

543 d. The vehicle is owned by the defendant but is operated
544 solely by employees of the defendant or employees of a business
545 owned by the defendant.

546 3. If the court denies the request to dismiss the order,
547 the petitioner may request an evidentiary hearing. If, at the
548 evidentiary hearing, the court finds to be true any of the
549 circumstances described in sub-subparagraphs (d)2.a.-d., the
550 court must dismiss the order and the owner of the vehicle will
551 incur no costs.

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552 (e) The criminal history record of a person who violates
553 paragraph (2)(f) and who is found guilty as a result of a trial
554 or who enters a plea of guilty or nolo contendere, regardless of
555 whether adjudication is withheld, must be added to the
556 Soliciting for Prostitution Public Database established under s.
557 943.0433. Upon the person's conviction, the clerk of the court
558 shall forward the criminal history record of the convicted
559 person to the Department of Law Enforcement for inclusion in the
560 database.

561 Section 5. Effective October 1, 2019, section 943.0433,
562 Florida Statutes, is created to read:

563 943.0433 Soliciting for Prostitution Public Database.—

564 (1) The department shall create and administer the
565 Soliciting for Prostitution Public Database. The clerk of the
566 court shall forward to the department the criminal history
567 record of a person in accordance with s. 796.07(5)(e), and the
568 department must add the criminal history record to the database.

569 (2)(a) The department shall automatically remove the
570 criminal history record of a person on the database for a first
571 violation of s. 796.07(2)(f) if, after 5 years after the
572 person's conviction, such person has not again violated s.
573 796.07(2)(f) and has not committed any other offense within that
574 time that would constitute a sexual offense, including, but not
575 limited to, human trafficking or an offense that would require
576 registration as a sexual offender.

577 (b) The department may not remove a criminal history record
578 from the database if a person violates s. 796.07(2)(f) a second
579 or subsequent time.

580 (3) The database must include all of the following on each

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581 offender:

582 (a) His or her full legal name.

583 (b) His or her last known address.

584 (c) A color photograph of him or her.

585 (d) The offense for which he or she was convicted.

586 (4) The department shall adopt rules to administer this
587 section.

588 Section 6. Subsection (3) of section 943.0583, Florida
589 Statutes, is amended to read:

590 943.0583 Human trafficking victim expunction.—

591 (3) A person who is a victim of human trafficking may
592 petition for the expunction of a criminal history record
593 resulting from the arrest or filing of charges for an offense
594 committed or reported to have been committed while the person
595 was a victim of human trafficking, which offense was committed
596 or reported to have been committed as a part of the human
597 trafficking scheme of which the person was a victim or at the
598 direction of an operator of the scheme, including, but not
599 limited to, violations under chapters 796 and 847, without
600 regard to the disposition of the arrest or of any charges.
601 However, this section does not apply to any offense listed in s.
602 775.084(1)(b)1., except for kidnapping. Determination of the
603 petition under this section should be by a preponderance of the
604 evidence. A conviction expunged under this section is deemed to
605 have been vacated due to a substantive defect in the underlying
606 criminal proceedings. If a person is adjudicated not guilty by
607 reason of insanity or is found to be incompetent to stand trial
608 for any such charge, the expunction of the criminal history
609 record may not prevent the entry of the judgment or finding in

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610 state and national databases for use in determining eligibility
611 to purchase or possess a firearm or to carry a concealed
612 firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.
613 922(t), nor shall it prevent any governmental agency that is
614 authorized by state or federal law to determine eligibility to
615 purchase or possess a firearm or to carry a concealed firearm
616 from accessing or using the record of the judgment or finding in
617 the course of such agency's official duties.

618 Section 7. Section 943.17297, Florida Statutes, is created
619 to read:

620 943.17297 Training in identifying and investigating human
621 trafficking.—Each certified law enforcement officer must
622 successfully complete four hours of training on identifying and
623 investigating human trafficking as a part of the basic recruit
624 training of the officer required in s. 943.13(9) or continuing
625 education under s. 943.135(1) before July 1, 2022. The training
626 must be developed by the commission in consultation with the
627 Department of Children and Families and the Statewide Council on
628 Human Trafficking. If an officer fails to complete the required
629 training, his or her certification shall be inactive until the
630 employing agency notifies the commission that the officer has
631 completed the training.

632 Section 8. Except as otherwise expressly provided in this
633 act, this act shall take effect July 1, 2019.