

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  
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; creating s. 943.17297, F.S.; requiring  
 54 each certified law enforcement officer to successfully  
 55 complete training on identifying and investigating  
 56 human trafficking before a certain date; requiring  
 57 that the training be developed in consultation with  
 58 specified entities; specifying that an officer's  
 59 certification shall be inactive if he or she fails to  
 60 complete the required training until the employing  
 61 agency notifies the Criminal Justice Standards and  
 62 Training Commission that the officer has completed the  
 63 training; providing appropriations; providing an  
 64 effective date.

65

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

67

68 Section 1. Section 16.618, Florida Statutes, is created to  
 69 read:

70 16.618 Direct-support organization.—

71 (1) The Department of Legal Affairs shall establish a  
 72 direct-support organization to provide assistance, funding, and  
 73 support to the Statewide Council on Human Trafficking and to  
 74 assist in the fulfillment of the council's purposes. The direct-  
 75 support organization must be:

76 (a) A Florida corporation, not for profit, incorporated  
 77 under chapter 617, and approved by the Secretary of State.

78 (b) Organized and operated exclusively to solicit funds;  
 79 request and receive grants, gifts, and bequests of money;  
 80 acquire, receive, hold, invest, and administer, in its own name,  
 81 property and funds; and make expenditures in support of the  
 82 purposes specified in this section.

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

86 (2) The direct-support organization shall operate under a  
 87 written contract with the department that must provide for all  
 88 of the following:

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

91 (b) Submission of an annual budget for approval by the  
 92 department.

93 (c) Annual certification by the department that the  
 94 direct-support organization is complying with the terms of the  
 95 contract and is operating in a manner consistent with the  
 96 purposes of the organization and in the best interests of this  
 97 state.

98 (d) Reversion to the Florida Council Against Sexual  
 99 Violence of moneys and property held in trust by the direct-  
 100 support organization if the direct-support organization is no

101 longer approved to operate or if it ceases to exist.

102 (e) Disclosure of the material provisions of the contract  
 103 and the distinction between the board of directors and the  
 104 direct-support organization to donors of gifts, contributions,  
 105 or bequests, which disclosures must be included in all  
 106 promotional and fundraising publications.

107 (f) An annual financial audit in accordance with s.  
 108 215.981.

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

112 (h) Appointment of the board of directors, pursuant to  
 113 this section.

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

116 (3) The board of directors of the direct-support  
 117 organization shall consist of seven members. Each member of the  
 118 board of directors shall be appointed to a 4-year term; however,  
 119 for the purpose of providing staggered terms, the appointee of  
 120 the President of the Senate and the appointee of the Speaker of  
 121 the House of Representatives shall each initially be appointed  
 122 to a 2-year term, and the Attorney General shall initially  
 123 appoint two members to serve 2-year terms. All subsequent  
 124 appointments shall be for 4-year terms. Any vacancy that occurs  
 125 must be filled in the same manner as the original appointment

126 and is for the unexpired term of that seat. The board of  
127 directors shall be appointed as follows:

128 (a) Four members appointed by the Attorney General, one of  
129 whom must be a survivor of human trafficking and one of whom  
130 must be a mental health expert.

131 (b) One member appointed by the Governor.

132 (c) One member appointed by the President of the Senate.

133 (d) One member appointed by the Speaker of the House of  
134 Representatives.

135 (4) In conjunction with the Statewide Council on Human  
136 Trafficking, and funded exclusively by the direct-support  
137 organization, the direct-support organization shall form  
138 strategic partnerships to foster the development of community  
139 and private sector resources to advance the goals of the  
140 council.

141 (5) The direct-support organization shall consider the  
142 participation of counties and municipalities in this state which  
143 demonstrate a willingness to participate and an ability to be  
144 successful in any programs funded by the direct-support  
145 organization.

146 (6) (a) The department may authorize the appropriate use  
147 without charge, of the department's property, facilities, and  
148 personnel by the direct-support organization. The use must be  
149 for the approved purposes of the direct-support organization and  
150 may not be made at times or places that would unreasonably

151 interfere with opportunities for the general public to use  
152 departmental facilities.

153 (b) The department shall prescribe by agreement conditions  
154 with which the direct-support organization must comply in order  
155 to use department property, facilities, or personnel. Such  
156 conditions must provide for budget and audit review and  
157 oversight by the department.

158 (c) The department may not authorize the use of property,  
159 facilities, or personnel of the council, department, or  
160 designated program by the direct-support organization which does  
161 not provide equal employment opportunities to all persons  
162 regardless of race, color, religion, sex, age, or national  
163 origin.

164 (7) (a) The direct-support organization may conduct  
165 programs and activities; raise funds; request and receive  
166 grants, gifts, and bequests of money; acquire, receive, hold,  
167 invest, and administer, in its own name, securities, funds,  
168 objects of value, or other property, real or personal; and make  
169 expenditures to or for the direct or indirect benefit of the  
170 council or designated program.

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

176 (8) A departmental employee, a direct-support organization  
 177 or council employee, volunteer, director, or a designated  
 178 program may not:

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

181 (b) Be a business associate of any individual, firm, or  
 182 organization involved in the sale or the exchange of real or  
 183 personal property to the direct-support organization, the  
 184 council, or a designated program.

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

189 (10) The department may terminate its agreement with the  
 190 direct-support organization at any time if the department  
 191 determines that the direct-support organization does not meet  
 192 the objectives of this section.

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

195 Section 2. Subsection (13) of section 480.043, Florida  
 196 Statutes, is renumbered as subsection (14), and a new subsection  
 197 (13) is added to that section, to read:

198 480.043 Massage establishments; requisites; licensure;  
 199 inspection; human trafficking awareness training and policies;  
 200 enforcement.-



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

202 1. Provide training regarding human trafficking awareness  
203 to massage therapists and employees of the establishment who  
204 ordinarily interact with guests. Such training must be provided  
205 to such massage therapists and employees within 6 months after  
206 their employment in that role, or by January 1, 2021, whichever  
207 occurs later. Proof of such employee training must be provided  
208 to the board upon request.

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

212 3. By January 1, 2021, post in a conspicuous place in the  
213 establishment which is accessible to employees a sign with the  
214 relevant provisions of the reporting procedure provided for in  
215 subparagraph 2.

216 (b) The human trafficking awareness training required  
217 under subparagraph (a)1. must be submitted to and approved by  
218 the department before the training is provided to employees and  
219 must include the following:

220 1. The definition of human trafficking and the difference  
221 between sex trafficking and labor trafficking.

222 2. Guidance specific to the massage establishment sector  
223 concerning how to identify individuals who may be victims of  
224 human trafficking.

225 3. Guidance concerning the role of the employees of a

226 message establishment in reporting and responding to suspected  
 227 human trafficking.

228 (c) The board must take disciplinary action against a  
 229 message establishment that violates this section.

230 (d) This section does not establish a private cause of  
 231 action. A message establishment is not liable for any harm  
 232 resulting from the failure of an employee to prevent, detect, or  
 233 report suspected human trafficking if the message establishment  
 234 was in compliance with the requirements of this section at the  
 235 time of such harm.

236 Section 3. Section 509.096, Florida Statutes, is created  
 237 to read:

238 509.096 Human trafficking awareness training and policies  
 239 for employees of public lodging establishment; penalties.-

240 (1) A public lodging establishment shall:

241 (a) Provide training regarding human trafficking awareness  
 242 to employees of the establishment who perform housekeeping  
 243 duties in the rental units or who work at the front desk or  
 244 reception area where guests ordinarily check-in or check-out.  
 245 Such training must be provided to such employees within 6 months  
 246 after their employment in that role, or by January 1, 2021,  
 247 whichever occurs later. Proof of such employee training must be  
 248 provided to the division upon request.

249 (b) By January 1, 2021, implement a procedure for the  
 250 reporting of suspected human trafficking to the National Human

251 Trafficking Hotline or to a local law enforcement agency.

252 (c) By January 1, 2021, post in a conspicuous place in the  
253 establishment which is accessible to employees a sign with the  
254 relevant provisions of the reporting procedure provided for in  
255 paragraph (b).

256 (2) The human trafficking awareness training required  
257 under paragraph (1) (a) must be submitted to and approved by the  
258 division before the training is provided to employees and must  
259 include all of the following:

260 (a) The definition of human trafficking and the difference  
261 between sex trafficking and labor trafficking.

262 (b) Guidance specific to the public lodging sector  
263 concerning how to identify individuals who may be victims of  
264 human trafficking.

265 (c) Guidance concerning the role of the employees of a  
266 public lodging establishment in reporting and responding to  
267 suspected human trafficking.

268 (3) Pursuant to s. 509.261, the division must take  
269 disciplinary action against a public lodging establishment that  
270 violates this section.

271 (4) This section does not establish a private cause of  
272 action. A public lodging establishment is not liable for any  
273 harm resulting from the failure of an employee to prevent,  
274 detect, or report suspected human trafficking if the public  
275 lodging establishment was in compliance with the requirements of

276 this section at the time of such harm.

277 Section 4. Section 943.17297, Florida Statutes, is created  
278 to read:

279 943.17297 Training in identifying and investigating human  
280 trafficking.—Each certified law enforcement officer must  
281 successfully complete 4 hours of training on identifying and  
282 investigating human trafficking as a part of the basic recruit  
283 training of the officer required in s. 943.13(9) or continuing  
284 education under s. 943.135(1) before July 1, 2022. The training  
285 must be developed by the commission in consultation with the  
286 Department of Children and Families and the Statewide Council on  
287 Human Trafficking. If an officer fails to complete the required  
288 training, his or her certification shall be inactive until the  
289 employing agency notifies the commission that the officer has  
290 completed the training.

291 Section 5. For the 2019-2020 fiscal year, the sums of  
292 \$213,659 in recurring funds and \$11,598 in nonrecurring funds  
293 from the General Revenue Fund are appropriated to the Department  
294 of Legal Affairs, and the nonrecurring sum of \$19,910 from the  
295 General Revenue Fund is appropriated to the Department of Law  
296 Enforcement for the purpose of implementing ss. 16.618 and  
297 943.17297, Florida Statutes.

298 Section 6. This act shall take effect July 1, 2019.