

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; creating s. 456.0341, F.S.; providing for
33 | instruction on human trafficking; requiring specified
34 | licensees or certificate holders to complete a certain
35 | continuing education course by a specified date;
36 | providing course requirements; requiring specified
37 | licensees or certificate holders to post a human
38 | trafficking public awareness sign in their place of
39 | work by a specified date; providing requirements;
40 | amending s. 480.033, F.S.; providing definitions;
41 | amending s. 480.043, F.S.; conforming provisions to
42 | changes made by the act; providing for suspension of
43 | an establishment license under specified
44 | circumstances; requiring a massage establishment to
45 | implement a procedure for reporting suspected human
46 | trafficking to certain entities and to post a sign
47 | with such reporting procedure in a conspicuous place
48 | by a specified date; providing an exception; amending
49 | s. 480.046, F.S.; conforming provisions to changes
50 | made by the act; revising grounds for disciplinary

51 action by the board; creating s. 943.17297, F.S.;
52 requiring the Department of Law Enforcement to
53 establish a continued employment training component
54 relating to human trafficking; providing requirements;
55 providing that the training component may count
56 towards the required instruction for continued
57 employment or appointment as an officer; requiring an
58 officer to complete the training component within a
59 specified time period; amending s. 450.045, F.S.;
60 penalizing the failure to verify and maintain
61 specified documentation of an adult theater employee
62 or contractor; amending s. 796.07, F.S.; requiring a
63 mandatory minimum term of incarceration for a
64 solicitation of prostitution, lewdness, or assignation
65 conviction; authorizing a judicial circuit to offer an
66 educational program to a person convicted of
67 soliciting prostitution, lewdness, or assignation;
68 providing topics for the educational program; amending
69 s. 847.001, F.S.; expanding the definition of the term
70 "adult theater"; providing appropriations; providing
71 an effective date.

72
73 Be It Enacted by the Legislature of the State of Florida:

74
75 Section 1. Section 16.618, Florida Statutes, is created to

76 read:

77 16.618 Direct-support organization.—

78 (1) The Department of Legal Affairs shall establish a
79 direct-support organization to provide assistance, funding, and
80 support to the Statewide Council on Human Trafficking and to
81 assist in the fulfillment of the council's purposes. The direct-
82 support organization must be:

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

85 (b) Organized and operated exclusively to solicit funds;
86 request and receive grants, gifts, and bequests of money;
87 acquire, receive, hold, invest, and administer, in its own name,
88 property and funds; and make expenditures in support of the
89 purposes specified in this section.

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

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

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

98 (b) Submission of an annual budget for approval by the
99 department.

100 (c) Annual certification by the department that the

101 direct-support organization is complying with the terms of the
102 contract and is operating in a manner consistent with the
103 purposes of the organization and in the best interests of this
104 state.

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

109 (e) Disclosure of the material provisions of the contract
110 and the distinction between the board of directors and the
111 direct-support organization to donors of gifts, contributions,
112 or bequests, which disclosures must be included in all
113 promotional and fundraising publications.

114 (f) An annual financial audit in accordance with s.
115 215.981.

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

119 (h) Appointment of the board of directors, pursuant to
120 this section.

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

123 (3) The board of directors of the direct-support
124 organization shall consist of seven members. Each member of the
125 board of directors shall be appointed to a 4-year term; however,

126 for the purpose of providing staggered terms, the appointee of
127 the President of the Senate and the appointee of the Speaker of
128 the House of Representatives shall each initially be appointed
129 to a 2-year term, and the Attorney General shall initially
130 appoint two members to serve 2-year terms. All subsequent
131 appointments shall be for 4-year terms. Any vacancy that occurs
132 must be filled in the same manner as the original appointment
133 and is for the unexpired term of that seat. The board of
134 directors shall be appointed as follows:

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

138 (b) One member appointed by the Governor.

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

140 (d) One member appointed by the Speaker of the House of
141 Representatives.

142 (4) In conjunction with the Statewide Council on Human
143 Trafficking, and funded exclusively by the direct-support
144 organization, the direct-support organization shall form
145 strategic partnerships to foster the development of community
146 and private sector resources to advance the goals of the
147 council.

148 (5) The direct-support organization shall consider the
149 participation of counties and municipalities in this state which
150 demonstrate a willingness to participate and an ability to be

151 successful in any programs funded by the direct-support
152 organization.

153 (6) (a) The department may authorize the appropriate use
154 without charge, of the department's property, facilities, and
155 personnel by the direct-support organization. The use must be
156 for the approved purposes of the direct-support organization and
157 may not be made at times or places that would unreasonably
158 interfere with opportunities for the general public to use
159 departmental facilities.

160 (b) The department shall prescribe by agreement conditions
161 with which the direct-support organization must comply in order
162 to use department property, facilities, or personnel. Such
163 conditions must provide for budget and audit review and
164 oversight by the department.

165 (c) The department may not authorize the use of property,
166 facilities, or personnel of the council, department, or
167 designated program by the direct-support organization which does
168 not provide equal employment opportunities to all persons
169 regardless of race, color, religion, sex, age, or national
170 origin.

171 (7) (a) The direct-support organization may conduct
172 programs and activities; raise funds; request and receive
173 grants, gifts, and bequests of money; acquire, receive, hold,
174 invest, and administer, in its own name, securities, funds,
175 objects of value, or other property, real or personal; and make

176 expenditures to or for the direct or indirect benefit of the
177 council or designated program.

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

183 (8) A departmental employee, a direct-support organization
184 or council employee, volunteer, director, or a designated
185 program may not:

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

188 (b) Be a business associate of any individual, firm, or
189 organization involved in the sale or the exchange of real or
190 personal property to the direct-support organization, the
191 council, or a designated program.

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

196 (10) The department may terminate its agreement with the
197 direct-support organization at any time if the department
198 determines that the direct-support organization does not meet
199 the objectives of this section.

200 (11) This section is repealed October 1, 2024, unless

201 reviewed and saved from repeal by the Legislature.

202 Section 2. Section 456.0341, Florida Statutes, is created
203 to read:

204 456.0341 Requirements for instruction on human
205 trafficking.—The requirements of this section apply to each
206 person licensed or certified under chapter 457; chapter 458;
207 chapter 459; chapter 460; chapter 461; chapter 463; chapter 465;
208 chapter 466; part II, part III, part V, or part X of chapter
209 468; chapter 480; or chapter 486.

210 (1) By January 1, 2021, each licensee or certificate
211 holder shall complete a board-approved, or department-approved
212 if there is no board, 1-hour continuing education course on
213 human trafficking. The course must address both sex trafficking
214 and labor trafficking, how to identify individuals who may be
215 victims of human trafficking, how to report cases of human
216 trafficking, and resources available to victims.

217 (2) Each licensing board that requires a licensee or
218 certificate holder to complete a course pursuant to this section
219 must include the hour required for completion in the total hours
220 of continuing education required by law for such profession.

221 (3) By January 1, 2020, the licensees or certificate
222 holders shall post in their place of work, in a conspicuous
223 place accessible to employees and to the public, a sign at least
224 11 inches by 15 inches in size, printed in a clearly legible
225 font and in at least a 32-point type, which substantially states

226 in English and Spanish:

227
 228 "If you or someone you know is being forced to engage in an
 229 activity and cannot leave, whether it is prostitution,
 230 housework, farm work, factory work, retail work, restaurant
 231 work, or any other activity, call the National Human Trafficking
 232 Resource Center at 888-373-7888 or text INFO or HELP to 233-733
 233 to access help and services. Victims of slavery and human
 234 trafficking are protected under United States and Florida law."

235 Section 3. Subsections (10) and (11) are added to section
 236 480.033, Florida Statutes, to read:

237 480.033 Definitions.—As used in this act:

238 (10) "Establishment owner" means a person who has
 239 ownership interest in a massage establishment. The term includes
 240 an individual who holds a massage establishment license, a
 241 general partner of a partnership, an owner or officer of a
 242 corporation, and a member of a limited liability company and its
 243 subsidiaries who holds a massage establishment license.

244 (11) "Designated establishment manager" means a massage
 245 therapist who holds a clear and active license without
 246 restriction, who is responsible for the operation of a massage
 247 establishment in accordance with the provisions of this chapter,
 248 and who is designated the manager by the rules or practices at
 249 the establishment.

250 Section 4. Subsection (13) of section 480.043, Florida

251 Statutes, is renumbered as subsection (15) and amended,
252 subsections (2) and (8), paragraph (a) of subsection (9), and
253 subsection (12) are amended, and new subsections (13) and (14)
254 are added to that section, to read:

255 480.043 Massage establishments; requisites; licensure;
256 inspection; human trafficking awareness training and policies.-

257 (2) An establishment owner ~~A person who has an ownership~~
258 ~~interest in an establishment~~ shall comply with ~~submit to~~ the
259 background screening requirements under s. 456.0135. However, if
260 a corporation submits proof of having more than \$250,000 of
261 business assets in this state, the department shall require the
262 establishment owner, the designated establishment manager,
263 ~~officer, or~~ and each individual directly involved in the
264 management of the establishment to comply with ~~submit to~~ the
265 background screening requirements under ~~of~~ s. 456.0135. The
266 board ~~department~~ may adopt rules regarding the type of proof
267 that may be submitted by a corporation.

268 (8) The department shall deny an application for a new or
269 renewal license if an establishment owner or a designated
270 establishment manager ~~a person with an ownership interest in the~~
271 ~~establishment~~ or, for a corporation that has more than \$250,000
272 of business assets in this state, an ~~the~~ establishment owner or
273 a designated establishment manager, ~~officer, or individual~~
274 ~~directly involved in the management of the establishment~~ has
275 been convicted ~~or found guilty of~~, or entered a plea of guilty

276 or nolo contendere to any misdemeanor or felony crime,
277 regardless of adjudication, related to prostitution or related
278 acts as described in s. 796.07 ~~a violation of s. 796.07(2)(a)~~
279 ~~which is reclassified under s. 796.07(7)~~ or a felony offense
280 under any of the following provisions of state law or a similar
281 provision in another jurisdiction:

- 282 (a) Section 787.01, relating to kidnapping.
- 283 (b) Section 787.02, relating to false imprisonment.
- 284 (c) Section 787.025, relating to luring or enticing a
285 child.
- 286 (d) Section 787.06, relating to human trafficking.
- 287 (e) Section 787.07, relating to human smuggling.
- 288 (f) Section 794.011, relating to sexual battery.
- 289 (g) Section 794.08, relating to female genital mutilation.
- 290 (h) Former s. 796.03, relating to procuring a person under
291 the age of 18 for prostitution.
- 292 (i) Former s. 796.035, relating to selling or buying of
293 minors into prostitution.
- 294 (j) Section 796.04, relating to forcing, compelling, or
295 coercing another to become a prostitute.
- 296 (k) Section 796.05, relating to deriving support from the
297 proceeds of prostitution.
- 298 ~~(l) Section 796.07(4)(a)3., relating to a felony of the~~
299 ~~third degree for a third or subsequent violation of s. 796.07,~~
300 ~~relating to prohibiting prostitution and related acts.~~

301 (l)~~(m)~~ Section 800.04, relating to lewd or lascivious
 302 offenses committed upon or in the presence of persons less than
 303 16 years of age.

304 (m)~~(n)~~ Section 825.1025(2) (b), relating to lewd or
 305 lascivious offenses committed upon or in the presence of an
 306 elderly or disabled person.

307 (n)~~(o)~~ Section 827.071, relating to sexual performance by
 308 a child.

309 (o)~~(p)~~ Section 847.0133, relating to the protection of
 310 minors.

311 (p)~~(q)~~ Section 847.0135, relating to computer pornography.

312 (q)~~(r)~~ Section 847.0138, relating to the transmission of
 313 material harmful to minors to a minor by electronic device or
 314 equipment.

315 (r)~~(s)~~ Section 847.0145, relating to the selling or buying
 316 of minors.

317 (9) (a) ~~Once issued, no license for operation of A massage~~
 318 establishment license issued to an individual, a partnership, a
 319 corporation, a limited liability company, or another entity may
 320 not be transferred from the licensee ~~one owner~~ to another
 321 individual, partnership, corporation, limited liability company,
 322 or another entity.

323 (12) As a condition of licensure, a massage establishment
 324 must have a designated establishment manager. The designated
 325 establishment manager is responsible for complying with all

326 requirements related to operating the establishment in this
327 section and shall practice at the establishment for which he or
328 she has been designated. Within 10 days after termination of a
329 designated establishment manager, the establishment owner must
330 notify the department of the identity of another designated
331 establishment manager. Failure to have a designated
332 establishment manager practicing at the location of the
333 establishment shall result in summary suspension of the
334 establishment license as described in s. 456.073(8) or s.
335 120.60(6). An establishment licensed before July 1, 2019, must
336 identify a designated establishment manager by January 1, 2020 ~~A~~
337 ~~person with an ownership interest in or, for a corporation that~~
338 ~~has more than \$250,000 of business assets in this state, the~~
339 ~~owner, officer, or individual directly involved in the~~
340 ~~management of an establishment that was issued a license before~~
341 ~~July 1, 2014, shall submit to the background screening~~
342 ~~requirements of s. 456.0135 before January 31, 2015.~~

343 (13) By January 1, 2020, a massage establishment shall
344 implement a procedure for reporting suspected human trafficking
345 to the National Human Trafficking Hotline or to a local law
346 enforcement agency and shall post in a conspicuous place in the
347 establishment which is accessible to employees, customers, and
348 the public a sign with the relevant provisions of the reporting
349 procedure.

350 (14) Except for the requirements of subsection (13), this

351 section does not apply to a physician licensed under chapter
 352 457, chapter 458, chapter 459, or chapter 460 who employs a
 353 licensed massage therapist to perform massage on the physician's
 354 patients at the physician's place of practice. This subsection
 355 does not restrict investigations by the department for
 356 violations of chapter 456 or this chapter.

357 Section 5. Subsection (4) of section 480.046, Florida
 358 Statutes, is renumbered as subsection (6), subsection (3) is
 359 amended, and new subsections (4) and (5) are added to that
 360 section, to read:

361 480.046 Grounds for disciplinary action by the board.—

362 (3) The board may ~~shall have the power to~~ revoke or
 363 suspend the license of a massage establishment licensed under
 364 this act, or to deny subsequent licensure of such an
 365 establishment, if any ~~in either~~ of the following occurs ~~eases~~:

366 (a) The ~~Upon proof that~~ a license has been obtained by
 367 fraud or misrepresentation.

368 (b) Upon proof that the holder of a license is guilty of
 369 fraud or deceit or of gross negligence, incompetency, or
 370 misconduct in the operation of a massage ~~the~~ establishment ~~so~~
 371 ~~licensed~~.

372 (c) The establishment owner, the designated establishment
 373 manager, or any individuals providing massage therapy services
 374 for the establishment have had the entry in any jurisdiction of:

375 1. A final order or other disciplinary action taken for

376 sexual misconduct involving prostitution;

377 2. A final order or other disciplinary action taken for
378 crimes related to the practice of massage therapy involving
379 prostitution; or

380 3. A conviction or a plea of guilty or nolo contendere to
381 any misdemeanor or felony crime, regardless of adjudication,
382 related to prostitution or related acts as described in s.
383 796.07.

384 (4) The establishment owner who has been the subject of
385 disciplinary action under subsection (3) may not reapply for an
386 establishment license and may not transfer such license pursuant
387 to s. 480.043.

388 (5) A designated establishment manager who has been the
389 subject of disciplinary action under section (3) may not reapply
390 for a license.

391 Section 6. Section 943.17297, Florida Statutes, is created
392 to read:

393 943.17297 Continued employment training relating to
394 identifying and investigating human trafficking.—The department
395 shall establish a continued employment training component
396 relating to identifying and investigating human trafficking. The
397 training component must begin by July 1, 2020. Completion of the
398 training component may count toward the 40 hours of required
399 instruction for continued employment or appointment as a law
400 enforcement officer under s. 943.135. A law enforcement officer

401 must complete the training component within his or her first 2
402 years of service.

403 Section 7. Paragraph (d) is added to subsection (3) of
404 section 450.045, Florida Statutes, and paragraphs (a), (b), and
405 (c) of that subsection are republished, to read:

406 450.045 Proof of identity and age; posting of notices.—

407 (3) (a) In order to provide the department and law
408 enforcement agencies the means to more effectively identify,
409 investigate, and arrest persons engaging in human trafficking,
410 an adult theater, as defined in s. 847.001(2) (b), shall obtain
411 proof of the identity and age of each of its employees or
412 independent contractors, and shall verify the validity of the
413 identification and age verification document with the issuer,
414 before his or her employment or provision of services as an
415 independent contractor.

416 (b) The adult theater shall obtain and keep on record a
417 photocopy of the person's driver license or state or federal
418 government-issued photo identification card, along with a record
419 of the verification of the validity of the identification and
420 age verification document with the issuer, during the entire
421 period of employment or business relationship with the
422 independent contractor and for at least 3 years after the
423 employee or independent contractor ceases employment or the
424 provision of services.

425 (c) The department and its agents have the authority to

426 enter during operating hours, unannounced and without prior
427 notice, and inspect at any time a place or establishment covered
428 by this subsection and to have access to age verification
429 documents kept on file by the adult theater and such other
430 records as may aid in the enforcement of this subsection.

431 (d) A person who owns, operates, or manages an adult
432 theater in violation of the requirements of this subsection
433 commits a misdemeanor in the first degree, punishable as
434 provided in s. 775.082 or s. 775.083.

435 Section 8. Subsection (5) of section 796.07, Florida
436 Statutes, is amended, subsection (7) is added to that section,
437 and paragraph (f) of subsection (2) of that section is
438 republished, to read:

439 796.07 Prohibiting prostitution and related acts.—

440 (2) It is unlawful:

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

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

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

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

448 3. A felony of the second degree for a third or subsequent
449 violation, punishable as provided in s. 775.082, s. 775.083, or
450 s. 775.084.

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

- 454 1. Perform 100 hours of community service; ~~and~~
- 455 2. Pay for and attend an educational program as described
 456 in subsection (7) ~~about the negative effects of prostitution and~~
 457 ~~human trafficking, such as a sexual violence prevention~~
 458 ~~education program, including such programs offered by faith-~~
 459 ~~based providers, if such a program exists~~ programs exist in the
 460 judicial circuit in which the offender is sentenced; and
- 461 3. Serve a minimum of:
 - 462 a. Five days in county jail for a first violation.
 - 463 b. Fifteen days in county jail for a second or subsequent
 464 violation.

465 ~~(c) In addition to any other penalty imposed, the court~~
 466 ~~shall sentence a person convicted of a second or subsequent~~
 467 ~~violation of paragraph (2) (f) to a minimum mandatory period of~~
 468 ~~incarceration of 10 days.~~

469 ~~(c)~~(d)1. If a person who violates paragraph (2) (f) uses a
 470 vehicle in the course of the violation, the judge, upon the
 471 person's conviction, may issue an order for the impoundment or
 472 immobilization of the vehicle for a period of up to 60 days. The
 473 order of impoundment or immobilization must include the names
 474 and telephone numbers of all immobilization agencies meeting all
 475 of the conditions of s. 316.193(13). Within 7 business days

476 after the date that the court issues the order of impoundment or
477 immobilization, the clerk of the court must send notice by
478 certified mail, return receipt requested, to the registered
479 owner of the vehicle, if the registered owner is a person other
480 than the defendant, and to each person of record claiming a lien
481 against the vehicle.

482 2. The owner of the vehicle may request the court to
483 dismiss the order. The court must dismiss the order, and the
484 owner of the vehicle will incur no costs, if the owner of the
485 vehicle alleges and the court finds to be true any of the
486 following:

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

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

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

493 d. The vehicle is owned by the defendant but is operated
494 solely by employees of the defendant or employees of a business
495 owned by the defendant.

496 3. If the court denies the request to dismiss the order,
497 the petitioner may request an evidentiary hearing. If, at the
498 evidentiary hearing, the court finds to be true any of the
499 circumstances described in sub-subparagraphs (d)2.a.-d., the
500 court must dismiss the order and the owner of the vehicle will

501 incur no costs.

502 (7) A judicial circuit may establish an educational
 503 program for persons convicted of or charged with a violation of
 504 paragraph (2) (f), to include education on:

505 (a) The relationship between demand for commercial sex and
 506 human trafficking.

507 (b) The impact of human trafficking on victims.

508 (c) Coercion, consent, and sexual violence.

509 (d) The health and legal consequences of commercial sex.

510 (e) The negative impact of commercial sex on prostituted
 511 persons and the community.

512 (f) The reasons and motivations for engaging in
 513 prostitution.

514
 515 An educational program under this subsection may include a
 516 program offered by a faith-based provider.

517 Section 9. Paragraph (b) of subsection (2) of section
 518 847.001, Florida Statutes, is amended to read:

519 847.001 Definitions.—As used in this chapter, the term:

520 (2) "Adult entertainment establishment" means the
 521 following terms as defined:

522 (b) "Adult theater" means an enclosed building or an
 523 enclosed space within a building used for presenting either
 524 films, live plays, dances, or other performances that are
 525 distinguished or characterized by an emphasis on matter

526 depicting, describing, or relating to specific sexual activities
527 for observation by patrons, and which restricts or purports to
528 restrict admission only to adults, or any business that features
529 a person who engages in specific sexual activities for
530 observation by a patron, and which restricts or purports to
531 restrict admission to only adults.

532 Section 10. For the 2019-2020 fiscal year, the sums of
533 \$213,659 in recurring funds and \$11,598 in nonrecurring funds
534 from the General Revenue Fund are appropriated to the Department
535 of Legal Affairs, and the nonrecurring sum of \$19,910 from the
536 General Revenue Fund is appropriated to the Department of Law
537 Enforcement for the purpose of implementing ss. 16.618 and
538 943.17297, Florida Statutes.

539 Section 11. This act shall take effect July 1, 2019.