

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/CS/HB 851 — Human Trafficking

by Judiciary Committee; Appropriations Committee; Criminal Justice Subcommittee; and Rep. Fitzenhagen and others (CS/CS/SB 540 by Community Affairs Committee; Criminal Justice Committee; and Senators Book, Berman, and Rader)

The bill establishes a number of requirements related to human trafficking. Specifically, the bill:

- Requires the Department of Legal Affairs (DLA) to establish a direct-support organization (DSO) tasked with providing assistance, funding, and support to the Statewide Council on Human Trafficking;
- Requires the licensee or certificate holder of the following healthcare establishments to complete a 1-hour continuing education course on human trafficking:
 - Acupuncture (ch. 457, F.S.);
 - Medical practice (ch. 458, F.S.);
 - Osteopathic medicine (ch. 459, F.S.);
 - Chiropractic medicine (ch. 460, F.S.);
 - Podiatric medicine (ch. 461, F.S.);
 - Optometry (ch. 463, F.S.);
 - Pharmacy (ch. 465, F.S.);
 - Dentistry, dental hygiene, and dental laboratories (ch. 466, F.S.);
 - Nursing home administration (ch. 468, part II, F.S.);
 - Occupational therapy (ch. 468, part III, F.S.);
 - Respiratory therapy (ch. 468, part V, F.S.);
 - Dietetics and nutrition practice (ch. 468, part X, F.S.);
 - Massage practice (ch. 480, F.S.); and
 - Physical therapy practice (ch. 486, F.S.);
- Requires certain entities, by January 1, 2021, to post in their place of work, in a conspicuous place accessible to employees, a sign that instructs a person to call the National Human Trafficking Resource Center if there is suspected prostitution or human trafficking activity;
- Defines “establishment owner” as a person who has ownership interest in a massage establishment and “designated establishment manager” as a massage therapist who holds a clear and active license without restriction, who is responsible for the operation of a massage establishment in accordance with ch. 480, F.S., and who is designated the manager by rules or practices at the establishment;
- Requires a massage establishment to have a designated establishment manager in order to obtain licensure and requires a massage establishment that is licensed before July 1, 2019, to identify a designated establishment manager by January 1, 2020, or be subject to a summary suspension;
- Requires the Board of Massage Therapy to revoke or suspend the license of a massage establishment or deny subsequent licensure to such an establishment if the establishment owner, the designated establishment manager, or any individual providing massage

therapy service for the establishment has been subjected to criminal punishment for committing an act involving prostitution;

- Requires massage and public lodging establishments to implement procedures for reporting suspected human trafficking to the National Human Trafficking Hotline by January 1, 2021;
- Requires a public lodging establishment to provide annual training regarding human trafficking awareness to certain employees by January 1, 2021, or within 60 days after a new employee begins employment;
- Creates the Soliciting for Prostitution Public Database and requires the clerk of the court to forward the criminal history record of a person who is found guilty as a result of a trial or who enters a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, of soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation, provided there is evidence that such person provided a form of payment or arranged for the payment of such services, to the Florida Department of Law Enforcement for inclusion in the database;
- Provides for the automatic removal of the criminal history record of a person from the database if, after 5 years following the commission of an offense that required such record to be included in the database, such person has not subsequently committed a violation that meets such criteria or any other offense within that time that would constitute a sexual offense;
- Requires the Office of Program Policy Analysis and Government Accountability to perform a study on the effectiveness of the database and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2023, that provides a recommendation as to any change needed to the database or if it should be repealed;
- Provides that the database is repealed January 1, 2024, unless reviewed and saved from repeal by reenactment by the Legislature;
- Requires each certified law enforcement officer to complete 4 hours of training in identifying and investigating human trafficking within 1 year after beginning employment;
- Expands the definition of an adult theater and provides that an owner, operator, or manager of an adult theater who knowingly violates the law relating to verifying the age and identity of each of its employees or independent contractors commits a first degree misdemeanor; and
- Allocates \$250,000 in nonrecurring funds to the DLA for the purposes of implementing and administering the DSO created by the bill.

If approved by the Governor, these provisions take effect July 1, 2019, except where otherwise provided.

Vote: Senate 36-0; House 108-1