

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Fiscal Policy

SB 7064 — Human Trafficking

by Fiscal Policy Committee

The bill establishes a new civil cause of action for a victim of human trafficking. The victim may recover damages and costs against an adult theatre, or its owner, operator, or manager who knowingly allows the human trafficking victim to work, perform, or dance at the adult theatre. In broad, general terms, an adult theatre is an enclosure or business used for presenting performances characterized by sexual activities for observation by its patrons, and which purports to limit admission to adults.

To comply with the statute of limitations, a lawsuit must be brought in circuit court within the same time period that is required for intentional torts based on abuse or sexual battery offenses on victims younger than 16 years. A victim who prevails in the lawsuit may recover economic and noneconomic damages, punitive damages, reasonable attorney fees, and costs.

If an adult theatre “knowingly” fails to obtain and maintain certain age verification documents of its employees and independent contractors, as required by the child labor laws contained in ch. 450, F.S., the current violation is a first degree misdemeanor. Under the bill, that penalty is increased to a third degree felony and the requirement that the violation be done “knowingly” is removed.

The bill amends the educational program penalties that must be imposed upon someone who is convicted of soliciting or enticing another to commit prostitution. In addition to other penalties, the offender must pay for and attend an educational program established by a judicial circuit that teaches the relationship between the demand for commercial sex and human trafficking and its impact on victims, if the program exists in the judicial circuit.

Under existing law, the real or personal property of a person convicted of a human trafficking offense which was used to facilitate human trafficking may be seized and forfeited to a seizing entity. The bill provides that the proceeds of the sale of forfeited property be allocated to pay restitution to the human trafficking victim or victims in the criminal case for which the owner was convicted before any funds may be retained by the seizing government entity for its own use.

The bill requires each certified law enforcement officer to complete 4 hours of training in identifying and investigating human trafficking as part of the basic recruit training or the additional required training.

Finally, the bill establishes the state’s unified Statewide Data Repository for Anonymous Human Trafficking Data at the University of South Florida Trafficking in Persons - Risk to Resilience Lab. The human trafficking data, which must be submitted by law enforcement agencies and other entities, will be used to aid in combatting human trafficking, prosecuting those engaged in human trafficking, and assisting victims of human trafficking.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 40-0; House 116-0