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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/RE/2R

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05/02/2019 02:04 PM

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Senator Book moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

16.618 Direct-support organization.—

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



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12 support organization must be:

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

15 (b) Organized and operated exclusively to solicit funds;
16 request and receive grants, gifts, and bequests of money;
17 acquire, receive, hold, invest, and administer, in its own name,
18 property and funds; and make expenditures in support of the
19 purposes specified in this section; and

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

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

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

28 (b) Submission of an annual budget for approval by the
29 department.

30 (c) Annual certification by the department that the direct-
31 support organization is complying with the terms of the contract
32 and is operating in a manner consistent with the purposes of the
33 organization and in the best interests of this state.

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

38 (e) Disclosure of the material provisions of the contract
39 and the distinction between the board of directors and the
40 direct-support organization to donors of gifts, contributions,



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41 or bequests, which disclosures must be included in all
42 promotional and fundraising publications.

43 (f) An annual financial audit in accordance with s.
44 215.981.

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

48 (h) Appointment of the board of directors, pursuant to this
49 section.

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

52 (3) The board of directors of the direct-support
53 organization shall consist of 13 members. Each member of the
54 board of directors shall be appointed to a 4-year term; however,
55 for the purpose of providing staggered terms, the appointees of
56 the President of the Senate and the appointees of the Speaker of
57 the House of Representatives shall each initially be appointed
58 to 2-year terms, and the Attorney General shall initially
59 appoint 2 members to serve 2-year terms. All subsequent
60 appointments shall be for 4-year terms. Any vacancy that occurs
61 must be filled in the same manner as the original appointment
62 and is for the unexpired term of that seat. The board of
63 directors shall be appointed as follows:

64 (a) Two members appointed by the executive director of the
65 Department of Law Enforcement, both of whom must have law
66 enforcement backgrounds with experience and knowledge in the
67 area of human trafficking.

68 (b) Three members appointed by the Attorney General, one of
69 whom must be a survivor of human trafficking and one of whom



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70 must be a mental health expert.

71 (c) Four members appointed by the President of the Senate.

72 (d) Four members appointed by the Speaker of the House of
73 Representatives.

74 (4) (a) The direct-support organization shall contract with
75 the Florida Forensic Institute for Research, Security, and
76 Tactics to develop the training and information as required by
77 this subsection.

78 1. The contract with the institute must provide that the
79 direct-support organization may terminate the contract if the
80 institute fails to meet its obligations under this subsection.

81 2. If the institute ceases to exist, or if the contract
82 between the direct-support organization and the institute is
83 terminated, the department shall contract with another
84 organization in order to develop the training and information as
85 required by this subsection.

86 (b) Recognizing that this state hosts large-scale events,
87 including sporting events, concerts, and cultural events, which
88 generate significant tourism to this state, produce significant
89 economic revenue, and often are conduits for human trafficking,
90 the institute must develop training that is ready for statewide
91 dissemination by not later than October 1, 2019.

92 1. Training must focus on detecting human trafficking, best
93 practices for reporting human trafficking, and the interventions
94 and treatment for survivors of human trafficking.

95 2. In developing the training, the institute shall consult
96 with law enforcement agencies, survivors of human trafficking,
97 industry representatives, tourism representatives, and other
98 interested parties. The institute also must conduct research to



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99 determine the reduction in recidivism attributable to the
100 education of the harms of human trafficking for first-time
101 offenders.

102 (c) The institute shall serve as a repository of
103 information on human trafficking and training materials and
104 resources to recognize and prevent human trafficking.

105 (d) The human trafficking task force in each circuit,
106 pursuant to s. 409.1754(4), shall coordinate on an ongoing basis
107 with the institute, at least every 6 months, to update training
108 and information on best practices to combat human trafficking.

109 (e) Sheriffs' offices and local law enforcement agencies
110 may coordinate with the institute to receive updated training
111 and information on best practices.

112 (5) In conjunction with the Statewide Council on Human
113 Trafficking, and funded exclusively by the direct-support
114 organization, the direct-support organization shall form
115 strategic partnerships to foster the development of community
116 and private sector resources to advance the goals of the
117 council.

118 (6) The direct-support organization shall consider the
119 participation of counties and municipalities in this state which
120 demonstrate a willingness to participate and an ability to be
121 successful in any programs funded by the direct-support
122 organization.

123 (7) (a) The department may authorize the appropriate use
124 without charge, of the department's property, facilities, and
125 personnel by the direct-support organization. The use must be
126 for the approved purposes of the direct-support organization and
127 may not be made at times or places that would unreasonably



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128 interfere with opportunities for the general public to use
129 departmental facilities.

130 (b) The department shall prescribe by agreement conditions
131 with which the direct-support organization must comply in order
132 to use department property, facilities, or personnel. Such
133 conditions must provide for budget and audit review and
134 oversight by the department.

135 (c) The department may not authorize the use of property,
136 facilities, or personnel of the council, department, or
137 designated program by the direct-support organization which does
138 not provide equal employment opportunities to all persons
139 regardless of race, color, religion, sex, age, or national
140 origin.

141 (8) (a) The direct-support organization may conduct programs
142 and activities; raise funds; request and receive grants, gifts,
143 and bequests of money; acquire, receive, hold, invest, and
144 administer, in its own name, securities, funds, objects of
145 value, or other property, real or personal; and make
146 expenditures to or for the direct or indirect benefit of the
147 council or designated program.

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

153 (9) A departmental employee, a direct-support organization
154 or council employee, a volunteer, or a director or a designated
155 program may not:

156 (a) Receive a commission, fee, or financial benefit in



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157 connection with serving on the council; or

158 (b) Be a business associate of any individual, firm, or
159 organization involved in the sale or the exchange of real or
160 personal property to the direct-support organization, the
161 council, or a designated program.

162 (10) All moneys received by the direct-support organization
163 shall be deposited into an account of the direct-support
164 organization and shall be used in a manner consistent with the
165 goals of the council or designated program.

166 (11) The department may terminate its agreement with the
167 direct-support organization at any time if the department
168 determines that the direct-support organization does not meet
169 the objectives of this section.

170 (12) This section is repealed October 1, 2024, unless
171 reviewed and saved from repeal by the Legislature.

172 Section 2. Section 456.0341, Florida Statutes, is created
173 to read:

174 456.0341 Requirements for instruction on human
175 trafficking.—The requirements of this section apply to each
176 person licensed or certified under chapter 457; chapter 458;
177 chapter 459; chapter 460; chapter 461; chapter 463; part I of
178 chapter 464; chapter 465; chapter 466; part II, part III, part
179 V, or part X of chapter 468; chapter 477; chapter 480; or
180 chapter 486.

181 (1) By January 1, 2021, the appropriate board shall require
182 each licensee or certificateholder to complete a continuing
183 education course that addresses human trafficking awareness and
184 is approved by the board and supported by a national anti-human
185 trafficking awareness organization.



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186 (2) The course must be provided within the current
187 requirement for continuing education hours, rather than in
188 addition to the current requirement. The course must include all
189 of the following:

190 (a) The definition of human trafficking and the difference
191 between the two forms of human trafficking, sex trafficking and
192 labor trafficking.

193 (b) Guidance specific to the respective health care
194 professions on how to identify individuals who may be victims of
195 human trafficking.

196 (c) Guidance concerning the role of health care
197 professionals in reporting and responding to suspected human
198 trafficking.

199 (d) The course must consist of estimates of information on
200 the number of clients in that professional practice who are
201 likely to be the victims of human trafficking and instruction on
202 how to provide such clients with information on how to obtain
203 available resources and assistance.

204 (3) By January 1, 2020, the licensees or certificateholders
205 subject to this section shall post in their workplace, in a
206 conspicuous location that is accessible to employees and to the
207 public, a human trafficking public awareness sign at least 11
208 inches by 15 inches in size, printed in an easily legible font
209 and in at least 32-point type, which states in English and
210 Spanish and any other language predominantly spoken in that area
211 which the board deems appropriate substantially the following:

212
213 "If you or someone you know is being forced to engage in an
214 activity and cannot leave, whether it is prostitution,



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215 housework, farm work, factory work, retail work, restaurant
216 work, or any other activity, call the National Human Trafficking
217 Resource Center at 888-373-7888 or text INFO or HELP to 233-733
218 to access help and services. Victims of slavery and human
219 trafficking are protected under United States and Florida law."

220 Section 3. Subsections (10) and (11) are added to section
221 480.033, Florida Statutes, to read:

222 480.033 Definitions.—As used in this act:

223 (10) "Establishment owner" means a person who has ownership
224 interest in a massage establishment. The term includes an
225 individual who holds a massage establishment license, a general
226 partner of a partnership, an owner or officer of a corporation,
227 and a member of a limited liability company and its subsidiaries
228 who holds a massage establishment license.

229 (11) "Designated establishment manager" means a massage
230 therapist who holds a clear and active license without
231 restriction, who is responsible for the operation of a massage
232 establishment in accordance with the provisions of this chapter,
233 and who is designated the manager by the rules or practices at
234 the establishment.

235 Section 4. Section 480.043, Florida Statutes, is amended to
236 read:

237 480.043 Massage establishments; requisites; licensure;
238 inspection; human trafficking awareness training and policies;
239 continuing education requirement.—

240 (1) A ~~No~~ massage establishment may not shall be allowed to
241 operate without a license granted by the department in
242 accordance with rules adopted by the board.

243 (2) Establishment owners ~~A person who has an ownership~~



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244 ~~interest in an establishment~~ shall submit to the background
245 screening requirements under s. 456.0135. However, if a
246 corporation submits proof of having more than \$250,000 of
247 business assets in this state, the department shall require the
248 owner and the designated establishment manager to comply with
249 the background screening requirements under s. 456.0135,
250 ~~officer, or individual directly involved in the management of~~
251 ~~the establishment to submit to the background screening~~
252 ~~requirements of s. 456.0135.~~ The board ~~department~~ may adopt
253 rules regarding the type of proof that may be submitted by a
254 corporation.

255 (3) The board shall adopt rules governing the operation of
256 establishments and their facilities, personnel, safety and
257 sanitary requirements, financial responsibility, insurance
258 coverage, and the license application and granting process.

259 (4) Any person, firm, or corporation desiring to operate a
260 massage establishment in the state shall submit to the
261 department an application, upon forms provided by the
262 department, accompanied by any information requested by the
263 department and an application fee.

264 (5) Upon receiving the application, the department may
265 cause an investigation to be made of the proposed massage
266 establishment.

267 (6) If, based upon the application and any necessary
268 investigation, the department determines that the proposed
269 establishment would fail to meet the standards adopted by the
270 board under subsection (3), the department shall deny the
271 application for license. Such denial shall be in writing and
272 shall list the reasons for denial. Upon correction of any



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273 deficiencies, an applicant previously denied permission to
274 operate a massage establishment may reapply for licensure.

275 (7) If, based upon the application and any necessary
276 investigation, the department determines that the proposed
277 massage establishment may reasonably be expected to meet the
278 standards adopted by the department under subsection (3), the
279 department shall grant the license under such restrictions as it
280 shall deem proper as soon as the original licensing fee is paid.

281 (8) The department shall deny an application for a new or
282 renewal license if ~~a person with an ownership interest in the~~
283 ~~establishment~~ an establishment owner or a designated
284 establishment manager, as those terms are defined in s. 480.033,
285 or, for a corporation that has more than \$250,000 of business
286 assets in this state, an the owner or a designated establishment
287 manager, ~~officer, or individual directly involved in the~~
288 ~~management of the establishment~~ has been convicted ~~or found~~
289 ~~guilty~~ of, or entered a plea of guilty or nolo contendere to,
290 regardless of adjudication, a violation of s. 796.07(2)(a) which
291 is reclassified under s. 796.07(7) or a felony offense under any
292 of the following provisions of state law or a similar provision
293 in another jurisdiction:

- 294 (a) Section 787.01, relating to kidnapping.
- 295 (b) Section 787.02, relating to false imprisonment.
- 296 (c) Section 787.025, relating to luring or enticing a
297 child.
- 298 (d) Section 787.06, relating to human trafficking.
- 299 (e) Section 787.07, relating to human smuggling.
- 300 (f) Section 794.011, relating to sexual battery.
- 301 (g) Section 794.08, relating to female genital mutilation.



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

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

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

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

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

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

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

319 (o) Section 827.071, relating to sexual performance by a
320 child.

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

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

323 (r) Section 847.0138, relating to the transmission of
324 material harmful to minors to a minor by electronic device or
325 equipment.

326 (s) Section 847.0145, relating to the selling or buying of
327 minors.

328 (9) (a) Once issued, ~~no license for operation of a massage~~
329 establishment license issued to an individual, a partnership, a
330 corporation, a limited liability company, or another entity may



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331 not be transferred from the licensee ~~one owner~~ to another
332 individual, partnership, corporation, limited liability company,
333 or another entity.

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

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

341 (10) Renewal of license registration for massage
342 establishments shall be accomplished pursuant to rules adopted
343 by the board. The board is further authorized to adopt rules
344 governing delinquent renewal of licenses and may impose penalty
345 fees for delinquent renewal.

346 (11) The board is authorized to adopt rules governing the
347 periodic inspection of massage establishments licensed under
348 this act.

349 (12) As a requirement of licensure, a massage establishment
350 must have a designated establishment manager. The designated
351 establishment manager is responsible for complying with all
352 requirements related to operating the establishment in
353 compliance with this section and shall practice at the
354 establishment for which he or she has been designated. Within 10
355 days after termination of a designated establishment manager,
356 the establishment owner must notify the department of the
357 identity of another designated establishment manager. Failure to
358 have a designated establishment manager practicing at the
359 location of the establishment shall result in summary suspension



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360 of the establishment license as described in s. 456.073(8) or s.
361 120.60(6). An establishment licensed before July 1, 2019, must
362 identify a designated establishment manager by January 1, 2020 A
363 ~~person with an ownership interest in or, for a corporation that~~
364 ~~has more than \$250,000 of business assets in this state, the~~
365 ~~owner, officer, or individual directly involved in the~~
366 ~~management of an establishment that was issued a license before~~
367 ~~July 1, 2014, shall submit to the background screening~~
368 ~~requirements of s. 456.0135 before January 31, 2015.~~

369 (13) By January 1, 2020, a massage establishment shall
370 implement a procedure for reporting suspected human trafficking
371 to the National Human Trafficking Hotline or to a local law
372 enforcement agency and shall post in a conspicuous location in
373 the establishment which is accessible to employees, customers,
374 and the public a human trafficking public awareness sign at
375 least 11 inches by 15 inches in size, printed in an easily
376 legible font and in at least 32-point type, which states in
377 English and Spanish and any other language predominantly spoken
378 in that area which the department deems appropriate
379 substantially the following:

380
381 "If you or someone you know is being forced to engage in an
382 activity and cannot leave, whether it is prostitution,
383 housework, farm work, factory work, retail work, restaurant
384 work, or any other activity, call the National Human Trafficking
385 Resource Center at 888-373-7888 or text INFO or HELP to 233-733
386 to access help and services. Victims of slavery and human
387 trafficking are protected under United States and Florida law."

388 (14) An establishment owner and a designated establishment



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389 manager, as those terms are defined in s. 480.033, shall
390 complete continuing education related to laws, rules, ethics,
391 and human trafficking as determined by the board as a condition
392 of licensure renewal.

393 (15)-(13) Except as provided in subsection (13), this
394 section does not apply to a physician licensed under chapter
395 458, chapter 459, or chapter 460 who employs a licensed massage
396 therapist to perform massage on the physician's patients at the
397 physician's place of practice. This subsection does not restrict
398 investigations by the department for violations of chapter 456
399 or this chapter.

400 Section 5. Present subsection (4) of section 480.046,
401 Florida Statutes, is redesignated as subsection (6), new
402 subsections (4) and (5) are added to that section, and
403 subsection (3) of that section is amended, to read:

404 480.046 Grounds for disciplinary action by the board.—

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

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

411 (b) The establishment owner or designated establishment
412 manager is convicted of, or enters a plea of guilty or nolo
413 contendere to, regardless of adjudication, ~~Upon proof that the~~
414 ~~holder of a license is guilty of~~ fraud or deceit or of gross
415 negligence, incompetency, or misconduct in the operation of a
416 massage ~~the establishment so licensed.~~

417 (c) Within the last 10 years, the establishment owner, the



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418 designated establishment manager, or any individuals providing
419 massage therapy services for the establishment have had:

420 1. The entry in any jurisdiction of a final order or other
421 disciplinary action taken for sexual misconduct involving
422 prostitution;

423 2. The entry in any jurisdiction of a final order or other
424 disciplinary action taken for crimes related to the practice of
425 massage therapy involving prostitution; or

426 3. The entry in any jurisdiction of a plea of guilty or
427 nolo contendere to any misdemeanor or felony crime, regardless
428 of adjudication, related to prostitution or related acts as
429 described in s. 796.07.

430 (4) The owner of an establishment who has been the subject
431 of disciplinary action under subsection (3) may not reapply for
432 an establishment license and may not transfer such license
433 pursuant to s. 480.043.

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

437 Section 6. Section 509.096, Florida Statutes, is created to
438 read:

439 509.096 Human trafficking awareness training and policies
440 for employees of public lodging establishments; enforcement.-

441 (1) A public lodging establishment shall:

442 (a) Provide annual training regarding human trafficking
443 awareness to employees of the establishment who perform
444 housekeeping duties in the rental units or who work at the front
445 desk or reception area where guests ordinarily check in or check
446 out. Such training must also be provided for new employees



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447 within 30 days after they begin their employment in that role,
448 or by January 1, 2020, whichever occurs later. Each employee
449 must submit to the hiring establishment a signed and dated
450 acknowledgment of having received the training, which the
451 establishment must provide to the Department of Business and
452 Professional Regulation upon request.

453 (b) By January 1, 2020, implement a procedure for the
454 reporting of suspected human trafficking to the National Human
455 Trafficking Hotline or to a local law enforcement agency.

456 (c) By January 1, 2020, post in a conspicuous location in
457 the establishment which is accessible to employees a human
458 trafficking public awareness sign at least 11 inches by 15
459 inches in size, printed in an easily legible font and in at
460 least 32-point type, which states in English and Spanish and any
461 other language predominantly spoken in that area which the
462 department deems appropriate substantially the following:

463
464 "If you or someone you know is being forced to engage in an
465 activity and cannot leave, whether it is prostitution,
466 housework, farm work, factory work, retail work, restaurant
467 work, or any other activity, call the National Human Trafficking
468 Resource Center at 888-373-7888 or text INFO or HELP to 233-733
469 to access help and services. Victims of slavery and human
470 trafficking are protected under United States and Florida law."

471 (2) The human trafficking awareness training required under
472 paragraph (1) (a) must be submitted to and approved by the
473 Department of Business and Professional Regulation before the
474 training is provided to employees and must include all of the
475 following:



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476 (a) The definition of human trafficking and the difference
477 between the two forms of human trafficking: sex trafficking and
478 labor trafficking.

479 (b) Guidance specific to the public lodging sector
480 concerning how to identify individuals who may be victims of
481 human trafficking.

482 (c) Guidance concerning the role of the employees of a
483 public lodging establishment in reporting and responding to
484 suspected human trafficking.

485 (3) The division shall impose an administrative fine of
486 \$2,000 per day on a public lodging establishment that is not in
487 compliance with this section and remit the fines to the direct
488 support organization established under s. 16.618, unless the
489 division receives adequate written documentation from the public
490 lodging establishment which provides assurance that each
491 deficiency will be corrected within 90 days after the division
492 provided the public lodging establishment with notice of its
493 violation.

494 (4) This section does not establish a private cause of
495 action. This section does not alter or limit any other existing
496 remedies available to survivors of human trafficking.

497 Section 7. Effective October 1, 2019, subsection (5) of
498 section 796.07, Florida Statutes, is amended, and subsection (2)
499 of that section is republished, to read:

500 796.07 Prohibiting prostitution and related acts.—

501 (2) It is unlawful:

502 (a) To own, establish, maintain, or operate any place,
503 structure, building, or conveyance for the purpose of lewdness,
504 assignation, or prostitution.



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505 (b) To offer, or to offer or agree to secure, another for
506 the purpose of prostitution or for any other lewd or indecent
507 act.

508 (c) To receive, or to offer or agree to receive, any person
509 into any place, structure, building, or conveyance for the
510 purpose of prostitution, lewdness, or assignation, or to permit
511 any person to remain there for such purpose.

512 (d) To direct, take, or transport, or to offer or agree to
513 direct, take, or transport, any person to any place, structure,
514 or building, or to any other person, with knowledge or
515 reasonable cause to believe that the purpose of such directing,
516 taking, or transporting is prostitution, lewdness, or
517 assignation.

518 (e) For a person 18 years of age or older to offer to
519 commit, or to commit, or to engage in, prostitution, lewdness,
520 or assignation.

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

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

526 (h) To aid, abet, or participate in any of the acts or
527 things enumerated in this subsection.

528 (i) To purchase the services of any person engaged in
529 prostitution.

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

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

533 2. A felony of the third degree for a second violation,



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534 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

535 3. A felony of the second degree for a third or subsequent
536 violation, punishable as provided in s. 775.082, s. 775.083, or
537 s. 775.084.

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

541 1. Perform 100 hours of community service; and

542 2. Pay for and attend an educational program about the
543 negative effects of prostitution and human trafficking, such as
544 a sexual violence prevention education program, including such
545 programs offered by faith-based providers, if such programs
546 exist in the judicial circuit in which the offender is
547 sentenced.

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

552 (d)1. If a person who violates paragraph (2) (f) uses a
553 vehicle in the course of the violation, the judge, upon the
554 person's conviction, may issue an order for the impoundment or
555 immobilization of the vehicle for a period of up to 60 days. The
556 order of impoundment or immobilization must include the names
557 and telephone numbers of all immobilization agencies meeting all
558 of the conditions of s. 316.193(13). Within 7 business days
559 after the date that the court issues the order of impoundment or
560 immobilization, the clerk of the court must send notice by
561 certified mail, return receipt requested, to the registered
562 owner of the vehicle, if the registered owner is a person other



563 than the defendant, and to each person of record claiming a lien
564 against the vehicle.

565 2. The owner of the vehicle may request the court to
566 dismiss the order. The court must dismiss the order, and the
567 owner of the vehicle will incur no costs, if the owner of the
568 vehicle alleges and the court finds to be true any of the
569 following:

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

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

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

576 d. The vehicle is owned by the defendant but is operated
577 solely by employees of the defendant or employees of a business
578 owned by the defendant.

579 3. If the court denies the request to dismiss the order,
580 the petitioner may request an evidentiary hearing. If, at the
581 evidentiary hearing, the court finds to be true any of the
582 circumstances described in sub-subparagraphs (d)2.a.-d., the
583 court must dismiss the order and the owner of the vehicle will
584 incur no costs.

585 (e) The Soliciting for Prostitution Public Database created
586 pursuant to s. 943.0433 must include the criminal history record
587 of a person who is found guilty as a result of a trial or who
588 enters a plea of guilty or nolo contendere, regardless of
589 whether adjudication is withheld, of paragraph (2) (f), and there
590 is evidence that such person provided a form of payment or
591 arranged for the payment of such services. Upon conviction, the



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592 clerk of the court shall forward the criminal history record of
593 the person to the Department of Law Enforcement, pursuant to s.
594 943.052(2), for inclusion in the database.

595 Section 8. Effective October 1, 2019, section 943.0433,
596 Florida Statutes, is created to read:

597 943.0433 Soliciting for Prostitution Public Database.—

598 (1) The department shall create and administer the
599 Soliciting for Prostitution Public Database. The clerk of the
600 court shall forward to the department the criminal history
601 record of a person in accordance with s. 796.07(5)(e), and the
602 department shall add the criminal history record to the
603 database.

604 (2)(a) The department shall automatically remove the
605 criminal history record of a person from the database if, after
606 5 years following the commission of an offense that meets the
607 criteria set forth in s. 796.07(5)(e), such person has not
608 subsequently committed a violation that meets such criteria or
609 any other offense within that time that would constitute a
610 sexual offense, including, but not limited to, human
611 trafficking, or an offense that would require registration as a
612 sexual offender.

613 (b) The department may not remove a criminal history record
614 from the database if a person commits a violation that meets the
615 criteria set forth in s. 796.07(5)(e) a second or subsequent
616 time.

617 (c) The department shall create policies and procedures
618 that allow a person whose conviction has been overturned or who
619 has received an expunction of a criminal history record for
620 which his or her record was placed on the database to petition



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621 the department for the removal of the petitioner's criminal
622 history record. The department, after receiving a completed
623 petition form with adequate documentation, must remove the
624 criminal history record from the database within 30 days after
625 receipt of such petition. The department shall create a form,
626 publish it online, and provide it upon request in paper form for
627 petitioners to complete.

628 (3) The database must include all of the following on each
629 offender:

630 (a) His or her full legal name.

631 (b) His or her last known address.

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

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

634 (4) The department shall adopt rules to administer this
635 section.

636 Section 9. Subsection (3) of section 943.0583, Florida
637 Statutes, is amended to read:

638 943.0583 Human trafficking victim expunction.—

639 (3) A person who is a victim of human trafficking may
640 petition for the expunction of a criminal history record
641 resulting from the arrest or filing of charges for an offense
642 committed or reported to have been committed while the person
643 was a victim of human trafficking, which offense was committed
644 or reported to have been committed as a part of the human
645 trafficking scheme of which the person was a victim or at the
646 direction of an operator of the scheme, including, but not
647 limited to, violations under chapters 796 and 847, without
648 regard to the disposition of the arrest or of any charges.
649 However, this section does not apply to any offense listed in s.



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650 775.084(1)(b)1., except for kidnapping. Determination of the
651 petition under this section should be by a preponderance of the
652 evidence. A conviction expunged under this section is deemed to
653 have been vacated due to a substantive defect in the underlying
654 criminal proceedings. If a person is adjudicated not guilty by
655 reason of insanity or is found to be incompetent to stand trial
656 for any such charge, the expunction of the criminal history
657 record may not prevent the entry of the judgment or finding in
658 state and national databases for use in determining eligibility
659 to purchase or possess a firearm or to carry a concealed
660 firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.
661 922(t), nor shall it prevent any governmental agency that is
662 authorized by state or federal law to determine eligibility to
663 purchase or possess a firearm or to carry a concealed firearm
664 from accessing or using the record of the judgment or finding in
665 the course of such agency's official duties.

666 Section 10. Section 943.17297, Florida Statutes, is created
667 to read:

668 943.17297 Continuing employment training in identifying and
669 investigating human trafficking.—Within 1 year after beginning
670 employment, each certified law enforcement officer must
671 successfully complete 4 hours of training in identifying and
672 investigating human trafficking. Completion of the training
673 component may count toward the 40 hours of instruction for
674 continued employment or appointment as a law enforcement officer
675 required under s. 943.135. This training component must be
676 completed by current law enforcement officers by July 1, 2022.
677 The training must be developed by the commission in consultation
678 with the Department of Legal Affairs and the Statewide Council



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679 on Human Trafficking. If an officer fails to complete the
680 required training, his or her certification must be placed on
681 inactive status until the employing agency notifies the
682 commission that the officer has completed the training.

683 Section 11. For the 2019-2020 fiscal year, the sum of
684 \$250,000 in nonrecurring funds is appropriated from the General
685 Revenue Fund to the Department of Legal Affairs for the purposes
686 of implementing and administering the direct-support
687 organization created under s. 16.618, Florida Statutes, and for
688 developing training and information services with the Florida
689 Forensic Institute for Research, Security, and Tactics.

690 Section 12. Except as otherwise expressly provided in this
691 act, this act shall take effect July 1, 2019.

692
693 ===== T I T L E A M E N D M E N T =====

694 And the title is amended as follows:

695 Delete everything before the enacting clause
696 and insert:

697 A bill to be entitled
698 An act relating to human trafficking; creating s.
699 16.618, F.S.; requiring the Department of Legal
700 Affairs to establish a certain direct-support
701 organization for a specified purpose; providing
702 requirements for the direct-support organization;
703 requiring the direct-support organization to operate
704 under written contract with the department; providing
705 contractual requirements; providing for the membership
706 of and the appointment of directors to the board of
707 directors of the direct-support organization;



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708 requiring the direct-support organization to contract
709 to develop certain training and information with the
710 Florida Forensic Institute for Research, Security, and
711 Tactics or another organization under certain
712 circumstances; providing a contractual requirement;
713 requiring the institute to develop specified training
714 by a certain date; requiring the institute to serve as
715 a repository for certain information and training
716 materials and resources; requiring certain task forces
717 to coordinate with the institute on an ongoing,
718 periodic basis; authorizing certain law enforcement
719 offices and agencies to coordinate with the institute
720 to receive training and information; requiring the
721 direct-support organization, in conjunction with the
722 Statewide Council on Human Trafficking, to form
723 certain partnerships for specified purposes;
724 authorizing the department to allow appropriate use of
725 department property, facilities, and personnel by the
726 direct-support organization; providing requirements
727 and conditions for such use of department property,
728 facilities, and personnel by the direct-support
729 organization; authorizing the direct-support
730 organization to engage in certain activities for the
731 direct or indirect benefit of the council; prohibiting
732 certain persons and employees from receiving specified
733 benefits as they relate to the council or the direct-
734 support organization; providing for moneys received by
735 the direct-support organization; authorizing the
736 department to terminate its agreement with the direct-



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737 support organization if the department determines that
738 the direct-support organization does not meet
739 specified objectives; providing for future review and
740 repeal by the Legislature; creating s. 456.0341, F.S.;
741 providing applicability; requiring the appropriate
742 board to require persons licensed or certified under
743 certain provisions to complete a certain continuing
744 education course by a specified date; providing course
745 requirements; requiring certain licensees or
746 certificateholders to post in their places of work a
747 human trafficking public awareness sign by a specified
748 date; providing requirements for the sign; amending s.
749 480.033, F.S.; defining the terms "establishment
750 owner" and "designated establishment manager";
751 amending s. 480.043, F.S.; requiring establishment
752 owners, rather than persons with ownership interests
753 in the establishment, to submit to a certain
754 background screening; requiring, if a corporation has
755 more than a specified amount of business assets in
756 this state, the department to mandate that a
757 designated establishment manager, in addition to the
758 owner, comply with a certain background screening;
759 authorizing the Board of Massage Therapy, rather than
760 the Department of Health, to adopt certain rules;
761 revising the circumstances under which the department
762 must deny an application for a new or renewal license;
763 providing limitations of the transferability of
764 massage establishment licenses; requiring as part of
765 licensure that a massage establishment have a



766 designated establishment manager; providing
767 requirements for the designated establishment manager;
768 providing for summary suspension of the massage
769 establishment that fails to have a designated
770 establishment manager practicing at the massage
771 establishment; requiring certain establishments to
772 identify a designated establishment manager by a
773 specified date; requiring massage establishments to
774 implement a procedure for reporting suspected human
775 trafficking and to post in their places of work a
776 human trafficking public awareness sign by a specified
777 date; providing requirements for the sign; requiring
778 establishment owners and designated establishment
779 managers to complete certain continuing education as a
780 condition for licensure renewal; amending s. 480.046,
781 F.S.; revising the circumstances under which the board
782 must revoke or suspend the license of, or deny
783 subsequent licensure to, a massage establishment;
784 prohibiting the owners of certain establishments from
785 reapplying for an establishment license or from
786 transferring such license; providing applicability;
787 prohibiting a designated establishment manager from
788 reapplying for a license under certain circumstances;
789 creating s. 509.096, F.S.; requiring a public lodging
790 establishment to train certain employees and implement
791 a certain procedure relating to human trafficking by a
792 specified date; requiring each employee to submit a
793 signed and dated acknowledgement of having received
794 the training; requiring the public lodging



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795 establishment to provide a copy to the Department of
796 Business and Professional Regulation upon request;
797 requiring a public lodging establishment to post in
798 the establishment a human trafficking public awareness
799 sign by a specified date; providing requirements for
800 the sign; requiring that certain training be submitted
801 to and approved by the department; providing training
802 requirements; requiring the Division of Hotels and
803 Restaurants of the Department of Business and
804 Professional Regulation to impose an administrative
805 fine on a public lodging establishment for failure to
806 comply with certain requirements and to remit the
807 fines to a certain direct support organization;
808 providing an exception; providing that this section
809 does not establish a private cause of action against a
810 public lodging establishment and does not alter or
811 limit any existing remedies for survivors of human
812 trafficking; amending s. 796.07, F.S.; requiring that
813 the criminal history record of a person who is found
814 guilty of, or who enters a plea of guilty or nolo
815 contendere to, soliciting, inducing, enticing, or
816 procuring another to commit prostitution, lewdness, or
817 assignation and who provides or arranges payment for
818 such violations be added to the Soliciting for
819 Prostitution Public Database; requiring the clerk of
820 the court to forward the criminal history record of
821 such persons to the Department of Law Enforcement for
822 inclusion in the database; creating s. 943.0433, F.S.;

823 requiring the Department of Law Enforcement to create



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824 and administer the Soliciting for Prostitution Public
825 Database; requiring the department to add certain
826 criminal history records to the database; requiring
827 the department to automatically remove certain
828 criminal history records from the database under
829 certain circumstances; prohibiting the department from
830 removing certain criminal history records from the
831 database for second or subsequent violations of
832 specified provisions; requiring the department to
833 create policies and procedures that allow certain
834 persons to petition the department for the removal of
835 criminal history records from the database; requiring
836 the department to remove such a record within a
837 specified timeframe after receipt of the petition;
838 requiring the department to create a certain form, to
839 publish it online, and to provide the form in paper
840 form upon request; requiring the database to include
841 specified information on offenders; requiring the
842 department to adopt rules; amending s. 943.0583, F.S.;
843 creating an exception to a prohibition that bars
844 certain victims of human trafficking from petitioning
845 for the expunction of a criminal history record for
846 offenses committed while the person was a victim of
847 human trafficking as part of the human trafficking
848 scheme or at the direction of an operator of the
849 scheme; creating s. 943.17297, F.S.; requiring each
850 certified law enforcement officer to successfully
851 complete training on identifying and investigating
852 human trafficking within a certain timeframe;



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853 authorizing the completion of such training to count
854 toward a certain requirement; requiring that the
855 training be completed by a certain date; requiring
856 that the training be developed by the Criminal Justice
857 Standards and Training Commission in consultation with
858 specified entities; specifying that an officer's
859 certification must be placed on inactive status if he
860 or she fails to complete the required training until
861 the employing agency notifies the Criminal Justice
862 Standards and Training Commission that the officer has
863 completed the training; providing an appropriation;
864 providing effective dates.

865
866 WHEREAS, the state of Florida is ranked third nationally in
867 human trafficking abuses, and recognizing that the crime of
868 human trafficking is a gross violation of human rights, the
869 Legislature has taken measures to raise awareness of the
870 practices of human sex trafficking and of labor trafficking of
871 children and adults in this state, and

872 WHEREAS, the Legislature deems it critical to the health,
873 safety, and welfare of the people of this state to prevent and
874 deter human trafficking networks, and persons who would aid and
875 abet these networks, from operating in this state, and

876 WHEREAS, repeat offenses to aid and abet traffickers by way
877 of recruitment or financial support, and clients of human
878 trafficking networks who use physical violence, are a
879 particularly extreme threat to public safety, and

880 WHEREAS, repeat offenders are extremely likely to use
881 violence and to repeat their offenses, and to commit many



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882 offenses with many victims, many of whom are never given
883 justice, and these offenders are only prosecuted for a small
884 fraction of their crimes, and

885 WHEREAS, traffickers and clients of human trafficking
886 networks often use hotels, motels, public lodging
887 establishments, massage establishments, spas, or property rental
888 sharing sites to acquire facilities wherein men, women, and
889 children are coerced into performing sexual acts, which places
890 the employees of these establishments in direct and frequent
891 contact with victims of human trafficking, and

892 WHEREAS, this state is in critical need of a coordinated
893 and collaborative human trafficking law enforcement response to
894 prepare for future large-scale events taking place in this
895 state, and the Legislature finds that a statewide effort focused
896 on law enforcement training, detection, and enforcement, with
897 additional focus on the safe rehabilitation of survivors, will
898 address this critical need, and

899 WHEREAS, research from 2011 has demonstrated that a
900 majority of human traffickers' clients are not interviewed by
901 law enforcement, despite having extensive knowledge of the
902 traffickers and the traffickers' practices, and are even used as
903 recruiters for traffickers, and

904 WHEREAS, human traffickers' clients who were interviewed in
905 the same 2011 research stated that they would think twice about
906 purchasing sex from a victim of human trafficking if they were
907 named on a public database, and

908 WHEREAS, client and trafficker anonymity has allowed for
909 trafficking networks to continue in the shadows, and the
910 publication of client and trafficker identities would protect



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911 the public from potential harm and protect victims of
912 trafficking from future harm, and
913 WHEREAS, the demand for prostitution is a driving force
914 that fuels sex trafficking, and the Soliciting for Prostitution
915 Public Database will serve to identify those who contribute to
916 the demand for sex trafficking, thereby deterring the overall
917 perpetuation of human trafficking, NOW, THEREFORE,