COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER 

Committee/Subcommittee hearing bill: Criminal Justice
Subcommittee
Representative Fitzenhagen offered the following:

Amendment (with title amendment)
Remove 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-
support organization must be:
(a) A Florida corporation, not for profit, incorporated
under chapter 617, and approved by the Secretary of State;
(b) Organized and operated exclusively to solicit funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, property and funds; and make expenditures in support of the purposes specified in this section; and

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

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

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

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

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

(d) Reversion to the Florida Council Against Sexual Violence of moneys and property held in trust by the direct-support organization if the direct-support organization is no longer approved to operate or if it ceases to exist.
(e) Disclosure of the material provisions of the contract and the distinction between the board of directors and the direct-support organization to donors of gifts, contributions, or bequests, which disclosures must be included in all promotional and fundraising publications.

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

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

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

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

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

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

(b) One member appointed by the Governor.

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

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

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

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

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

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

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

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

(b) Notwithstanding s. 287.025(1)(e), the direct-support organization may enter into contracts to insure the property of the council or designated programs and may insure objects or collections on loan from other entities in satisfying security terms of the lender.
(8) A departmental employee, a direct-support organization or council employee, volunteer, director, or a designated program may not:

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

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

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

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

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

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

480.043 Massage establishments; requisites; licensure; inspection; human trafficking awareness training and policies; enforcement.-
(13)(a) A massage establishment shall:

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

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

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

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

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

2. Guidance specific to the massage establishment sector
concerning how to identify individuals who may be victims of
human trafficking.
3. Guidance concerning the role of the employees of a massage establishment in reporting and responding to suspected human trafficking.

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

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

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

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

(1) A public lodging establishment shall:

   (a) Provide training regarding human trafficking awareness to employees of the establishment who perform housekeeping duties in the rental units or who work at the front desk or reception area where guests ordinarily check-in or check-out. Such training must be provided to such employees within 6 months after their employment in that role, or by January 1, 2020, whichever occurs later. Proof of such employee training must be provided to the division upon request.
(b) By January 1, 2020, implement a procedure for the reporting of suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency.

(c) By January 1, 2020, post in a conspicuous place in the establishment which is accessible to employees a sign with the relevant provisions of the reporting procedure provided for in paragraph (b).

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

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

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

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

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

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

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

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

Section 5. This act shall take effect July 1, 2019.
direct-support organization; requiring the direct-support organization to operate under written contract with the department; providing contractual requirements; providing for the membership of and the appointment of directors to the board of directors of the direct-support organization; requiring the direct-support organization, in conjunction with the Statewide Council on Human Trafficking, to form certain partnerships for specified purposes; authorizing the department to allow appropriate use of department property, facilities, and personnel by the direct-support organization; providing requirements and conditions for such use of department property, facilities, and personnel by the direct-support organization; authorizing the direct-support organization to engage in certain activities for the direct or indirect benefit of the council; providing for moneys received by the direct-support organization; prohibiting certain persons and employees from receiving specified benefits as they relate to the council or the direct-support organization; authorizing the department to terminate its agreement with the direct-support organization if the department determines that the direct-support organization does not meet specified objectives; providing for future review and repeal by the Legislature; amending s. 480.043, F.S.; requiring a massage establishment to train certain employees and create certain policies relating to human trafficking by a specified date; providing requirements for such training;
requiring the Board of Massage Therapy to take disciplinary action against a massage establishment for failure to comply with such requirements; providing that this section does not establish a private cause of action against a massage establishment under certain circumstances; creating s. 509.096, F.S.; requiring a public lodging establishment to train certain employees and create certain policies relating to human trafficking by a specified date; providing requirements for such training; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to take disciplinary action against a public lodging establishment for failure to comply with such requirements; providing that this section does not establish a private cause of action against a public lodging establishment under certain circumstances; creating s. 943.17297, F.S.; requiring each certified law enforcement officer to successfully complete training on identifying and investigating human trafficking before a certain date; requiring that the training be developed in consultation with specified entities; specifying that an officer's certification shall be inactive if he or she fails to complete the required training until the employing agency notifies the Criminal Justice Standards and Training Commission that the officer has completed the training; providing an effective date.