A bill to be entitled
An act relating to human trafficking; creating s. 509.096, F.S.; requiring the owner or operator of a public lodging establishment to train certain employees and create certain policies relating to human trafficking by a specified date; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to impose fines on public lodging establishments for failure to comply with such requirements; creating s. 787.08, F.S.; requiring the Department of Children and Families, in consultation with the Department of Law Enforcement and the Attorney General, to establish a certain direct-support organization; providing requirements for the direct-support organization; requiring the direct-support organization to form strategic partnerships and to serve as a liaison with public and private sector partners in funding the provision of inpatient care to victims of human trafficking; requiring the direct-support organization to operate under a written contract with the Department of Children and Families; providing contractual requirements; providing for the membership of and the appointment of directors to the board of the direct-support organization; providing for future
review and repeal by the Legislature; amending s. 796.07, F.S.; requiring that the criminal history record of a person who is convicted of, or enters a plea of guilty or nolo contendere to, soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation be added to the Soliciting for Prostitution Registry; requiring the clerk of the court to forward the criminal history record of such persons to the Department of Law Enforcement for certain purposes; creating s. 943.0433, F.S.; requiring the Department of Law Enforcement to create and administer the Soliciting for Prostitution Registry; requiring the department to add certain criminal history records to the registry; requiring the department to adopt rules; amending s. 943.0583, F.S.; creating an exception to a prohibition that bars certain victims of human trafficking from petitioning for the expunction of a criminal history record for offenses committed while the person was a victim of human trafficking as part of the human trafficking scheme or at the direction of an operator of the scheme; 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.

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

Section 1. Section 509.096, Florida Statutes, is created
to read:

509.096 Human trafficking awareness training and policies
for employees of public lodging establishment; penalties.—

(1) An owner or operator of a public lodging establishment
shall do both of the following:

(a) Within 30 days after such employees are hired, or by
January 1, 2020, whichever occurs later, require managing
employees and employees of the establishment who are reasonably
expected to routinely interact with guests to complete an
educational program designed to effectively train them in the
identification, prevention, and reporting of suspected human
trafficking.

(b) By January 1, 2020, implement an effective employee
protocol or employee code of conduct to prevent, detect, and
report suspected human trafficking.

(2) The division shall impose an administrative fine of up to $1,000 per day on a public lodging establishment for the following violations:

(a) The administrative fine must be assessed up to the maximum amount per day for each employee of the public lodging establishment who does not meet the educational program requirements of this section.

(b) The administrative fine must be assessed up to the maximum amount per day for each day the public lodging establishment fails to comply with paragraph (1)(b).

Section 2. Section 787.08, Florida Statutes, is created to read:

787.08 Direct-support organization.—

(1) The Department of Children and Families, in consultation with the Department of Law Enforcement and the Attorney General, shall establish a direct-support organization that is:

(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.
(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 the state.

(2) The direct-support organization shall form strategic partnerships to foster the development of community and private sector resources and shall serve as a liaison with state agencies, other state governments, and the public and private sectors in funding the provision of inpatient care to victims of human trafficking in treatment centers throughout the state.

(3) The direct-support organization shall operate under written contract with the Department of Children and Families. The contract must provide for:

(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 operating in a manner consistent with the purposes of the organization and in the best interests of the state.

(d) Reversion to the Florida Council Against Sexual Violence of moneys and property held in trust by the direct-support organization to provide services for victims of sexual violence if the direct-support organization is no longer approved to operate or 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.

(4) The board of directors of the direct-support organization consists of 13 members. Each member of the board of directors must be appointed to a 4-year term; however, for the purpose of providing staggered terms, the Speaker of the House of Representatives and the President of the Senate shall each initially appoint two members to serve a 2-year term, and the executive director of the Department of Law Enforcement and the Attorney General shall each initially appoint one member to serve a 2-year term. All subsequent appointments must be for 4-year terms. Any vacancy that occurs must be filled in the same manner as the original appointment for the unexpired term of...
that seat. The board of directors is appointed as follows:

(a) Two members with a law enforcement background who have knowledge in the area of human trafficking, appointed by the executive director of the Department of Law Enforcement.

(b) Three members appointed by the Attorney General.

(c) Four members appointed by the Speaker of the House of Representatives.

(d) Four members appointed by the President of the Senate.

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

Section 3. Subsection (5) of section 796.07, Florida Statutes, is amended, and subsection (2) of that section is republished, to read:

796.07 Prohibiting prostitution and related acts.—

(2) It is unlawful:

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

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

(c) To receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose.
176 (d) To direct, take, or transport, or to offer or agree to
direct, take, or transport, any person to any place, structure,
or building, or to any other person, with knowledge or
reasonable cause to believe that the purpose of such directing,
taking, or transporting is prostitution, lewdness, or
assignation.
178 (e) For a person 18 years of age or older to offer to
commit, or to commit, or to engage in, prostitution, lewdness,
or assignation.
179 (f) To solicit, induce, entice, or procure another to
commit prostitution, lewdness, or assignation.
180 (g) To reside in, enter, or remain in, any place,
structure, or building, or to enter or remain in any conveyance,
for the purpose of prostitution, lewdness, or assignation.
181 (h) To aid, abet, or participate in any of the acts or
things enumerated in this subsection.
182 (i) To purchase the services of any person engaged in
prostitution.
183 (5)(a) A person who violates paragraph (2)(f) commits:
1. A misdemeanor of the first degree for a first
violation, punishable as provided in s. 775.082 or s. 775.083.
2. A felony of the third degree for a second violation,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
3. A felony of the second degree for a third or subsequent
violation, punishable as provided in s. 775.082, s. 775.083, or
s. 775.084.

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

1. Perform 100 hours of community service; and

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

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

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

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

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

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

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

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

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

   (e) The criminal history record of a person who violates paragraph (2)(f) and is found guilty as a result of a trial or
enters a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, must be added to the Soliciting for Prostitution Registry. Upon the person's conviction, the clerk of the court shall forward the criminal history record of the convicted person to the Department of Law Enforcement for inclusion in the Soliciting for Prostitution Registry.

Section 4. Section 943.0433, Florida Statutes, is created to read:

943.0433 Soliciting for Prostitution Registry.—
(1) The department shall create and administer the Soliciting for Prostitution Registry. The clerk of the court shall forward to the department the criminal history record of a person in accordance with s. 796.07(5)(e), and the department must add the criminal history record to the registry.

(2) The department shall adopt rules to administer this section.

Section 5. Subsection (3) of section 943.0583, Florida Statutes, is amended to read:

943.0583 Human trafficking victim expunction.—
(3) A person who is a victim of human trafficking may petition for the expunction of a criminal history record resulting from the arrest or filing of charges for an offense committed or reported to have been committed while the person was a victim of human trafficking, which offense was committed
or reported to have been committed as a part of the human trafficking scheme of which the person was a victim or at the direction of an operator of the scheme, including, but not limited to, violations under chapters 796 and 847, without regard to the disposition of the arrest or of any charges. However, this section does not apply to any offense listed in s. 775.084(1)(b)1., except for kidnapping. Determination of the petition under this section should be by a preponderance of the evidence. A conviction expunged under this section is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings. If a person is adjudicated not guilty by reason of insanity or is found to be incompetent to stand trial for any such charge, the expunction of the criminal history record may not prevent the entry of the judgment or finding in state and national databases for use in determining eligibility to purchase or possess a firearm or to carry a concealed firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it prevent any governmental agency that is authorized by state or federal law to determine eligibility to purchase or possess a firearm or to carry a concealed firearm from accessing or using the record of the judgment or finding in the course of such agency's official duties.

Section 6. 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 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 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 7. This act shall take effect July 1, 2019.