

1 A bill to be entitled
2 An act relating to human trafficking; creating s.
3 16.618, F.S.; requiring the Department of Legal
4 Affairs to establish a certain direct-support
5 organization; providing requirements for the direct-
6 support organization; requiring the direct-support
7 organization to operate under written contract with
8 the department; providing contractual requirements;
9 providing for the membership of and the appointment of
10 directors to the board of directors of the direct-
11 support organization; requiring the direct-support
12 organization, in conjunction with the Statewide
13 Council on Human Trafficking, to form certain
14 partnerships for specified purposes; authorizing the
15 department to allow appropriate use of department
16 property, facilities, and personnel by the direct-
17 support organization; providing requirements and
18 conditions for such use of department property,
19 facilities, and personnel by the direct-support
20 organization; authorizing the direct-support
21 organization to engage in certain activities for the
22 direct or indirect benefit of the council; providing
23 for moneys received by the direct-support
24 organization; prohibiting certain persons and
25 employees from receiving specified benefits as they

26 | relate to the council or the direct-support
27 | organization; authorizing the department to terminate
28 | its agreement with the direct-support organization if
29 | the department determines that the direct-support
30 | organization does not meet specified objectives;
31 | providing for future review and repeal by the
32 | Legislature; amending s. 480.043, F.S.; requiring a
33 | massage establishment to train certain employees and
34 | create certain policies relating to human trafficking
35 | by a specified date; providing requirements for such
36 | training; requiring the Board of Massage Therapy to
37 | take disciplinary action against a massage
38 | establishment for failure to comply with such
39 | requirements; providing that this section does not
40 | establish a private cause of action against a massage
41 | establishment under certain circumstances; creating s.
42 | 509.096, F.S.; requiring a public lodging
43 | establishment to train certain employees and create
44 | certain policies relating to human trafficking by a
45 | specified date; providing requirements for such
46 | training; requiring the Division of Hotels and
47 | Restaurants of the Department of Business and
48 | Professional Regulation to take disciplinary action
49 | against a public lodging establishment for failure to
50 | comply with such requirements; providing that this

51 section does not establish a private cause of action
 52 against a public lodging establishment under certain
 53 circumstances; creating s. 943.17297, F.S.; requiring
 54 each certified law enforcement officer to successfully
 55 complete training on identifying and investigating
 56 human trafficking before a certain date; requiring
 57 that the training be developed in consultation with
 58 specified entities; specifying that an officer's
 59 certification shall be inactive if he or she fails to
 60 complete the required training until the employing
 61 agency notifies the Criminal Justice Standards and
 62 Training Commission that the officer has completed the
 63 training; providing an effective date.

64

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

66

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

69 16.618 Direct-support organization.—

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

75 (a) A Florida corporation, not for profit, incorporated

76 | under chapter 617, and approved by the Secretary of State.

77 | (b) Organized and operated exclusively to solicit funds;
78 | request and receive grants, gifts, and bequests of money;
79 | acquire, receive, hold, invest, and administer, in its own name,
80 | property and funds; and make expenditures in support of the
81 | purposes specified in this section.

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

85 | (2) The direct-support organization shall operate under a
86 | written contract with the department that must provide for all
87 | of the following:

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

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

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

97 | (d) Reversion to the Florida Council Against Sexual
98 | Violence of moneys and property held in trust by the direct-
99 | support organization if the direct-support organization is no
100 | longer approved to operate or if it ceases to exist.

101 (e) Disclosure of the material provisions of the contract
102 and the distinction between the board of directors and the
103 direct-support organization to donors of gifts, contributions,
104 or bequests, which disclosures must be included in all
105 promotional and fundraising publications.

106 (f) An annual financial audit in accordance with s.
107 215.981.

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

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

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

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

126 directors shall be appointed as follows:

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

130 (b) One member appointed by the Governor.

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

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

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

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

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

151 departmental facilities.

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

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

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

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

175 (8) A departmental employee, a direct-support organization

176 | or council employee, volunteer, director, or a designated
 177 | program may not:

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

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

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

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

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

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

197 | 480.043 Massage establishments; requisites; licensure;
 198 | inspection; human trafficking awareness training and policies;
 199 | enforcement.-

200 | (13) (a) A massage establishment shall:

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

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

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

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

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

221 2. Guidance specific to the massage establishment sector
222 concerning how to identify individuals who may be victims of
223 human trafficking.

224 3. Guidance concerning the role of the employees of a
225 massage establishment in reporting and responding to suspected

226 human trafficking.

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

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

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

237 509.096 Human trafficking awareness training and policies
238 for employees of public lodging establishment; penalties.-

239 (1) A public lodging establishment shall:

240 (a) Provide training regarding human trafficking awareness
241 to employees of the establishment who perform housekeeping
242 duties in the rental units or who work at the front desk or
243 reception area where guests ordinarily check-in or check-out.
244 Such training must be provided to such employees within 6 months
245 after their employment in that role, or by January 1, 2021,
246 whichever occurs later. Proof of such employee training must be
247 provided to the division upon request.

248 (b) By January 1, 2021, implement a procedure for the
249 reporting of suspected human trafficking to the National Human
250 Trafficking Hotline or to a local law enforcement agency.

251 (c) By January 1, 2021, post in a conspicuous place in the
252 establishment which is accessible to employees a sign with the
253 relevant provisions of the reporting procedure provided for in
254 paragraph (b).

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

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

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

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

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

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

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

278 943.17297 Training in identifying and investigating human
279 trafficking.—Each certified law enforcement officer must
280 successfully complete 4 hours of training on identifying and
281 investigating human trafficking as a part of the basic recruit
282 training of the officer required in s. 943.13(9) or continuing
283 education under s. 943.135(1) before July 1, 2022. The training
284 must be developed by the commission in consultation with the
285 Department of Children and Families and the Statewide Council on
286 Human Trafficking. If an officer fails to complete the required
287 training, his or her certification shall be inactive until the
288 employing agency notifies the commission that the officer has
289 completed the training.

290 Section 5. This act shall take effect July 1, 2019.