

26 department determines that the direct-support organization
27 does not meet specified objectives; providing for future
28 review and repeal by the Legislature; creating s. 456.0341,
29 F.S.; providing for instruction on human trafficking;
30 requiring specified licensees or certificate holders to
31 complete a certain continuing education course by a
32 specified date; providing course requirements; requiring
33 specified licensees or certificate holders to post a human
34 trafficking public awareness sign in their place of work by
35 a specified date; providing requirements; amending s.
36 480.033, F.S.; providing definitions; amending s. 480.043,
37 F.S.; conforming provisions to changes made by the act;
38 providing for suspension of an establishment license under
39 specified circumstances; requiring a massage establishment
40 to implement a procedure for reporting suspected human
41 trafficking to certain entities and to post a sign with
42 such reporting procedure in a conspicuous place by a
43 specified date; providing an exception; amending s.
44 480.046, F.S.; conforming provisions to changes made by the
45 act; revising grounds for disciplinary action by the board;
46 creating s. 943.17297, F.S.; requiring the Department of
47 Law Enforcement to establish a continued employment
48 training component relating to human trafficking; providing
49 requirements; providing that the training component may
50 count towards the required instruction for continued

51 employment or appointment as an officer; requiring an
 52 officer to complete the training component within a
 53 specified time period; providing appropriations; providing
 54 an effective date.

55

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

57

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

60 16.618 Direct-support organization.-

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

66 (a) A Florida corporation, not for profit, incorporated
 67 under chapter 617, and approved by the Secretary of State.

68 (b) Organized and operated exclusively to solicit funds;
 69 request and receive grants, gifts, and bequests of money;
 70 acquire, receive, hold, invest, and administer, in its own name,
 71 property and funds; and make expenditures in support of the
 72 purposes specified in this section.

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

76 (2) The direct-support organization shall operate under a
77 written contract with the department that must provide for all
78 of the following:

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

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

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

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

92 (e) Disclosure of the material provisions of the contract
93 and the distinction between the board of directors and the
94 direct-support organization to donors of gifts, contributions,
95 or bequests, which disclosures must be included in all
96 promotional and fundraising publications.

97 (f) An annual financial audit in accordance with s.
98 215.981.

99 (g) Establishment of the fiscal year of the direct-support
100 organization as beginning on July 1 of each year and ending on

101 June 30 of the following year.

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

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

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

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

121 (b) One member appointed by the Governor.

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

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

125 (4) In conjunction with the Statewide Council on Human

126 Trafficking, and funded exclusively by the direct-support
127 organization, the direct-support organization shall form
128 strategic partnerships to foster the development of community
129 and private sector resources to advance the goals of the
130 council.

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

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

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

148 (c) The department may not authorize the use of property,
149 facilities, or personnel of the council, department, or
150 designated program by the direct-support organization which does

151 not provide equal employment opportunities to all persons
152 regardless of race, color, religion, sex, age, or national
153 origin.

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

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

166 (8) A departmental employee, a direct-support organization
167 or council employee, volunteer, director, or a designated
168 program may not:

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

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

175 (9) All moneys received by the direct-support organization

176 shall be deposited into an account of the direct-support
177 organization and shall be used in a manner consistent with the
178 goals of the council or designated program.

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

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

185 Section 2. Section 456.0341, Florida Statutes, is created
186 to read:

187 456.0341 Requirements for instruction on human
188 trafficking.—The requirements of this section apply to each
189 person licensed or certified under chapter 457; chapter 458;
190 chapter 459; chapter 460; chapter 461; chapter 463; chapter 465;
191 chapter 466; part II, part III, part V, or part X of chapter
192 468; chapter 480; or chapter 486.

193 (1) By January 1, 2021, each licensee or certificate
194 holder shall complete a board-approved, or department-approved
195 if there is no board, 1-hour continuing education course on
196 human trafficking. The course must address both sex trafficking
197 and labor trafficking, how to identify individuals who may be
198 victims of human trafficking, how to report cases of human
199 trafficking, and resources available to victims.

200 (2) Each licensing board that requires a licensee or

201 certificate holder to complete a course pursuant to this section
202 must include the hour required for completion in the total hours
203 of continuing education required by law for such profession.

204 (3) By January 1, 2020, the licensees or certificate
205 holders shall post in their place of work, in a conspicuous
206 place accessible to employees and to the public, a sign at least
207 11 inches by 15 inches in size, printed in a clearly legible
208 font and in at least a 32-point type, which substantially states
209 in English and Spanish:

210
211 "If you or someone you know is being forced to engage in an
212 activity and cannot leave, whether it is prostitution,
213 housework, farm work, factory work, retail work, restaurant
214 work, or any other activity, call the National Human Trafficking
215 Resource Center at 888-373-7888 or text INFO or HELP to 233-733
216 to access help and services. Victims of slavery and human
217 trafficking are protected under United States and Florida law."

218 Section 3. Subsections (10) and (11) are added to section
219 480.033, Florida Statutes, to read:

220 480.033 Definitions.—As used in this act:

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

226 subsidiaries who holds a massage establishment license.

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

233 Section 4. Subsection (13) of section 480.043, Florida
 234 Statutes, is renumbered as subsection (15) and amended,
 235 subsections (2) and (8), paragraph (a) of subsection (9), and
 236 subsection (12) are amended, and new subsections (13) and (14)
 237 are added to that section, to read:

238 480.043 Massage establishments; requisites; licensure;
 239 inspection; human trafficking awareness training and policies.-

240 (2) An establishment owner ~~A person who has an ownership~~
 241 ~~interest in an establishment~~ shall comply with ~~submit to~~ the
 242 background screening requirements under s. 456.0135. However, if
 243 a corporation submits proof of having more than \$250,000 of
 244 business assets in this state, the department shall require the
 245 establishment owner, the designated establishment manager,
 246 ~~officer, or~~ and each individual directly involved in the
 247 management of the establishment to comply with ~~submit to~~ the
 248 background screening requirements under ~~of~~ s. 456.0135. The
 249 board ~~department~~ may adopt rules regarding the type of proof
 250 that may be submitted by a corporation.

251 (8) The department shall deny an application for a new or
252 renewal license if an establishment owner or a designated
253 establishment manager ~~a person with an ownership interest in the~~
254 ~~establishment~~ or, for a corporation that has more than \$250,000
255 of business assets in this state, an the establishment owner or
256 a designated establishment manager, ~~officer, or individual~~
257 ~~directly involved in the management of the establishment~~ has
258 been convicted ~~or found guilty of~~, or entered a plea of guilty
259 or nolo contendere to any misdemeanor or felony crime,
260 regardless of adjudication, related to prostitution or related
261 acts as described in s. 796.07 ~~a violation of s. 796.07(2)(a)~~
262 ~~which is reclassified under s. 796.07(7)~~ or a felony offense
263 under any of the following provisions of state law or a similar
264 provision in another jurisdiction:

- 265 (a) Section 787.01, relating to kidnapping.
- 266 (b) Section 787.02, relating to false imprisonment.
- 267 (c) Section 787.025, relating to luring or enticing a
268 child.
- 269 (d) Section 787.06, relating to human trafficking.
- 270 (e) Section 787.07, relating to human smuggling.
- 271 (f) Section 794.011, relating to sexual battery.
- 272 (g) Section 794.08, relating to female genital mutilation.
- 273 (h) Former s. 796.03, relating to procuring a person under
274 the age of 18 for prostitution.
- 275 (i) Former s. 796.035, relating to selling or buying of

276 minors into prostitution.

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

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

281 ~~(l) Section 796.07(4)(a)3., relating to a felony of the~~
 282 ~~third degree for a third or subsequent violation of s. 796.07,~~
 283 ~~relating to prohibiting prostitution and related acts.~~

284 (l)~~(m)~~ Section 800.04, relating to lewd or lascivious
 285 offenses committed upon or in the presence of persons less than
 286 16 years of age.

287 (m)~~(n)~~ Section 825.1025(2)(b), relating to lewd or
 288 lascivious offenses committed upon or in the presence of an
 289 elderly or disabled person.

290 (n)~~(o)~~ Section 827.071, relating to sexual performance by
 291 a child.

292 (o)~~(p)~~ Section 847.0133, relating to the protection of
 293 minors.

294 (p)~~(q)~~ Section 847.0135, relating to computer pornography.

295 (q)~~(r)~~ Section 847.0138, relating to the transmission of
 296 material harmful to minors to a minor by electronic device or
 297 equipment.

298 (r)~~(s)~~ Section 847.0145, relating to the selling or buying
 299 of minors.

300 (9) (a) ~~Once issued, no license for operation of A massage~~

301 establishment license issued to an individual, a partnership, a
302 corporation, a limited liability company, or another entity may
303 not be transferred from the licensee ~~one owner~~ to another
304 individual, partnership, corporation, limited liability company,
305 or another entity.

306 (12) As a condition of licensure, a massage establishment
307 must have a designated establishment manager. The designated
308 establishment manager is responsible for complying with all
309 requirements related to operating the establishment in this
310 section and shall practice at the establishment for which he or
311 she has been designated. Within 10 days after termination of a
312 designated establishment manager, the establishment owner must
313 notify the department of the identity of another designated
314 establishment manager. Failure to have a designated
315 establishment manager practicing at the location of the
316 establishment shall result in summary suspension of the
317 establishment license as described in s. 456.073(8) or s.
318 120.60(6). An establishment licensed before July 1, 2019, must
319 identify a designated establishment manager by January 1, 2020 A
320 ~~person with an ownership interest in or, for a corporation that~~
321 ~~has more than \$250,000 of business assets in this state, the~~
322 ~~owner, officer, or individual directly involved in the~~
323 ~~management of an establishment that was issued a license before~~
324 ~~July 1, 2014, shall submit to the background screening~~
325 ~~requirements of s. 456.0135 before January 31, 2015.~~

326 (13) By January 1, 2020, a massage establishment shall
327 implement a procedure for reporting suspected human trafficking
328 to the National Human Trafficking Hotline or to a local law
329 enforcement agency and shall post in a conspicuous place in the
330 establishment which is accessible to employees, customers, and
331 the public a sign with the relevant provisions of the reporting
332 procedure.

333 (14) Except for the requirements of subsection (13), this
334 section does not apply to a physician licensed under chapter
335 457, chapter 458, chapter 459, or chapter 460 who employs a
336 licensed massage therapist to perform massage on the physician's
337 patients at the physician's place of practice. This subsection
338 does not restrict investigations by the department for
339 violations of chapter 456 or this chapter.

340 Section 5. Subsection (4) of section 480.046, Florida
341 Statutes, is renumbered as subsection (6), subsection (3) is
342 amended, and new subsections (4) and (5) are added to that
343 section, to read:

344 480.046 Grounds for disciplinary action by the board.—

345 (3) The board may ~~shall have the power to~~ revoke or
346 suspend the license of a massage establishment licensed under
347 this act, or to deny subsequent licensure of such an
348 establishment, if any ~~in either~~ of the following occurs ~~cases~~:

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

351 (b) Upon proof that the holder of a license is guilty of
352 fraud or deceit or of gross negligence, incompetency, or
353 misconduct in the operation of a massage ~~the~~ establishment ~~so~~
354 ~~licensed~~.

355 (c) The establishment owner, the designated establishment
356 manager, or any individuals providing massage therapy services
357 for the establishment have had the entry in any jurisdiction of:

358 1. A final order or other disciplinary action taken for
359 sexual misconduct involving prostitution;

360 2. A final order or other disciplinary action taken for
361 crimes related to the practice of massage therapy involving
362 prostitution; or

363 3. A conviction or a plea of guilty or nolo contendere to
364 any misdemeanor or felony crime, regardless of adjudication,
365 related to prostitution or related acts as described in s.
366 796.07.

367 (4) The establishment owner who has been the subject of
368 disciplinary action under subsection (3) may not reapply for an
369 establishment license and may not transfer such license pursuant
370 to s. 480.043.

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

374 Section 6. Section 943.17297, Florida Statutes, is created
375 to read:

376 943.17297 Continued employment training relating to
377 identifying and investigating human trafficking.—The department
378 shall establish a continued employment training component
379 relating to identifying and investigating human trafficking. The
380 training component must begin by July 1, 2020. Completion of the
381 training component may count toward the 40 hours of required
382 instruction for continued employment or appointment as a law
383 enforcement officer under s. 943.135. A law enforcement officer
384 must complete the training component within his or her first 2
385 years of service.

386 Section 7. For the 2019-2020 fiscal year, the sums of
387 \$213,659 in recurring funds and \$11,598 in nonrecurring funds
388 from the General Revenue Fund are appropriated to the Department
389 of Legal Affairs, and the nonrecurring sum of \$19,910 from the
390 General Revenue Fund is appropriated to the Department of Law
391 Enforcement for the purpose of implementing ss. 16.618 and
392 943.17297, Florida Statutes.

393 Section 8. This act shall take effect July 1, 2019.