A bill to be entitled

An act relating to human trafficking; creating s. 16.618, F.S.; requiring the Department of Legal Affairs to establish a certain direct-support organization; providing requirements for the 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; creating s. 456.0341,
F.S.; providing for instruction on human trafficking;
requiring specified licensees or certificate holders to
complete a certain continuing education course by a
specified date; providing course requirements; requiring
specified licensees or certificate holders to post a human
trafficking public awareness sign in their place of work by
a specified date; providing requirements; amending s.
480.033, F.S.; providing definitions; amending s. 480.043,
F.S.; conforming provisions to changes made by the act;
providing for suspension of an establishment license under
specified circumstances; requiring a massage establishment
to implement a procedure for reporting suspected human
trafficking to certain entities and to post a sign with
such reporting procedure in a conspicuous place by a
specified date; providing an exception; amending s.
480.046, F.S.; conforming provisions to changes made by the
act; revising grounds for disciplinary action by the board;
creating s. 943.17297, F.S.; requiring the Department of
Law Enforcement to establish a continued employment
training component relating to human trafficking; providing
requirements; providing that the training component may
count towards the required instruction for continued
employment or appointment as an officer; requiring an
officer to complete the training component within a
specified time period; providing appropriations; providing
an effective date.

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

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.
(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 a written contract with the department that 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 whom must be a survivor of human trafficking and one of whom 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. Section 456.0341, Florida Statutes, is created to read:

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

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

(2) Each licensing board that requires a licensee or
certificate holder to complete a course pursuant to this section
must include the hour required for completion in the total hours
of continuing education required by law for such profession.

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

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

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

480.033 Definitions.—As used in this act:

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

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

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

480.043 Massage establishments; requisites; licensure; inspection; human trafficking awareness training and policies.—

(2) An establishment owner A person who has an ownership interest in an establishment shall comply with submit to the background screening requirements under s. 456.0135. However, if a corporation submits proof of having more than $250,000 of business assets in this state, the department shall require the establishment owner, the designated establishment manager, officer, or and each individual directly involved in the management of the establishment to comply with submit to the background screening requirements under of s. 456.0135. The board department may adopt rules regarding the type of proof that may be submitted by a corporation.
(8) The department shall deny an application for a new or renewal license if an establishment owner or a designated establishment manager a person with an ownership interest in the establishment or, for a corporation that has more than $250,000 of business assets in this state, an establishment owner or a designated establishment manager, officer, or individual directly involved in the management of the establishment has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to any misdemeanor or felony crime, regardless of adjudication, related to prostitution or related acts as described in s. 796.07 a violation of s. 796.07(2)(a) which is reclassified under s. 796.07(7) or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

(a) Section 787.01, relating to kidnapping.
(b) Section 787.02, relating to false imprisonment.
(c) Section 787.025, relating to luring or enticin a child.
(d) Section 787.06, relating to human trafficking.
(e) Section 787.07, relating to human smuggling.
(f) Section 794.011, relating to sexual battery.
(g) Section 794.08, relating to female genital mutilation.
(h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.
(i) Former s. 796.035, relating to selling or buying of
minors into prostitution.

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

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

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

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

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

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

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

(q) Section 847.0135, relating to computer pornography.

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

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

(9) (a) Once issued, no license for operation of A massage
establishment license issued to an individual, a partnership, a corporation, a limited liability company, or another entity may not be transferred from the licensee one owner to another individual, partnership, corporation, limited liability company, or another entity.

(12) As a condition of licensure, a massage establishment must have a designated establishment manager. The designated establishment manager is responsible for complying with all requirements related to operating the establishment in this section and shall practice at the establishment for which he or she has been designated. Within 10 days after termination of a designated establishment manager, the establishment owner must notify the department of the identity of another designated establishment manager. Failure to have a designated establishment manager practicing at the location of the establishment shall result in summary suspension of the establishment license as described in s. 456.073(8) or s. 120.60(6). An establishment licensed before July 1, 2019, must identify a designated establishment manager by January 1, 2020. A person with an ownership interest in or, for a corporation that has more than $250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of an establishment that was issued a license before July 1, 2014, shall submit to the background screening requirements of s. 456.0135 before January 31, 2015.
(13) By January 1, 2020, a massage establishment shall implement a procedure for reporting suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency and shall post in a conspicuous place in the establishment which is accessible to employees, customers, and the public a sign with the relevant provisions of the reporting procedure.

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

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

480.046 Grounds for disciplinary action by the board.—

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

(a) The upon proof that a

CODING: Words stricken are deletions; words underlined are additions.
(b) Upon proof that the holder of a license is guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the operation of a massage the establishment so licensed.

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

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

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

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

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

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

Section 6. Section 943.17297, Florida Statutes, is created to read:
Continued employment training relating to identifying and investigating human trafficking.—The department shall establish a continued employment training component relating to identifying and investigating human trafficking. The training component must begin by July 1, 2020. Completion of the training component may count toward the 40 hours of required instruction for continued employment or appointment as a law enforcement officer under s. 943.135. A law enforcement officer must complete the training component within his or her first 2 years of service.

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

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