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; amending s. 450.045, F.S.;
penalizing the failure to verify and maintain
specified documentation of an adult theater employee
or contractor; amending s. 796.07, F.S.; requiring a
mandatory minimum term of incarceration for a
solicitation of prostitution, lewdness, or assignation
conviction; authorizing a judicial circuit to offer an
educational program to a person convicted of
soliciting prostitution, lewdness, or assignation;
providing topics for the educational program; amending
s. 847.001, F.S.; expanding the definition of the term
"adult theater"; 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
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

reviewed and saved from repeal by the Legislature.

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

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

Section 827.071, relating to sexual performance by a child.

Section 847.0133, relating to the protection of minors.

Section 847.0135, relating to computer pornography.

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

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

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.

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 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) Upon proof that a license has been obtained by fraud or misrepresentation.

(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 establishment.

(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:

943.17297 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
Section 7. Paragraph (d) is added to subsection (3) of section 450.045, Florida Statutes, and paragraphs (a), (b), and (c) of that subsection are republished, to read:

450.045 Proof of identity and age; posting of notices.—

(3)(a) In order to provide the department and law enforcement agencies the means to more effectively identify, investigate, and arrest persons engaging in human trafficking, an adult theater, as defined in s. 847.001(2)(b), shall obtain proof of the identity and age of each of its employees or independent contractors, and shall verify the validity of the identification and age verification document with the issuer, before his or her employment or provision of services as an independent contractor.

(b) The adult theater shall obtain and keep on record a photocopy of the person's driver license or state or federal government-issued photo identification card, along with a record of the verification of the validity of the identification and age verification document with the issuer, during the entire period of employment or business relationship with the independent contractor and for at least 3 years after the employee or independent contractor ceases employment or the provision of services.

(c) The department and its agents have the authority to
enter during operating hours, unannounced and without prior notice, and inspect at any time a place or establishment covered by this subsection and to have access to age verification documents kept on file by the adult theater and such other records as may aid in the enforcement of this subsection.

(d) A person who owns, operates, or manages an adult theater in violation of the requirements of this subsection commits a misdemeanor in the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 8. Subsection (5) of section 796.07, Florida Statutes, is amended, subsection (7) is added to that section, and paragraph (f) of subsection (2) of that section is republished, to read:

796.07 Prohibiting prostitution and related acts.—
(2) It is unlawful:
(f) To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.
(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 as described in subsection (7) 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 a program exists in the judicial circuit in which the offender is sentenced; and

3. Serve a minimum of:

   a. Five days in county jail for a first violation.

   b. Fifteen days in county jail for a second or subsequent violation.

(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.

(c)(e)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 sub-subparagraphs (d)2.a.-d., the
court must dismiss the order and the owner of the vehicle will
incurred no costs.

(7) A judicial circuit may establish an educational program for persons convicted of or charged with a violation of paragraph (2)(f), to include education on:

(a) The relationship between demand for commercial sex and human trafficking.

(b) The impact of human trafficking on victims.

(c) Coercion, consent, and sexual violence.

(d) The health and legal consequences of commercial sex.

(e) The negative impact of commercial sex on prostituted persons and the community.

(f) The reasons and motivations for engaging in prostitution.

An educational program under this subsection may include a program offered by a faith-based provider.

Section 9. Paragraph (b) of subsection (2) of section 847.001, Florida Statutes, is amended to read:

847.001 Definitions.—As used in this chapter, the term:

(2) "Adult entertainment establishment" means the following terms as defined:

(b) "Adult theater" means an enclosed building or an enclosed space within a building used for presenting either films, live plays, dances, or other performances that are distinguished or characterized by an emphasis on matter
Section 10. 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 11. This act shall take effect July 1, 2019.