

26 specific evidentiary standard when determining human
 27 trafficking victim status in the absence of official
 28 documentation; creating s. 1004.343, F.S.; creating
 29 the Statewide Data Repository for Anonymous Human
 30 Trafficking Data at the University of South Florida;
 31 providing purposes of the data repository; specifying
 32 duties of the university; designating required
 33 reporting entities; requiring specified information to
 34 be reported; providing timeframes for reporting;
 35 providing an effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

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 39 Section 1. This act may be cited as the "Human Trafficking
 40 Reduction Act."

41 Section 2. Section 509.098, Florida Statutes, is created
 42 to read:

43 509.098 Prohibition of hourly rates.—An operator of a
 44 public lodging establishment may not offer an hourly rate for an
 45 accommodation.

46 Section 3. Subsections (4), (5), and (6) of section
 47 796.07, Florida Statutes, are amended, and paragraphs (f) and
 48 (i) of subsection (2) of that section are republished, to read:

49 796.07 Prohibiting prostitution and related acts.—

50 (2) It is unlawful:

51 (f) To solicit, induce, entice, or procure another to
52 commit prostitution, lewdness, or assignation.

53 (i) To purchase the services of any person engaged in
54 prostitution.

55 (4)(a) A person who violates any provision of this
56 section, other than paragraph (2)(f) or paragraph (2)(i),
57 commits:

58 1. A misdemeanor of the second degree for a first
59 violation, punishable as provided in s. 775.082 or s. 775.083.

60 2. A misdemeanor of the first degree for a second
61 violation, punishable as provided in s. 775.082 or s. 775.083.

62 3. A felony of the third degree for a third or subsequent
63 violation, punishable as provided in s. 775.082, s. 775.083, or
64 s. 775.084.

65 (b) A person who is charged with a third or subsequent
66 violation of this section, other than paragraph (2)(f) or
67 paragraph (2)(i), shall be offered admission to a pretrial
68 intervention program or a substance abuse treatment program as
69 provided in s. 948.08.

70 (5)(a) A person who violates paragraph (2)(f) or paragraph
71 (2)(i) commits:

72 1. A felony of the third ~~misdemeanor of the first~~ degree
73 for a first violation, punishable as provided in s. 775.082, ~~or~~
74 s. 775.083, or s. 775.084.

75 2. A felony of the second ~~third~~ degree for a second

76 violation, punishable as provided in s. 775.082, s. 775.083, or
77 s. 775.084.

78 3. A felony of the first ~~second~~ degree for a third or
79 subsequent violation, punishable as provided in s. 775.082, s.
80 775.083, or s. 775.084.

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

- 84 1. Perform 100 hours of community service; and
85 2. Pay for and attend an educational program about the
86 negative effects of prostitution and human trafficking, such as
87 a sexual violence prevention education program, including such
88 programs offered by faith-based providers, if such programs
89 exist in the judicial circuit in which the offender is
90 sentenced.

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

95 (d)1. If a person who violates paragraph (2)(f) or
96 paragraph (2)(i) uses a vehicle in the course of the violation,
97 the judge, upon the person's conviction, may issue an order for
98 the impoundment or immobilization of the vehicle for a period of
99 up to 60 days. The order of impoundment or immobilization must
100 include the names and telephone numbers of all immobilization

101 agencies meeting all of the conditions of s. 316.193(13). Within
 102 7 business days after the date that the court issues the order
 103 of impoundment or immobilization, the clerk of the court must
 104 send notice by certified mail, return receipt requested, to the
 105 registered owner of the vehicle, if the registered owner is a
 106 person other than the defendant, and to each person of record
 107 claiming a lien against the vehicle.

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

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

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

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

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

122 3. If the court denies the request to dismiss the order,
 123 the petitioner may request an evidentiary hearing. If, at the
 124 evidentiary hearing, the court finds to be true any of the
 125 circumstances described in sub-subparagraphs (d)2.a.-d., the

126 | court must dismiss the order and the owner of the vehicle will
 127 | incur no costs.

128 | (e) The Soliciting for Prostitution Public Database
 129 | created pursuant to s. 943.0433 must include the criminal
 130 | history record of a person who is found guilty as a result of a
 131 | trial or who enters a plea of guilty or nolo contendere,
 132 | regardless of whether adjudication is withheld, of paragraph
 133 | (2) (f) or paragraph (2) (i), and there is evidence that such
 134 | person provided a form of payment or arranged for the payment of
 135 | such services. Upon conviction, the clerk of the court shall
 136 | forward the criminal history record of the person to the
 137 | Department of Law Enforcement, pursuant to s. 943.052(2), for
 138 | inclusion in the database. This paragraph shall stand repealed
 139 | on January 1, 2024, unless reviewed and saved from repeal by the
 140 | Legislature.

141 | (6) A person who violates paragraph (2) (f) or paragraph
 142 | (2) (i) shall be assessed a civil penalty of \$5,000 if the
 143 | violation results in any judicial disposition other than
 144 | acquittal or dismissal. Of the proceeds from each penalty
 145 | assessed under this subsection, the first \$500 shall be paid to
 146 | the circuit court administrator for the sole purpose of paying
 147 | the administrative costs of treatment-based drug court programs
 148 | provided under s. 397.334. The remainder of the penalty assessed
 149 | shall be deposited in the Operations and Maintenance Trust Fund
 150 | of the Department of Children and Families for the sole purpose

151 of funding safe houses and safe foster homes as provided in s.
152 409.1678.

153

154 Section 4. Subsections (3) and (5) of section 943.0583,
155 Florida Statutes, are amended to read:

156 943.0583 Human trafficking victim expunction.—

157 (3)(a) Except as provided in paragraph (b), a person who
158 is a victim of human trafficking may petition for the expunction
159 of a criminal history record resulting from the arrest or filing
160 of charges for one or more offenses committed or reported to
161 have been committed while the person was a victim of human
162 trafficking, which offense was committed or reported to have
163 been committed as a part of the human trafficking scheme of
164 which the person was a victim or at the direction of an operator
165 of the scheme, including, but not limited to, violations under
166 chapters 796 and 847, without regard to the disposition of the
167 arrest or of any charges.

168 (b) However, This section does not apply to any offense
169 listed in s. 775.084(1)(b)1. if the defendant was found guilty
170 of, or pled guilty or nolo contendere to, any such offense.

171 (c) Determination of the petition under this section
172 should be by a preponderance of the evidence. A conviction
173 expunged under this section is deemed to have been vacated due
174 to a substantive defect in the underlying criminal proceedings.
175 If a person is adjudicated not guilty by reason of insanity or

176 is found to be incompetent to stand trial for any such charge,
 177 the expunction of the criminal history record may not prevent
 178 the entry of the judgment or finding in state and national
 179 databases for use in determining eligibility to purchase or
 180 possess a firearm or to carry a concealed firearm, as authorized
 181 in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it
 182 prevent any governmental agency that is authorized by state or
 183 federal law to determine eligibility to purchase or possess a
 184 firearm or to carry a concealed firearm from accessing or using
 185 the record of the judgment or finding in the course of such
 186 agency's official duties.

187 (5) Official documentation of the victim's status creates
 188 a presumption that his or her participation in the offense was a
 189 result of having been a victim of human trafficking but is not
 190 required for granting a petition under this section. A
 191 ~~determination made without such official documentation must be~~
 192 ~~made by a showing of clear and convincing evidence.~~

193 Section 5. Section 1004.343, Florida Statutes, is created
 194 to read:

195 1004.343 Statewide Data Repository for Anonymous Human
 196 Trafficking Data.-

197 (1) There is created the Statewide Data Repository for
 198 Anonymous Human Trafficking Data. The repository shall be housed
 199 in and operated by the University of South Florida Trafficking
 200 in Persons - Risk to Resilience Lab.

201 (a) The Statewide Data Repository for Anonymous Human
 202 Trafficking Data shall:
 203 1. Collect and analyze anonymous human trafficking data to
 204 identify trends in human trafficking in the state over time.
 205 2. Evaluate the effectiveness of various state-funded
 206 initiatives to combat human trafficking to enable the state to
 207 make evidence-based decisions in funding future initiatives.
 208 3. Disseminate relevant data to law enforcement agencies,
 209 state agencies, and other entities to assist in combatting human
 210 trafficking and apprehending and prosecuting persons responsible
 211 for conducting human trafficking.
 212 4. Evaluate the effectiveness of interventions and
 213 services provided to assist human trafficking victims.
 214 (b) The University of South Florida Trafficking in Persons
 215 - Risk to Resilience Lab shall:
 216 1. Design, operate, maintain, and protect the integrity of
 217 the Statewide Data Repository for Anonymous Human Trafficking
 218 Data.
 219 2. Design, in consultation with the Department of Law
 220 Enforcement and other law enforcement partners, and launch a
 221 user-friendly system for efficiently reporting anonymous human
 222 trafficking data to the Statewide Data Repository for Anonymous
 223 Human Trafficking Data at no additional cost to reporting
 224 entities.
 225 3. Analyze anonymous human trafficking data to identify

226 initiatives and interventions that are effective in combatting
227 human trafficking, apprehending and prosecuting persons
228 responsible for conducting human trafficking, and assisting
229 human trafficking victims.

230 4. Work with law enforcement agencies and state agencies
231 to report data on human trafficking investigations and
232 prosecutions which can aid such agencies in combatting human
233 trafficking and apprehending and prosecuting persons responsible
234 for conducting human trafficking.

235 (2)(a) Except as provided in paragraph (b), the following
236 agencies and entities shall report anonymous human trafficking
237 data required under this section:

238 1. Law enforcement agencies operating with state or local
239 government tax proceeds, including, but not limited to,
240 municipal police departments, county sheriffs, and state
241 attorneys.

242 2. The Department of Law Enforcement and any other state
243 agency that holds data related to human trafficking.

244 3. Service providers and other nongovernmental
245 organizations that serve human trafficking victims and receive
246 state or federal funding for such purpose.

247 (b) A required reporting entity that submits the data
248 required under subsection (3) to the Department of Law
249 Enforcement's Uniform Crime Report system or Florida Incident-
250 Based Reporting System may, but is not required to, submit any

251 additional data to the Statewide Data Repository for Anonymous
252 Human Trafficking Data. The Department of Law Enforcement shall
253 report to the Statewide Data Repository for Anonymous Human
254 Trafficking Data, at least quarterly, the data required under
255 subsection (3) that has been reported by a required reporting
256 entity to the department.

257 (3) A required reporting entity shall submit the following
258 data to the Statewide Data Repository for Anonymous Human
259 Trafficking Data unless such entity is exempt from the reporting
260 requirement under paragraph (2) (b):

261 (a) The alleged human trafficking offense that was
262 investigated or prosecuted and a description of the alleged
263 prohibited conduct.

264 (b) The age, gender, and race or ethnicity of each suspect
265 or defendant and victim.

266 (c) The date, time, and location of the alleged offense.

267 (d) The type of human trafficking involved, whether for
268 labor or services or commercial sexual activity.

269 (e) Any other alleged offense related to the human
270 trafficking offense that was investigated or prosecuted.

271 (f) Information regarding any victim services organization
272 or related program to which the victim was referred, if
273 available.

274 (g) The disposition of the investigation or prosecution,
275 regardless of the manner of disposition.

276 (4) (a) A required reporting entity located in a county
277 with a population of more than 500,000 must begin reporting data
278 required by this section to the Statewide Data Repository for
279 Anonymous Human Trafficking Data, or to the Department of Law
280 Enforcement as authorized under paragraph (2) (b), on or before
281 July 1, 2023, and at least quarterly each year thereafter.

282 (b) A required reporting entity located in a county with a
283 population of 500,000 or fewer must begin reporting data
284 required by this section to the Statewide Data Repository for
285 Anonymous Human Trafficking Data, or to the Department of Law
286 Enforcement as authorized under paragraph (2) (b), on or before
287 July 1, 2024, and at least biannually each year thereafter.

288 Section 6. This act shall take effect upon becoming a law.