

CHAPTER 2019-152

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 851

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 for a specified purpose; 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 to contract to develop certain training and information with the Florida Forensic Institute for Research, Security, and Tactics or another organization under certain circumstances; providing a contractual requirement; requiring the institute to develop specified training by a certain date; requiring the institute to serve as a repository for certain information and training materials and resources; requiring certain task forces to coordinate with the institute on an ongoing, periodic basis; authorizing certain law enforcement offices and agencies to coordinate with the institute to receive training and information; 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; prohibiting certain persons and employees from receiving specified benefits as they relate to the council or the direct-support organization; providing for moneys received by 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. 509.096, F.S.; requiring a public lodging establishment to train certain employees and implement a certain procedure relating to human trafficking by a specified date; requiring each employee to submit a signed and dated acknowledgement of having received the training; requiring the public lodging establishment to provide a copy to the Department of Business and Professional Regulation upon request; requiring a public lodging establishment to post in the establishment a human trafficking public awareness sign by a specified date; providing requirements for the sign; requiring that certain training be submitted to and approved by the department; providing training requirements; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to impose an administrative fine on a public lodging establishment for failure to comply with certain requirements and to remit the fines to a certain direct-support organization; providing an exception; providing that this section does not establish a private cause of action against a public lodging establishment and does not alter or limit any existing remedies for survivors of human trafficking; amending s. 796.07, F.S.; requiring that the criminal history record of a person who is found guilty of, or who enters a plea of guilty or nolo contendere to, soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation and who provides or arranges payment for such violations be added to the Soliciting for Prostitution Public Database; requiring the clerk of the court to forward the criminal history record of such persons to the Department of Law Enforcement for inclusion in the database; providing for future legislative review and repeal; creating s. 943.0433, F.S.; requiring the Department of Law Enforcement to create and administer the Soliciting for Prostitution Public Database; requiring the department to add certain criminal history records to the database; requiring the department to automatically remove certain criminal history records from the database under certain circumstances; prohibiting the department from removing certain criminal history records from the database for second or subsequent violations of specified provisions; requiring the department to create policies and procedures that allow certain persons to petition the department for the removal of criminal history records from the database; requiring the department to remove such a record within a specified timeframe after receipt of the petition; requiring the department to create a certain form, to publish it online, and to provide the form in paper form upon request; requiring the database to include specified information on offenders; requiring the department to adopt rules; requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a study reviewing the effectiveness of the database; providing study requirements; requiring OPPAGA to consult with the department and other interested entities; requiring OPPAGA to submit a report to the Governor and Legislature by a certain date; providing for future legislative review and repeal; creating s. 943.17297, F.S.; requiring each certified law enforcement officer to successfully complete training on identifying and investigating human trafficking within a certain

timeframe; authorizing the completion of such training to count toward a certain requirement; requiring that the training be completed by a certain date; requiring that the training be developed by the Criminal Justice Standards and Training Commission in consultation with specified entities; specifying that an officer's certification must be placed on inactive status if he or she fails to complete the required training until the employing agency notifies the Criminal Justice Standards and Training Commission that the officer has completed the training; amending s. 450.045, F.S.; penalizing the knowing failure to verify and maintain specified documentation of an adult theater employee or contractor; amending s. 847.001, F.S.; expanding the definition of the term "adult theater"; providing an appropriation; providing effective dates.

WHEREAS, the state of Florida is ranked third nationally in human trafficking abuses, and recognizing that the crime of human trafficking is a gross violation of human rights, the Legislature has taken measures to raise awareness of the practices of human sex trafficking and of labor trafficking of children and adults in this state, and

WHEREAS, the Legislature deems it critical to the health, safety, and welfare of the people of this state to prevent and deter human trafficking networks, and persons who would aid and abet these networks, from operating in this state, and

WHEREAS, repeat offenses to aid and abet traffickers by way of recruitment or financial support, and clients of human trafficking networks who use physical violence, are a particularly extreme threat to public safety, and

WHEREAS, repeat offenders are extremely likely to use violence and to repeat their offenses, and to commit many offenses with many victims, many of whom are never given justice, and these offenders are only prosecuted for a small fraction of their crimes, and

WHEREAS, traffickers and clients of human trafficking networks often use hotels, motels, public lodging establishments, massage establishments, spas, or property rental sharing sites to acquire facilities wherein men, women, and children are coerced into performing sexual acts, which places the employees of these establishments in direct and frequent contact with victims of human trafficking, and

WHEREAS, this state is in critical need of a coordinated and collaborative human trafficking law enforcement response to prepare for future large-scale events taking place in this state, and the Legislature finds that a statewide effort focused on law enforcement training, detection, and enforcement, with additional focus on the safe rehabilitation of survivors, will address this critical need, and

WHEREAS, research from 2011 has demonstrated that a majority of human traffickers' clients are not interviewed by law enforcement, despite having extensive knowledge of the traffickers and the traffickers' practices, and are even used as recruiters for traffickers, and

WHEREAS, human traffickers' clients who were interviewed in the same 2011 research stated that they would think twice about purchasing sex from a victim of human trafficking if they were named on a public database, and

WHEREAS, client and trafficker anonymity has allowed for trafficking networks to continue in the shadows, and the publication of client and trafficker identities would protect the public from potential harm and protect victims of trafficking from future harm, and

WHEREAS, the demand for prostitution is a driving force that fuels sex trafficking, and the Soliciting for Prostitution Public Database will serve to identify those who contribute to the demand for sex trafficking, thereby deterring the overall perpetuation of human trafficking, NOW, THEREFORE,

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; and

(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 written contract with the department. The contract 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 13 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 appointees of the President of the Senate and the appointees of the Speaker of the House of Representatives shall each initially be appointed to 2-year terms, and the Attorney General shall initially appoint 2 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) Two members appointed by the executive director of the Department of Law Enforcement, both of whom must have law enforcement backgrounds with experience and knowledge in the area of human trafficking.

(b) Three 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.

(c) Four members appointed by the President of the Senate.

(d) Four members appointed by the Speaker of the House of Representatives.

(4)(a) The direct-support organization may contract with the Florida Forensic Institute for Research, Security, and Tactics to develop the training and information as required by this subsection.

1. The contract with the institute must provide that the direct-support organization may terminate the contract if the institute fails to meet its obligations under this subsection.

2. If the institute ceases to exist, or if the contract between the direct-support organization and the institute is terminated, the department shall contract with another organization in order to develop the training and information as required by this subsection.

(b) Recognizing that this state hosts large-scale events, including sporting events, concerts, and cultural events, which generate significant tourism to this state, produce significant economic revenue, and often are conduits for human trafficking, the institute must develop training that is ready for statewide dissemination by not later than October 1, 2019.

1. Training must focus on detecting human trafficking, best practices for reporting human trafficking, and the interventions and treatment for survivors of human trafficking.

2. In developing the training, the institute shall consult with law enforcement agencies, survivors of human trafficking, industry representatives, tourism representatives, and other interested parties. The institute also must conduct research to determine the reduction in recidivism attributable to the education of the harms of human trafficking for first-time offenders.

(c) The institute shall serve as a repository of information on human trafficking and training materials and resources to recognize and prevent human trafficking.

(d) The human trafficking task force in each circuit, pursuant to s. 409.1754(4), shall coordinate on an ongoing basis with the institute, at least every 6 months, to update training and information on best practices to combat human trafficking.

(e) Sheriffs' offices and local law enforcement agencies may coordinate with the institute to receive updated training and information on best practices.

(5) 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.

(6) 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.

(7)(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.

(8)(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.

(9) A departmental employee, a direct-support organization or council employee, a volunteer, or a 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.

(10) 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.

(11) 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.

(12) 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, 2021, the licensees or certificate holders shall post in their place of work in a conspicuous place accessible to employees 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 ~~the~~ establishment owner, a designated establishment manager, officer, or any ~~any~~ individual directly involved in the management of the establishment has been convicted of ~~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.~~

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

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

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

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

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

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

~~(r)(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, 2021, 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 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 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 in either of the following occurs~~ cases:

(a) ~~The~~ 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 the establishment so licensed.

(c) The establishment owner, the designated establishment manager, or any individual providing massage therapy services for the establishment has 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 509.096, Florida Statutes, is created to read:

509.096 Human trafficking awareness training and policies for employees of public lodging establishments; enforcement.—

(1) A public lodging establishment shall:

(a) Provide annual training regarding human trafficking awareness to employees of the establishment who perform housekeeping duties in the rental units or who work at the front desk or reception area where guests ordinarily check in or check out. Such training must also be provided for new employees within 60 days after they begin their employment in that role, or by January 1, 2021, whichever occurs later. Each employee must submit to the hiring establishment a signed and dated acknowledgment of having received the training, which the establishment must provide to the Department of Business and Professional Regulation upon request. The establishment may keep such acknowledgement electronically.

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

(c) By January 1, 2021, post in a conspicuous location in the establishment which is accessible to employees a human trafficking public awareness sign at least 11 inches by 15 inches in size, printed in an easily legible font and in at least 32-point type, which states in English and Spanish and any other language predominantly spoken in that area which the department deems appropriate substantially the following:

“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.”

(2) The human trafficking awareness training required under paragraph (1)(a) must be submitted to and approved by the Department of Business and Professional Regulation must include all of the following:

(a) The definition of human trafficking and the difference between the two forms of human trafficking: sex trafficking and labor trafficking.

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

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

(3) The division shall impose an administrative fine of \$2,000 per day on a public lodging establishment that is not in compliance with this section and remit the fines to the direct-support organization established under s. 16.618, unless the division receives adequate written documentation from the public lodging establishment which provides assurance that each deficiency will be corrected within 90 days after the division provided the public lodging establishment with notice of its violation.

(4) This section does not establish a private cause of action. This section does not alter or limit any other existing remedies available to survivors of human trafficking.

Section 7. Effective January 1, 2021, subsection (5) of section 796.07, Florida Statutes, is amended, and subsection (2) of that section is republished, to read:

796.07 Prohibiting prostitution and related acts.—

(2) It is unlawful:

(a) To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution.

(b) To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.

(c) To receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose.

(d) To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation.

(e) For a person 18 years of age or older to offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation.

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

(g) To reside in, enter, or remain in, any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation.

(h) To aid, abet, or participate in any of the acts or things enumerated in this subsection.

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

(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 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 programs exist in the judicial circuit in which the offender is sentenced.

(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.

(d)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 incur no costs.

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

Section 8. Effective January 1, 2021, section 943.0433, Florida Statutes, is created to read:

943.0433 Soliciting for Prostitution Public Database.—

(1) The department shall create and administer the Soliciting for Prostitution Public Database. The clerk of the court shall forward to the department the criminal history record of a person in accordance with s. 796.07(5)(e), and the department shall add the criminal history record to the database.

(2)(a) The department shall automatically remove the criminal history record of a person from the database if, after 5 years following the commission of an offense that meets the criteria set forth in s. 796.07(5)(e), such person has not subsequently committed a violation that meets such criteria or any other offense within that time that would constitute a sexual offense, including, but not limited to, human trafficking, or an offense that would require registration as a sexual offender.

(b) The department may not remove a criminal history record from the database if a person commits a violation that meets the criteria set forth in s. 796.07(5)(e) a second or subsequent time.

(c) The department shall create policies and procedures that allow a person whose conviction has been overturned or who has received an expunction of a criminal history record for which his or her record was placed on the database to petition the department for the removal of the petitioner's criminal history record. The department, after receiving a completed petition form with adequate documentation, must remove the criminal

history record from the database within 30 days after receipt of such petition. The department shall create a form, publish it online, and provide it upon request in paper form for petitioners to complete.

(3) The database must include all of the following on each offender:

(a) His or her full legal name.

(b) His or her last known address.

(c) A color photograph of him or her.

(d) The offense for which he or she was convicted.

(4) The department shall adopt rules to administer this section.

(5) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall perform a study of the effectiveness of the database. The study's scope must include, but need not be limited to, review of the administration of the database, the policies and procedures of the database, and whether the database prevents and deters human trafficking networks and persons who aid and abet these networks from operating in this state. The study must include recommendations for any changes needed to the database or if the database should be repealed. In conducting the study, OPPAGA shall consult with the Florida Department of Law Enforcement and any other interested entities. OPPAGA shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2023.

(6) This section shall stand repealed on January 1, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 9. Section 943.17297, Florida Statutes, is created to read:

943.17297 Continuing employment training in identifying and investigating human trafficking.—Within 1 year after beginning employment, each certified law enforcement officer must successfully complete 4 hours of training in identifying and investigating human trafficking. Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135. This training component must be completed by current law enforcement officers by July 1, 2022. The training must be developed by the commission in consultation with the Department of Legal Affairs and the Statewide Council on Human Trafficking. If an officer fails to complete the required training, his or her certification must be placed on inactive status until the employing agency notifies the commission that the officer has completed the training.

Section 10. 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) An adult theater owner, operator, or manager who knowingly violates this subsection commits a misdemeanor in the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 11. 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 depicting, describing, or relating to specific sexual activities for observation by patrons, and which restricts or purports to restrict admission only to adults, or any business that features a person who engages in specific sexual activities for observation by a patron, and which restricts or purports to restrict admission to only adults.

Section 12. For the 2019-2020 fiscal year, the sum of \$250,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Legal Affairs for the purposes of implementing and administering the direct-support organization created under s. 16.618, Florida Statutes, and for developing training and information services with the Florida Forensic Institute for Research, Security, and Tactics.

Section 13. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.

Approved by the Governor June 26, 2019.

Filed in Office Secretary of State June 26, 2019.