

CHAPTER 2023-86

Senate Bill No. 7064

An act relating to human trafficking; amending s. 95.11, F.S.; conforming provisions to changes made by the act; amending s. 450.045, F.S.; increasing criminal penalties for specified offenses involving adult theaters; amending s. 787.06, F.S.; directing the proceeds from the sale of specified property to be allocated to pay restitution to human trafficking victims; specifying the allocation of proceeds if there are multiple human trafficking victims; specifying the allocation of any remaining proceeds; creating s. 787.061, F.S.; providing legislative findings; providing definitions; providing a civil cause of action for victims of human trafficking against certain entities or persons; providing procedures and requirements for claims; providing for damages, penalties, punitive damages, attorney fees, expenses, and costs; providing a statute of limitations; amending s. 796.07, F.S.; authorizing judicial circuits to establish educational programs for persons convicted of or charged with certain violations; specifying contents of such programs; providing that such programs may be offered by faith-based providers; amending s. 943.17297, F.S.; revising requirements for law enforcement training in identifying and investigating human trafficking; creating s. 1004.343, F.S.; creating the Statewide Data Repository for Anonymous Human Trafficking Data at the University of South Florida; providing purposes of the data repository; specifying duties of university faculty and staff; designating required reporting entities; requiring specified information to be reported; providing for reporting; providing for future repeal; providing an effective date.

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

Section 1. Subsections (7) and (9) of section 95.11, Florida Statutes, are amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(7) ~~FOR INTENTIONAL TORTS BASED ON ABUSE.~~—An action founded on alleged abuse, as defined in s. 39.01, s. 415.102, or s. 984.03; ~~or incest, as defined in s. 826.04; or an action brought pursuant to s. 787.061,~~ may be commenced at any time within 7 years after the age of majority, or within 4 years after the injured person leaves the dependency of the abuser, or within 4 years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the abuse, whichever occurs later.

(9) ~~SPECIFIED SEXUAL BATTERY OFFENSES ON VICTIMS UNDER AGE 16.~~—An action related to an act constituting a violation of s. 794.011 ~~or an action brought pursuant to s. 787.061~~ involving a victim who was under the age of 16 at the time of the act may be commenced at any time.

This subsection applies to any such action other than one which would have been time barred on or before July 1, 2010.

Section 2. Paragraph (d) of subsection (3) of section 450.045, Florida Statutes, is amended, 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 owner, operator, or manager who knowingly violates this subsection commits a felony or misdemeanor in the third first degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.

Section 3. Subsection (7) of section 787.06, Florida Statutes, is amended to read:

787.06 Human trafficking.—

(7) Any real property or personal property that was used, attempted to be used, or intended to be used in violation of ~~any provision of this section~~ may be seized and shall be forfeited as provided by subject to the provisions of the Florida Contraband Forfeiture Act. After satisfying any liens on the property, the remaining proceeds from the sale of any property seized under this section and owned by a defendant convicted of a violation of this section must first be allocated to pay any order of restitution of a human trafficking victim in the criminal case for which the owner was convicted. If there are multiple human trafficking victims in the criminal case, the remaining proceeds must be allocated equally among the victims to pay restitution. If

the proceeds are sufficient to pay any such order of restitution, any remaining proceeds must be disbursed as required by s. 932.7055(5)-(9).

Section 4. Section 787.061, Florida Statutes, is created to read:

787.061 Civil actions by victims of human trafficking.—

(1) FINDINGS.—The Legislature finds that it is necessary to provide a civil cause of action for the recovery of specified damages and costs in order to achieve the intent of the Legislature relating to human trafficking as expressed in s. 787.06(1)(d).

(2) DEFINITIONS.—As used in this section, the term:

(a) “Human trafficking” has the same meaning as provided in s. 787.06(2).

(b) “Victim of human trafficking” means a person subjected to coercion, as defined in s. 787.06(2), or by any other means, for the purpose of being used in human trafficking; a child under 18 years of age subjected to human trafficking; or an individual subjected to human trafficking as defined by federal law.

(3) CIVIL CAUSE OF ACTION.—

(a) A victim of human trafficking has a civil cause of action against an adult theater, as defined in s. 847.001(2)(b), or an owner, an operator, or a manager of such theater, that knowingly allows a victim of human trafficking to work, perform, or dance at the adult theater. Such victim may recover damages as provided in this section.

(b) The action may be brought in any circuit court of competent jurisdiction in this state.

(c) A victim who prevails in any such action may recover economic and noneconomic damages; punitive damages, as provided in ss. 768.72, 768.725, and 768.73; reasonable attorney fees; and costs.

1. Economic damages include, but are not limited to, past and future medical and mental health expenses; repatriation expenses, when a victim elects repatriation; and all other reasonable costs and expenses incurred by the victim in the past or estimated to be incurred by the victim in the future as a result of the human trafficking.

2. Noneconomic damages are nonfinancial losses that would not have occurred but for the victimization, and include pain and suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of capacity for enjoyment of life, and other nonfinancial losses.

(d) The civil remedies provided for in this section do not preempt any other remedy or cause of action provided by law, except that a victim may not

recover against the same defendant under both this section and s. 772.104(2).

(e) If the factfinder determines a parent or legal guardian knowingly trafficked the victim, facilitated such trafficking, or otherwise participated in the human trafficking of the victim, the court may not allow such parent or legal guardian to receive any distribution of damages awarded under this section.

(f) The court shall have specific authority to consolidate civil actions for the same defendant for the purpose of case resolution and aggregate jurisdiction.

(4) STATUTE OF LIMITATIONS.—The statute of limitations as specified in s. 95.11(7) or (9), as applicable, governs an action brought under this section.

Section 5. Paragraph (b) of subsection (5) of section 796.07, Florida Statutes, is amended, subsection (8) is added to that section, and paragraph (f) of subsection (2) and paragraph (a) of subsection (5) of that section are 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 (8), ~~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~~ programs exist in the judicial circuit in which the offender is sentenced.

(8)(a) 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:

- 1. The relationship between demand for commercial sex and human trafficking.
- 2. The impact of human trafficking on victims.
- 3. Coercion, consent, and sexual violence.
- 4. The health and legal consequences of commercial sex.
- 5. The negative impact of commercial sex on prostituted persons and the community.
- 6. The reasons and motivations for engaging in prostitution.

(b) An educational program may include a program offered by a faith-based provider.

Section 6. Section 943.17297, Florida Statutes, is amended 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 as part of the basic recruit training of the officer required in s. 943.13(9) or additional training required in s. 943.131(4). 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 7. Section 1004.343, Florida Statutes, is created to read:

1004.343 Statewide Data Repository for Anonymous Human Trafficking Data.—

(1) The University of South Florida Trafficking in Persons - Risk to Resilience Lab shall house and operate the state’s unified Statewide Data Repository for Anonymous Human Trafficking Data.

(a) The purposes of the data repository are to:

1. Collect and analyze anonymous human trafficking data to better understand the magnitude and trends in human trafficking in the state over time.

2. Help evaluate the effectiveness of various state-funded initiatives to combat human trafficking to determine the impact of such initiatives and to use evidence-based decisionmaking in the determination of state investments in such initiatives.

3. Inform statewide efforts among law enforcement agencies, state agencies, and other entities to combat human trafficking and apprehend and prosecute those persons responsible for human trafficking; and

4. Better serve victims of human trafficking through evidence-based interventions that have proven effective.

(b) University of South Florida faculty and staff assigned to the lab shall:

1. Design, operate, maintain, and protect the integrity of the statewide human trafficking data repository.

2. Design, in consultation with the Department of Law Enforcement and other law enforcement partners, and launch a user-friendly system for uploading anonymous human trafficking data to the repository in a manner that can be accomplished quickly and at no additional cost to the required reporting entities.

3. Analyze such data to identify initiatives and interventions that worked best in combatting human trafficking, prosecuting individuals conducting human trafficking, and assisting victims of human trafficking.

4. Work with law enforcement agencies and state agencies to report data on human trafficking investigations and prosecutions which can aid those agencies in combatting human trafficking and prosecuting those individuals responsible for human trafficking.

(2)(a) The following agencies and organizations are considered required reporting entities under this section:

1. Law enforcement agencies operating with state or local government tax proceeds, including, but not limited to, municipal police departments, county sheriff's departments, county attorney's offices, and state attorney's offices.

2. The Department of Law Enforcement and any other state agencies that hold any data related to human trafficking.

3. Service providers and other nongovernmental organizations that serve victims of human trafficking through state or federal funding for such purpose.

(b) Notwithstanding paragraph (a), any required reporting entity that submits the data required under subsection (3) from its local jurisdiction to the Department of Law Enforcement's Uniform Crime Report (UCR) system or Florida Incident-Based Reporting System (FIBRS) may, but is not required to, submit any additional data to the statewide human trafficking data repository. However, the Department of Law Enforcement shall upload or otherwise share with the statewide human trafficking data repository, at least quarterly, the relevant data required by this section which has been reported by local jurisdictions to the UCR system and the FIBRS.

(3) All of the following human trafficking data shall be submitted by required reporting entities to the statewide human trafficking data repository, unless such entity is exempt from the reporting under paragraph (2)(b):

(a) The alleged offense that was being investigated or prosecuted and a description of the alleged prohibited conduct.

(b) The age, gender, and race or ethnicity of each suspect and victim and the case number associated with that suspect and victim.

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

(d) The type of human trafficking involved.

(e) Any other related prosecution charges.

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

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

(4)(a) A required reporting entity located in a county with a population of more than 500,000 must begin reporting its jurisdiction's human trafficking data required by this section to the statewide human trafficking data repository, or to the UCR system or the FIBRS, on or before July 1, 2024, and at least quarterly each year thereafter.

(b) A required reporting entity located in a county with a population of 500,000 or less must begin reporting its jurisdiction's human trafficking data required by this section to the statewide human trafficking data repository, or to the UCR system or the FIBRS, on or before July 1, 2024, and at least biannually each year thereafter.

(5) Beginning July 1, 2025, and annually thereafter, the University of South Florida Trafficking in Persons - Risk to Resilience Lab shall submit an annual report and analysis on its findings to the Governor, the Attorney General, the President of the Senate, and the Speaker of the House of Representatives.

(6) This section is repealed July 1, 2026, unless reviewed and reenacted by the Legislature before that date.

Section 8. This act shall take effect July 1, 2023.

Approved by the Governor May 16, 2023.

Filed in Office Secretary of State May 16, 2023.