

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

1
2 An act relating to human trafficking; creating s.
3 16.618, F.S.; requiring the Department of Legal
4 Affairs to establish a certain direct-support
5 organization for a specified purpose; providing
6 requirements for the direct-support organization;
7 requiring the direct-support organization to operate
8 under written contract with the department; providing
9 contractual requirements; providing for the membership
10 of and the appointment of directors to the board of
11 directors of the direct-support organization;
12 requiring the direct-support organization to contract
13 to develop certain training and information with the
14 Florida Forensic Institute for Research, Security, and
15 Tactics or another organization under certain
16 circumstances; providing a contractual requirement;
17 requiring the institute to develop specified training
18 by a certain date; requiring the institute to serve as
19 a repository for certain information and training
20 materials and resources; requiring certain task forces
21 to coordinate with the institute on an ongoing,
22 periodic basis; authorizing certain law enforcement
23 offices and agencies to coordinate with the institute
24 to receive training and information; requiring the
25 direct-support organization, in conjunction with the

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

26 | Statewide Council on Human Trafficking, to form
27 | certain partnerships for specified purposes;
28 | authorizing the department to allow appropriate use of
29 | department property, facilities, and personnel by the
30 | direct-support organization; providing requirements
31 | and conditions for such use of department property,
32 | facilities, and personnel by the direct-support
33 | organization; authorizing the direct-support
34 | organization to engage in certain activities for the
35 | direct or indirect benefit of the council; prohibiting
36 | certain persons and employees from receiving specified
37 | benefits as they relate to the council or the direct-
38 | support organization; providing for moneys received by
39 | the direct-support organization; authorizing the
40 | department to terminate its agreement with the direct-
41 | support organization if the department determines that
42 | the direct-support organization does not meet
43 | specified objectives; providing for future review and
44 | repeal by the Legislature; creating s. 456.0341, F.S.;
45 | providing for instruction on human trafficking;
46 | requiring specified licensees or certificate holders
47 | to complete a certain continuing education course by a
48 | specified date; providing course requirements;
49 | requiring specified licensees or certificate holders
50 | to post a human trafficking public awareness sign in

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

51 their place of work by a specified date; providing
52 requirements; amending s. 480.033, F.S.; providing
53 definitions; amending s. 480.043, F.S.; conforming
54 provisions to changes made by the act; providing for
55 suspension of an establishment license under specified
56 circumstances; requiring a massage establishment to
57 implement a procedure for reporting suspected human
58 trafficking to certain entities and to post a sign
59 with such reporting procedure in a conspicuous place
60 by a specified date; providing an exception; amending
61 s. 480.046, F.S.; conforming provisions to changes
62 made by the act; revising grounds for disciplinary
63 action by the board; creating s. 509.096, F.S.;

64 requiring a public lodging establishment to train
65 certain employees and implement a certain procedure
66 relating to human trafficking by a specified date;
67 requiring each employee to submit a signed and dated
68 acknowledgement of having received the training;
69 requiring the public lodging establishment to provide
70 a copy to the Department of Business and Professional
71 Regulation upon request; requiring a public lodging
72 establishment to post in the establishment a human
73 trafficking public awareness sign by a specified date;
74 providing requirements for the sign; requiring that
75 certain training be submitted to and approved by the

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

76 | department; providing training requirements; requiring
77 | the Division of Hotels and Restaurants of the
78 | Department of Business and Professional Regulation to
79 | impose an administrative fine on a public lodging
80 | establishment for failure to comply with certain
81 | requirements and to remit the fines to a certain
82 | direct-support organization; providing an exception;
83 | providing that this section does not establish a
84 | private cause of action against a public lodging
85 | establishment and does not alter or limit any existing
86 | remedies for survivors of human trafficking; amending
87 | s. 796.07, F.S.; requiring that the criminal history
88 | record of a person who is found guilty of, or who
89 | enters a plea of guilty or nolo contendere to,
90 | soliciting, inducing, enticing, or procuring another
91 | to commit prostitution, lewdness, or assignation and
92 | who provides or arranges payment for such violations
93 | be added to the Soliciting for Prostitution Public
94 | Database; requiring the clerk of the court to forward
95 | the criminal history record of such persons to the
96 | Department of Law Enforcement for inclusion in the
97 | database; providing for future legislative review and
98 | repeal; creating s. 943.0433, F.S.; requiring the
99 | Department of Law Enforcement to create and administer
100 | the Soliciting for Prostitution Public Database;

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

101 requiring the department to add certain criminal
 102 history records to the database; requiring the
 103 department to automatically remove certain criminal
 104 history records from the database under certain
 105 circumstances; prohibiting the department from
 106 removing certain criminal history records from the
 107 database for second or subsequent violations of
 108 specified provisions; requiring the department to
 109 create policies and procedures that allow certain
 110 persons to petition the department for the removal of
 111 criminal history records from the database; requiring
 112 the department to remove such a record within a
 113 specified timeframe after receipt of the petition;
 114 requiring the department to create a certain form, to
 115 publish it online, and to provide the form in paper
 116 form upon request; requiring the database to include
 117 specified information on offenders; requiring the
 118 department to adopt rules; requiring the Office of
 119 Program Policy Analysis and Government Accountability
 120 (OPPAGA) to perform a study reviewing the
 121 effectiveness of the database; providing study
 122 requirements; requiring OPPAGA to consult with the
 123 department and other interested entities; requiring
 124 OPPAGA to submit a report to the Governor and
 125 Legislature by a certain date; providing for future

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

126 legislative review and repeal; creating s. 943.17297,
127 F.S.; requiring each certified law enforcement officer
128 to successfully complete training on identifying and
129 investigating human trafficking within a certain
130 timeframe; authorizing the completion of such training
131 to count toward a certain requirement; requiring that
132 the training be completed by a certain date; requiring
133 that the training be developed by the Criminal Justice
134 Standards and Training Commission in consultation with
135 specified entities; specifying that an officer's
136 certification must be placed on inactive status if he
137 or she fails to complete the required training until
138 the employing agency notifies the Criminal Justice
139 Standards and Training Commission that the officer has
140 completed the training; amending s. 450.045, F.S.;
141 penalizing the knowing failure to verify and maintain
142 specified documentation of an adult theater employee
143 or contractor; amending s. 847.001, F.S.; expanding
144 the definition of the term "adult theater"; providing
145 an appropriation; providing effective dates.

146
147 WHEREAS, the state of Florida is ranked third
148 nationally in human trafficking abuses, and recognizing
149 that the crime of human trafficking is a gross violation of
150 human rights, the Legislature has taken measures to raise

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

151 awareness of the practices of human sex trafficking and of
152 labor trafficking of children and adults in this state, and

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

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

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

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

175 WHEREAS, this state is in critical need of a

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

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

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

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

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

198 | WHEREAS, the demand for prostitution is a driving
199 | force that fuels sex trafficking, and the Soliciting for
200 | Prostitution Public Database will serve to identify those

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

201 who contribute to the demand for sex trafficking, thereby
 202 deterring the overall perpetuation of human trafficking,
 203 NOW, THEREFORE,

204
 205 Be It Enacted by the Legislature of the State of Florida:

206
 207 Section 1. Section 16.618, Florida Statutes, is created to
 208 read:

209 16.618 Direct-support organization.—

210 (1) The Department of Legal Affairs shall establish a
 211 direct-support organization to provide assistance, funding, and
 212 support to the Statewide Council on Human Trafficking and to
 213 assist in the fulfillment of the council's purposes. The direct-
 214 support organization must be:

215 (a) A Florida corporation, not for profit, incorporated
 216 under chapter 617, and approved by the Secretary of State;

217 (b) Organized and operated exclusively to solicit funds;
 218 request and receive grants, gifts, and bequests of money;
 219 acquire, receive, hold, invest, and administer, in its own name,
 220 property and funds; and make expenditures in support of the
 221 purposes specified in this section; and

222 (c) Certified by the department, after review, to be
 223 operating in a manner consistent with the purposes of the
 224 organization and in the best interests of this state.

225 (2) The direct-support organization shall operate under

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

226 written contract with the department. The contract must provide
 227 for all of the following:

228 (a) Approval of the articles of incorporation and bylaws
 229 of the direct-support organization by the department.

230 (b) Submission of an annual budget for approval by the
 231 department.

232 (c) Annual certification by the department that the
 233 direct-support organization is complying with the terms of the
 234 contract and is operating in a manner consistent with the
 235 purposes of the organization and in the best interests of this
 236 state.

237 (d) Reversion to the Florida Council Against Sexual
 238 Violence of moneys and property held in trust by the direct-
 239 support organization if the direct-support organization is no
 240 longer approved to operate or if it ceases to exist.

241 (e) Disclosure of the material provisions of the contract
 242 and the distinction between the board of directors and the
 243 direct-support organization to donors of gifts, contributions,
 244 or bequests, which disclosures must be included in all
 245 promotional and fundraising publications.

246 (f) An annual financial audit in accordance with s.
 247 215.981.

248 (g) Establishment of the fiscal year of the direct-support
 249 organization as beginning on July 1 of each year and ending on
 250 June 30 of the following year.

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

251 (h) Appointment of the board of directors, pursuant to
252 this section.

253 (i) Authority of the board of directors of the direct-
254 support organization to hire an executive director.

255 (3) The board of directors of the direct-support
256 organization shall consist of 13 members. Each member of the
257 board of directors shall be appointed to a 4-year term; however,
258 for the purpose of providing staggered terms, the appointees of
259 the President of the Senate and the appointees of the Speaker of
260 the House of Representatives shall each initially be appointed
261 to 2-year terms, and the Attorney General shall initially
262 appoint 2 members to serve 2-year terms. All subsequent
263 appointments shall be for 4-year terms. Any vacancy that occurs
264 must be filled in the same manner as the original appointment
265 and is for the unexpired term of that seat. The board of
266 directors shall be appointed as follows:

267 (a) Two members appointed by the executive director of the
268 Department of Law Enforcement, both of whom must have law
269 enforcement backgrounds with experience and knowledge in the
270 area of human trafficking.

271 (b) Three members appointed by the Attorney General, one
272 of whom must be a survivor of human trafficking and one of whom
273 must be a mental health expert.

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

275 (d) Four members appointed by the Speaker of the House of

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

276 Representatives.

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

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

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

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

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

298 2. In developing the training, the institute shall consult
299 with law enforcement agencies, survivors of human trafficking,
300 industry representatives, tourism representatives, and other

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

301 interested parties. The institute also must conduct research to
302 determine the reduction in recidivism attributable to the
303 education of the harms of human trafficking for first-time
304 offenders.

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

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

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

315 (5) In conjunction with the Statewide Council on Human
316 Trafficking, and funded exclusively by the direct-support
317 organization, the direct-support organization shall form
318 strategic partnerships to foster the development of community
319 and private sector resources to advance the goals of the
320 council.

321 (6) The direct-support organization shall consider the
322 participation of counties and municipalities in this state which
323 demonstrate a willingness to participate and an ability to be
324 successful in any programs funded by the direct-support
325 organization.

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

326 (7) (a) The department may authorize the appropriate use
327 without charge, of the department's property, facilities, and
328 personnel by the direct-support organization. The use must be
329 for the approved purposes of the direct-support organization and
330 may not be made at times or places that would unreasonably
331 interfere with opportunities for the general public to use
332 departmental facilities.

333 (b) The department shall prescribe by agreement conditions
334 with which the direct-support organization must comply in order
335 to use department property, facilities, or personnel. Such
336 conditions must provide for budget and audit review and
337 oversight by the department.

338 (c) The department may not authorize the use of property,
339 facilities, or personnel of the council, department, or
340 designated program by the direct-support organization which does
341 not provide equal employment opportunities to all persons
342 regardless of race, color, religion, sex, age, or national
343 origin.

344 (8) (a) The direct-support organization may conduct
345 programs and activities; raise funds; request and receive
346 grants, gifts, and bequests of money; acquire, receive, hold,
347 invest, and administer, in its own name, securities, funds,
348 objects of value, or other property, real or personal; and make
349 expenditures to or for the direct or indirect benefit of the
350 council or designated program.

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

351 (b) Notwithstanding s. 287.025(1)(e), the direct-support
 352 organization may enter into contracts to insure the property of
 353 the council or designated programs and may insure objects or
 354 collections on loan from other entities in satisfying security
 355 terms of the lender.

356 (9) A departmental employee, a direct-support organization
 357 or council employee, a volunteer, or a director or a designated
 358 program may not:

359 (a) Receive a commission, fee, or financial benefit in
 360 connection with serving on the council; or

361 (b) Be a business associate of any individual, firm, or
 362 organization involved in the sale or the exchange of real or
 363 personal property to the direct-support organization, the
 364 council, or a designated program.

365 (10) All moneys received by the direct-support
 366 organization shall be deposited into an account of the direct-
 367 support organization and shall be used in a manner consistent
 368 with the goals of the council or designated program.

369 (11) The department may terminate its agreement with the
 370 direct-support organization at any time if the department
 371 determines that the direct-support organization does not meet
 372 the objectives of this section.

373 (12) This section is repealed October 1, 2024, unless
 374 reviewed and saved from repeal by the Legislature.

375 Section 2. Section 456.0341, Florida Statutes, is created

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

376 | to read:

377 | 456.0341 Requirements for instruction on human
378 | trafficking.—The requirements of this section apply to each
379 | person licensed or certified under chapter 457; chapter 458;
380 | chapter 459; chapter 460; chapter 461; chapter 463; chapter 465;
381 | chapter 466; part II, part III, part V, or part X of chapter
382 | 468; chapter 480; or chapter 486.

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

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

394 | (3) By January 1, 2021, the licensees or certificate
395 | holders shall post in their place of work in a conspicuous place
396 | accessible to employees a sign at least 11 inches by 15 inches
397 | in size, printed in a clearly legible font and in at least a 32-
398 | point type, which substantially states in English and Spanish:

399 |
400 | "If you or someone you know is being forced to engage in an

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

401 activity and cannot leave, whether it is prostitution,
 402 housework, farm work, factory work, retail work, restaurant
 403 work, or any other activity, call the National Human Trafficking
 404 Resource Center at 888-373-7888 or text INFO or HELP to 233-733
 405 to access help and services. Victims of slavery and human
 406 trafficking are protected under United States and Florida law."

407 Section 3. Subsections (10) and (11) are added to section
 408 480.033, Florida Statutes, to read:

409 480.033 Definitions.—As used in this act:

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

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

422 Section 4. Subsection (13) of section 480.043, Florida
 423 Statutes, is renumbered as subsection (15) and amended,
 424 subsections (2) and (8), paragraph (a) of subsection (9), and
 425 subsection (12) are amended, and new subsections (13) and (14)

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

426 are added to that section, to read:

427 480.043 Massage establishments; requisites; licensure;
 428 inspection; human trafficking awareness training and policies.-

429 (2) An establishment owner ~~A person who has an ownership~~
 430 ~~interest in an establishment~~ shall comply with ~~submit to~~ the
 431 background screening requirements under s. 456.0135. However, if
 432 a corporation submits proof of having more than \$250,000 of
 433 business assets in this state, the department shall require the
 434 establishment owner, the designated establishment manager,
 435 ~~officer, or~~ and each individual directly involved in the
 436 management of the establishment to comply with ~~submit to~~ the
 437 background screening requirements under ~~of~~ s. 456.0135. The
 438 board department may adopt rules regarding the type of proof
 439 that may be submitted by a corporation.

440 (8) The department shall deny an application for a new or
 441 renewal license if an establishment owner or a designated
 442 establishment manager ~~a person with an ownership interest in the~~
 443 ~~establishment~~ or, for a corporation that has more than \$250,000
 444 of business assets in this state, an the establishment owner, a
 445 designated establishment manager, ~~officer,~~ or any individual
 446 directly involved in the management of the establishment has
 447 been convicted of ~~or found guilty of,~~ or entered a plea of
 448 guilty or nolo contendere to any misdemeanor or felony crime,
 449 regardless of adjudication, related to prostitution or related
 450 acts as described in s. 796.07 ~~a violation of s. 796.07(2)(a)-~~

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

451 ~~which is reclassified under s. 796.07(7)~~ or a felony offense
452 under any of the following provisions of state law or a similar
453 provision in another jurisdiction:

454 (a) Section 787.01, relating to kidnapping.

455 (b) Section 787.02, relating to false imprisonment.

456 (c) Section 787.025, relating to luring or enticing a
457 child.

458 (d) Section 787.06, relating to human trafficking.

459 (e) Section 787.07, relating to human smuggling.

460 (f) Section 794.011, relating to sexual battery.

461 (g) Section 794.08, relating to female genital mutilation.

462 (h) Former s. 796.03, relating to procuring a person under
463 the age of 18 for prostitution.

464 (i) Former s. 796.035, relating to selling or buying of
465 minors into prostitution.

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

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

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

473 (l)(m) Section 800.04, relating to lewd or lascivious
474 offenses committed upon or in the presence of persons less than
475 16 years of age.

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

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

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

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

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

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

487 ~~(r)-(s)~~ Section 847.0145, relating to the selling or buying
 488 of minors.

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

495 (12) As a condition of licensure, a massage establishment
 496 must have a designated establishment manager. The designated
 497 establishment manager is responsible for complying with all
 498 requirements related to operating the establishment in this
 499 section and shall practice at the establishment for which he or
 500 she has been designated. Within 10 days after termination of a

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

501 designated establishment manager, the establishment owner must
502 notify the department of the identity of another designated
503 establishment manager. Failure to have a designated
504 establishment manager practicing at the location of the
505 establishment shall result in summary suspension of the
506 establishment license as described in s. 456.073(8) or s.
507 120.60(6). An establishment licensed before July 1, 2019, must
508 identify a designated establishment manager by January 1, 2020 A
509 ~~person with an ownership interest in or, for a corporation that~~
510 ~~has more than \$250,000 of business assets in this state, the~~
511 ~~owner, officer, or individual directly involved in the~~
512 ~~management of an establishment that was issued a license before~~
513 ~~July 1, 2014, shall submit to the background screening~~
514 ~~requirements of s. 456.0135 before January 31, 2015.~~

515 (13) By January 1, 2021, a massage establishment shall
516 implement a procedure for reporting suspected human trafficking
517 to the National Human Trafficking Hotline or to a local law
518 enforcement agency and shall post in a conspicuous place in the
519 establishment which is accessible to employees a sign with the
520 relevant provisions of the reporting procedure.

521 (14) Except for the requirements of subsection (13), this
522 section does not apply to a physician licensed under chapter
523 457, chapter 458, chapter 459, or chapter 460 who employs a
524 licensed massage therapist to perform massage on the physician's
525 patients at the physician's place of practice. This subsection

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

526 | does not restrict investigations by the department for
 527 | violations of chapter 456 or this chapter.

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

532 | 480.046 Grounds for disciplinary action by the board.—

533 | (3) The board shall ~~have the power to~~ revoke or suspend
 534 | the license of a massage establishment licensed under this act,
 535 | or to deny subsequent licensure of such an establishment, if any
 536 | ~~in either~~ of the following occurs ~~cases~~:

537 | (a) The ~~Upon proof that~~ a license has been obtained by
 538 | fraud or misrepresentation.

539 | (b) ~~Upon proof that~~ The holder of a license is guilty of
 540 | fraud or deceit or of gross negligence, incompetency, or
 541 | misconduct in the operation of a massage ~~the~~ establishment ~~so~~
 542 | licensed.

543 | (c) The establishment owner, the designated establishment
 544 | manager, or any individual providing massage therapy services
 545 | for the establishment has had the entry in any jurisdiction of:

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

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

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

551 3. A conviction or a plea of guilty or nolo contendere to
552 any misdemeanor or felony crime, regardless of adjudication,
553 related to prostitution or related acts as described in s.
554 796.07.

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

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

562 Section 6. Section 509.096, Florida Statutes, is created
563 to read:

564 509.096 Human trafficking awareness training and policies
565 for employees of public lodging establishments; enforcement.—

566 (1) A public lodging establishment shall:

567 (a) Provide annual training regarding human trafficking
568 awareness to employees of the establishment who perform
569 housekeeping duties in the rental units or who work at the front
570 desk or reception area where guests ordinarily check in or check
571 out. Such training must also be provided for new employees
572 within 60 days after they begin their employment in that role,
573 or by January 1, 2021, whichever occurs later. Each employee
574 must submit to the hiring establishment a signed and dated
575 acknowledgment of having received the training, which the

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

576 establishment must provide to the Department of Business and
577 Professional Regulation upon request. The establishment may keep
578 such acknowledgement electronically.

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

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

589
590 "If you or someone you know is being forced to engage in an
591 activity and cannot leave, whether it is prostitution,
592 housework, farm work, factory work, retail work, restaurant
593 work, or any other activity, call the National Human Trafficking
594 Resource Center at 888-373-7888 or text INFO or HELP to 233-733
595 to access help and services. Victims of slavery and human
596 trafficking are protected under United States and Florida law."

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

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

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

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

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

610 (3) The division shall impose an administrative fine of
611 \$2,000 per day on a public lodging establishment that is not in
612 compliance with this section and remit the fines to the direct-
613 support organization established under s. 16.618, unless the
614 division receives adequate written documentation from the public
615 lodging establishment which provides assurance that each
616 deficiency will be corrected within 90 days after the division
617 provided the public lodging establishment with notice of its
618 violation.

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

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

625 796.07 Prohibiting prostitution and related acts.—

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

626 (2) It is unlawful:

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

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

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

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

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

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

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

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

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

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

655 (5) (a) A person who violates paragraph (2) (f) commits:

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

658 2. A felony of the third degree for a second violation,
 659 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

660 3. A felony of the second degree for a third or subsequent
 661 violation, punishable as provided in s. 775.082, s. 775.083, or
 662 s. 775.084.

663 (b) In addition to any other penalty imposed, the court
 664 shall order a person convicted of a violation of paragraph
 665 (2) (f) to:

666 1. Perform 100 hours of community service; and

667 2. Pay for and attend an educational program about the
 668 negative effects of prostitution and human trafficking, such as
 669 a sexual violence prevention education program, including such
 670 programs offered by faith-based providers, if such programs
 671 exist in the judicial circuit in which the offender is
 672 sentenced.

673 (c) In addition to any other penalty imposed, the court
 674 shall sentence a person convicted of a second or subsequent
 675 violation of paragraph (2) (f) to a minimum mandatory period of

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

676 incarceration of 10 days.

677 (d)1. If a person who violates paragraph (2)(f) uses a
678 vehicle in the course of the violation, the judge, upon the
679 person's conviction, may issue an order for the impoundment or
680 immobilization of the vehicle for a period of up to 60 days. The
681 order of impoundment or immobilization must include the names
682 and telephone numbers of all immobilization agencies meeting all
683 of the conditions of s. 316.193(13). Within 7 business days
684 after the date that the court issues the order of impoundment or
685 immobilization, the clerk of the court must send notice by
686 certified mail, return receipt requested, to the registered
687 owner of the vehicle, if the registered owner is a person other
688 than the defendant, and to each person of record claiming a lien
689 against the vehicle.

690 2. The owner of the vehicle may request the court to
691 dismiss the order. The court must dismiss the order, and the
692 owner of the vehicle will incur no costs, if the owner of the
693 vehicle alleges and the court finds to be true any of the
694 following:

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

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

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

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

701 d. The vehicle is owned by the defendant but is operated
702 solely by employees of the defendant or employees of a business
703 owned by the defendant.

704 3. If the court denies the request to dismiss the order,
705 the petitioner may request an evidentiary hearing. If, at the
706 evidentiary hearing, the court finds to be true any of the
707 circumstances described in sub-subparagraphs (d)2.a.-d., the
708 court must dismiss the order and the owner of the vehicle will
709 incur no costs.

710 (e) The Soliciting for Prostitution Public Database
711 created pursuant to s. 943.0433 must include the criminal
712 history record of a person who is found guilty as a result of a
713 trial or who enters a plea of guilty or nolo contendere,
714 regardless of whether adjudication is withheld, of paragraph
715 (2) (f), and there is evidence that such person provided a form
716 of payment or arranged for the payment of such services. Upon
717 conviction, the clerk of the court shall forward the criminal
718 history record of the person to the Department of Law
719 Enforcement, pursuant to s. 943.052(2), for inclusion in the
720 database. This paragraph shall stand repealed on January 1,
721 2024, unless reviewed and saved from repeal by the Legislature.

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

724 943.0433 Soliciting for Prostitution Public Database.—

725 (1) The department shall create and administer the

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

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

731 (2)(a) The department shall automatically remove the
732 criminal history record of a person from the database if, after
733 5 years following the commission of an offense that meets the
734 criteria set forth in s. 796.07(5)(e), such person has not
735 subsequently committed a violation that meets such criteria or
736 any other offense within that time that would constitute a
737 sexual offense, including, but not limited to, human
738 trafficking, or an offense that would require registration as a
739 sexual offender.

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

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

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

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

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

757 (a) His or her full legal name.

758 (b) His or her last known address.

759 (c) A color photograph of him or her.

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

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

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

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

776 House of Representatives by January 1, 2023.

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

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

782 943.17297 Continuing employment training in identifying
 783 and investigating human trafficking.—Within 1 year after
 784 beginning employment, each certified law enforcement officer
 785 must successfully complete 4 hours of training in identifying
 786 and investigating human trafficking. Completion of the training
 787 component may count toward the 40 hours of instruction for
 788 continued employment or appointment as a law enforcement officer
 789 required under s. 943.135. This training component must be
 790 completed by current law enforcement officers by July 1, 2022.
 791 The training must be developed by the commission in consultation
 792 with the Department of Legal Affairs and the Statewide Council
 793 on Human Trafficking. If an officer fails to complete the
 794 required training, his or her certification must be placed on
 795 inactive status until the employing agency notifies the
 796 commission that the officer has completed the training.

797 Section 10. Paragraph (d) is added to subsection (3) of
 798 section 450.045, Florida Statutes, and paragraphs (a), (b), and
 799 (c) of that subsection are republished, to read:

800 450.045 Proof of identity and age; posting of notices.—

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

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

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

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

825 (d) An adult theater owner, operator, or manager who

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

826 | knowingly violates this subsection commits a misdemeanor in the
 827 | first degree, punishable as provided in s. 775.082 or s.
 828 | 775.083.

829 | Section 11. Paragraph (b) of subsection (2) of section
 830 | 847.001, Florida Statutes, is amended to read:

831 | 847.001 Definitions.—As used in this chapter, the term:

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

834 | (b) "Adult theater" means an enclosed building or an
 835 | enclosed space within a building used for presenting either
 836 | films, live plays, dances, or other performances that are
 837 | distinguished or characterized by an emphasis on matter
 838 | depicting, describing, or relating to specific sexual activities
 839 | for observation by patrons, and which restricts or purports to
 840 | restrict admission only to adults, or any business that features
 841 | a person who engages in specific sexual activities for
 842 | observation by a patron, and which restricts or purports to
 843 | restrict admission to only adults.

844 | Section 12. For the 2019-2020 fiscal year, the sum of
 845 | \$250,000 in nonrecurring funds is appropriated from the General
 846 | Revenue Fund to the Department of Legal Affairs for the purposes
 847 | of implementing and administering the direct-support
 848 | organization created under s. 16.618, Florida Statutes, and for
 849 | developing training and information services with the Florida
 850 | Forensic Institute for Research, Security, and Tactics.

ENROLLED

CS/CS/CS/HB 851, Engrossed 2

2019 Legislature

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