

1 A bill to be entitled
2 An act relating to human trafficking, prostitution,
3 and lewdness; amending s. 95.11, F.S.; conforming
4 provisions to changes made by the act; amending s.
5 450.045, F.S.; increasing criminal penalties for
6 specified offenses involving adult theaters; creating
7 s. 787.061, F.S.; providing legislative findings;
8 providing definitions; providing a civil cause of
9 action for victims of human trafficking against
10 certain entities; providing procedures and
11 requirements for claims; providing for damages,
12 penalties, punitive damages, attorney fees, expenses,
13 and costs; providing a statute of limitations;
14 amending s. 796.07, F.S.; authorizing judicial
15 circuits to establish educational programs for persons
16 convicted of or charged with certain violations;
17 specifying contents of such programs; providing that
18 such programs may be offered by faith-based providers;
19 amending s. 943.17297, F.S.; revising requirements for
20 law enforcement training in identifying and
21 investigating human trafficking; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Subsections (7) and (9) of section 95.11,
 27 Florida Statutes, are amended to read:

28 95.11 Limitations other than for the recovery of real
 29 property.—Actions other than for recovery of real property shall
 30 be commenced as follows:

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

40 (9) SPECIFIED ~~SEXUAL BATTERY~~ OFFENSES ON VICTIMS UNDER AGE
 41 16.—An action related to an act constituting a violation of s.
 42 794.011 or an action brought pursuant to s. 787.061 involving a
 43 victim who was under the age of 16 at the time of the act may be
 44 commenced at any time. This subsection applies to any such
 45 action other than one which would have been time barred on or
 46 before July 1, 2010.

47 Section 2. Paragraph (d) of subsection (3) of section
 48 450.045, Florida Statutes, is amended, and paragraphs (a), (b),
 49 and (c) of that subsection are republished, to read:

50 450.045 Proof of identity and age; posting of notices.—

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

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

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

75 (d) A person who owns, operates, or manages an adult

76 theater ~~owner, operator, or manager~~ who knowingly violates this
 77 subsection commits a felony of misdemeanor in the third first
 78 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or
 79 s. 775.084.

80 Section 3. Section 787.061, Florida Statutes, is created
 81 to read:

82 787.061 Civil actions by victims of human trafficking.-

83 (1) FINDINGS.-The Legislature finds that it is necessary
 84 to provide a civil cause of action for the recovery of specified
 85 damages and costs in order to achieve the intent of the
 86 Legislature relating to human trafficking as expressed in s.
 87 787.06(1)(d).

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

89 (a) "Human trafficking" has the same meaning as provided
 90 in s. 787.06(2).

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

97 (3) CIVIL CAUSE OF ACTION.-

98 (a) A victim of human trafficking has a civil cause of
 99 action against an adult theater, as defined in s. 847.001(2)(b),
 100 or an owner, operator, or manager of such theater, that

101 knowingly allows a victim of human trafficking to work, perform,
102 or dance at the adult theater. Such victim may recover damages
103 as provided in this section.

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

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

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

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

121 (d) The civil remedies provided for in this section do not
122 preempt any other remedy or cause of action provided by law,
123 except that a victim may not recover against the same defendant
124 under both this section and s. 772.104(2).

125 (e) If the factfinder determines a parent or legal

126 guardian knowingly trafficked the victim, facilitated such
 127 trafficking, or otherwise participated in the human trafficking
 128 of the victim, the court may not allow such parent or legal
 129 guardian to receive any distribution of damages awarded under
 130 this section.

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

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

137 Section 4. Paragraph (b) of subsection (5) of section
 138 796.07, Florida Statutes, is amended, subsection (8) is added to
 139 that section, and paragraph (f) of subsection (2) and paragraph
 140 (a) of subsection (5) of that section are republished, to read:

141 796.07 Prohibiting prostitution and related acts.—

142 (2) It is unlawful:

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

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

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

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

150 3. A felony of the second degree for a third or subsequent

151 violation, punishable as provided in s. 775.082, s. 775.083, or
 152 s. 775.084.

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

- 156 1. Perform 100 hours of community service ~~;~~ and
- 157 2. Pay for and attend an educational program as described
 158 in subsection (8), about the negative effects of prostitution
 159 and human trafficking, such as a sexual violence prevention
 160 education program, including such programs offered by faith-
 161 based providers, if such a program exists ~~programs exist~~ in the
 162 judicial circuit in which the offender is sentenced.

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

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

175 (b) An educational program may include a program offered

176 | by a faith-based provider.

177 | Section 5. Section 943.17297, Florida Statutes, is amended
 178 | to read:

179 | 943.17297 ~~Continuing employment~~ Training in identifying
 180 | and investigating human trafficking. ~~Within 1 year after~~
 181 | ~~beginning employment,~~ Each certified law enforcement officer
 182 | must successfully complete 4 hours of training in identifying
 183 | and investigating human trafficking as part of the basic recruit
 184 | training of the officer required in s. 943.13(9) or additional
 185 | training required in s. 943.131(4). ~~Completion of the training~~
 186 | ~~component may count toward the 40 hours of instruction for~~
 187 | ~~continued employment or appointment as a law enforcement officer~~
 188 | ~~required under s. 943.135. This training component must be~~
 189 | ~~completed by current law enforcement officers by July 1, 2022.~~
 190 | The training must be developed by the commission in consultation
 191 | with the Department of Legal Affairs and the Statewide Council
 192 | on Human Trafficking. ~~If an officer fails to complete the~~
 193 | ~~required training, his or her certification must be placed on~~
 194 | ~~inactive status until the employing agency notifies the~~
 195 | ~~commission that the officer has completed the training.~~

196 | Section 6. This act shall take effect July 1, 2023.