

A bill to be entitled

An act relating to human trafficking; amending s. 39.01, F.S.; including human trafficking in the definition of the term "sexual abuse of a child"; amending s. 92.56, F.S.; including human trafficking within provisions providing for confidentiality of court records concerning certain offenses involving children; amending s. 787.06, F.S.; clarifying the offense of human trafficking; amending s. 960.065, F.S.; providing that victims of human trafficking are eligible for crime victim compensation awards under certain circumstances; amending s. 960.199, F.S.; allowing victims of human trafficking to be eligible for financial relocation assistance; providing an effective date.

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

Section 1. Paragraph (g) of subsection (67) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(67) "Sexual abuse of a child" for purposes of finding a child to be dependent means one or more of the following acts:

(g) The sexual exploitation of a child, which includes the act of a child offering to engage in or engaging in

27 prostitution, provided that the child is not under arrest or is
 28 not being prosecuted in a delinquency or criminal proceeding for
 29 a violation of any offense in chapter 796 based on such
 30 behavior; or allowing, encouraging, or forcing a child to:

- 31 1. Solicit for or engage in prostitution;
- 32 2. Engage in a sexual performance, as defined by chapter
 33 827; or
- 34 3. Participate in commercial sexual activity ~~the trade of~~
 35 ~~sex trafficking~~ as provided in s. 787.06(3)(g) or (h) or s.
 36 796.035.

37 Section 2. Subsections (2), (3), and (5) of section 92.56,
 38 Florida Statutes, are amended to read:

39 92.56 Judicial proceedings and court records involving
 40 sexual offenses and human trafficking.-

41 (2) A defendant charged with a crime described in s.
 42 787.06(3)(a) in which the victim is under the age of 18, s.
 43 787.06(3)(b), (d), (f), (g), or (h), chapter 794, or chapter
 44 800, or with child abuse, aggravated child abuse, or sexual
 45 performance by a child as described in chapter 827, may apply to
 46 the trial court for an order of disclosure of information in
 47 court records held confidential and exempt pursuant to s.
 48 119.0714(1)(h) or maintained as confidential and exempt pursuant
 49 to court order under this section. Such identifying information
 50 concerning the victim may be released to the defendant or his or
 51 her attorney in order to prepare the defense. The confidential
 52 and exempt status of this information may not be construed to

53 prevent the disclosure of the victim's identity to the
54 defendant; however, the defendant may not disclose the victim's
55 identity to any person other than the defendant's attorney or
56 any other person directly involved in the preparation of the
57 defense. A willful and knowing disclosure of the identity of the
58 victim to any other person by the defendant constitutes
59 contempt.

60 (3) The state may use a pseudonym instead of the victim's
61 name to designate the victim of a crime described in s.
62 787.06(3)(a) in which the victim is under the age of 18, in s.
63 787.06(3)(b), (d), (f), (g), or (h), or in chapter 794 or
64 chapter 800, or of child abuse, aggravated child abuse, or
65 sexual performance by a child as described in chapter 827, or
66 any crime involving the production, possession, or promotion of
67 child pornography as described in chapter 847, in all court
68 records and records of court proceedings, both civil and
69 criminal.

70 (5) This section does not prohibit the publication or
71 broadcast of the substance of trial testimony in a prosecution
72 for an offense described in s. 787.06(3)(a) in which the victim
73 is under the age of 18, s. 787.06(3)(b), (d), (f), (g), or (h),
74 chapter 794, or chapter 800, or a crime of child abuse,
75 aggravated child abuse, or sexual performance by a child, as
76 described in chapter 827, but the publication or broadcast may
77 not include an identifying photograph, an identifiable voice, or
78 the name or address of the victim, unless the victim has

79 consented in writing to the publication and filed such consent
80 with the court or unless the court has declared such records not
81 confidential and exempt as provided for in subsection (1).

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

84 787.06 Human trafficking.—

85 (3) Any person who knowingly, or in reckless disregard of
86 the facts, engages in human trafficking, or attempts to engage
87 in human trafficking, or benefits financially by receiving
88 anything of value from participation in a venture that has
89 subjected a person to human trafficking:

90 (a) Using coercion for labor or services commits a felony
91 of the first degree, punishable as provided in s. 775.082, s.
92 775.083, or s. 775.084.

93 (b) Using coercion for commercial sexual activity commits
94 a felony of the first degree, punishable as provided in s.
95 775.082, s. 775.083, or s. 775.084.

96 (c) Using coercion for labor or services of any individual
97 who is an unauthorized alien commits a felony of the first
98 degree, punishable as provided in s. 775.082, s. 775.083, or s.
99 775.084.

100 (d) Using coercion for commercial sexual activity of any
101 individual who is an unauthorized alien commits a felony of the
102 first degree, punishable as provided in s. 775.082, s. 775.083,
103 or s. 775.084.

104 (e) Using coercion for labor or services who does so by

105 the transfer or transport of any individual from outside this
106 state to within the state commits a felony of the first degree,
107 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

108 (f) Using coercion for commercial sexual activity who does
109 so by the transfer or transport of any individual from outside
110 this state to within the state commits a felony of the first
111 degree, punishable as provided in s. 775.082, s. 775.083, or s.
112 775.084.

113 (g) For commercial sexual activity in which any child
114 under the age of 18 is involved commits a felony of the first
115 degree, punishable by imprisonment for a term of years not
116 exceeding life, or as provided in s. 775.082, s. 775.083, or s.
117 775.084. In a prosecution under this paragraph in which the
118 defendant had a reasonable opportunity to observe the person who
119 was subject to human trafficking, the state need not prove that
120 the defendant knew that the person had not attained the age of
121 18 years.

122 (h) For commercial sexual activity in which any child
123 under the age of 15 is involved commits a life felony,
124 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
125 In a prosecution under this paragraph in which the defendant had
126 a reasonable opportunity to observe the person who was subject
127 to human trafficking, the state need not prove that the
128 defendant knew that the person had not attained the age of 15
129 years.

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131 For each instance of human trafficking of any individual under
 132 this subsection, a separate crime is committed and a separate
 133 punishment is authorized.

134 Section 4. Paragraph (b) of subsection (2) of section
 135 960.065, Florida Statutes, is amended to read:

136 960.065 Eligibility for awards.—

137 (2) Any claim filed by or on behalf of a person who:

138 (b) Was engaged in an unlawful activity at the time of the
 139 crime upon which the claim for compensation is based, unless the
 140 victim was engaged in prostitution as a result of being a victim
 141 of human trafficking as described in s. 787.06(3)(b), (d), (f),
 142 (g), or (h);

143
 144 is ineligible for an award.

145 Section 5. Section 960.199, Florida Statutes, is amended
 146 to read:

147 960.199 Relocation assistance for victims of sexual
 148 battery or human trafficking.—

149 (1) The department may award a one-time payment of up to
 150 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
 151 victim of sexual battery, as defined in s. 794.011, or a victim
 152 of human trafficking, as described in s. 787.06(3)(b), (d), (f),
 153 (g), or (h), who needs relocation assistance.

154 (2) In order for an award to be granted to a victim for
 155 relocation assistance:

156 (a) There must be proof that a sexual battery offense or

157 human trafficking offense, as described in s. 787.06(3)(b), (d),
158 (f), (g), or (h), was committed.

159 (b) The sexual battery offense or human trafficking
160 offense, as defined in s. 787.06(3)(b), (d), (f), (g), or (h),
161 must be reported to the proper authorities.

162 (c) The victim's need for assistance must be certified by
163 a certified rape crisis center in this state or by the state
164 attorney or statewide prosecutor having jurisdiction over the
165 offense. A victim of human trafficking's need for assistance may
166 also be certified by a state certified domestic violence center.

167 (d) The center's ~~center~~ certification must assert that the
168 victim is cooperating with law enforcement officials, if
169 applicable, and must include documentation that the victim has
170 developed a safety plan. If the victim seeking relocation
171 assistance is a victim of a human trafficking offense as
172 described in s. 787.06(3)(b), (d), (f), (g), or (h), the
173 certified rape crisis center's or certified domestic violence
174 center's certification must include, if applicable, approval of
175 the state attorney or statewide prosecutor attesting that the
176 victim is cooperating with law enforcement officials.

177 (e) The act of sexual battery or human trafficking, as
178 described in s. 787.06(3)(b), (d), (f), (g), or (h), must be
179 committed in the victim's place of residence or in a location
180 that would lead the victim to reasonably fear for his or her
181 continued safety in the place of residence.

182 (3) Relocation payments for a sexual battery or human

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183 | trafficking claim under this section shall be denied if the
184 | department has previously approved or paid out a domestic
185 | violence relocation claim under s. 960.198 to the same victim
186 | regarding the same incident.

187 | Section 6. This act shall take effect October 1, 2014.