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26 Section 1. Subsection (3) of section 787.06, Florida
 27 Statutes, is amended to read:

28 (3) Any person who knowingly, or in reckless disregard of
 29 the facts, engages in human trafficking, or attempts to engage
 30 in human trafficking, or benefits financially by receiving
 31 anything of value from participation in a venture that has
 32 subjected a person to human trafficking:

33 (a)1. For labor or services of any child under the age of
 34 18 commits a felony of the first degree, punishable as provided
 35 in s. 775.082, s. 775.083, or s. 775.084 with a minimum
 36 mandatory term of imprisonment of 10 years.

37 2. Using coercion for labor or services of an adult
 38 commits a felony of the first degree, punishable as provided in
 39 s. 775.082, s. 775.083, or s. 775.084 with a minimum mandatory
 40 term of imprisonment of 10 years.

41 (b) Using coercion for commercial sexual activity of an
 42 adult commits a felony of the first degree, punishable as
 43 provided in s. 775.082, s. 775.083, or s. 775.084 with a minimum
 44 mandatory term of imprisonment of 10 years.

45 (c)1. For labor or services of any child under the age of
 46 18 who is an unauthorized alien commits a felony of the first
 47 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 48 775.084 with a minimum mandatory term of imprisonment of 10
 49 years.

50 2. Using coercion for labor or services of an adult who is

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51 an unauthorized alien commits a felony of the first degree,
 52 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
 53 with a minimum mandatory term of imprisonment of 10 years.

54 (d) Using coercion for commercial sexual activity of an
 55 adult who is an unauthorized alien commits a felony of the first
 56 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 57 775.084 with a minimum term of imprisonment of 10 years.

58 (e)1. For labor or services who does so by the transfer or
 59 transport of any child under the age of 18 from outside this
 60 state to within the state commits a felony of the first degree,
 61 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
 62 with a minimum term of imprisonment of 10 years.

63 2. Using coercion for labor or services who does so by the
 64 transfer or transport of an adult from outside this state to
 65 within the state commits a felony of the first degree,
 66 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
 67 with a minimum term of imprisonment of 10 years.

68 (f)1. For commercial sexual activity who does so by the
 69 transfer or transport of any child under the age of 18 from
 70 outside this state to within the state commits a felony of the
 71 first degree, punishable by imprisonment for a term of years not
 72 exceeding life, or as provided in s. 775.082, s. 775.083, or s.
 73 775.084 with a minimum term of imprisonment of 10 years.

74 2. Using coercion for commercial sexual activity who does
 75 so by the transfer or transport of an adult from outside this

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76 | state to within the state commits a felony of the first degree,
 77 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084
 78 | with a minimum term of imprisonment of 10 years.

79 | (g) For commercial sexual activity in which any child
 80 | under the age of 18, or in which any person who is mentally
 81 | defective or mentally incapacitated as those terms are defined
 82 | in s. 794.011(1), is involved commits a life felony, punishable
 83 | as provided in s. 775.082(3)(a)6., s. 775.083, or s. 775.084
 84 | with a minimum mandatory term of imprisonment of 10 years.

85 |
 86 | For each instance of human trafficking of any individual under
 87 | this subsection, a separate crime is committed and a separate
 88 | punishment is authorized.

89 | Section 2. Paragraph (b) of subsection (2) of section
 90 | 847.001, Florida Statutes, is amended to read:

91 | 847.001 Definitions.—As used in this chapter, the term:

92 | (2) "Adult entertainment establishment" means the
 93 | following terms as defined:

94 | (b) "Adult theater" means an enclosed building or an
 95 | enclosed space within a building used for presenting either
 96 | films, live plays, dances, or other performances that are
 97 | distinguished or characterized by an emphasis on matter
 98 | depicting, describing, or relating to specific sexual activities
 99 | for observation by patrons, and which restricts or purports to
 100 | restrict admission only to adults, or any business that features

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101 a person who engages in specific sexual activities for
 102 observation by a patron, and which restricts or purports to
 103 restrict admission to only adults.

104 Section 3. Subsections (3) and (5) of section 943.0583,
 105 Florida Statutes, are amended to read:

106 943.0583 Human trafficking victim expunction.—

107 (3) A person who is a victim of human trafficking may
 108 petition for the expunction of a criminal history record
 109 resulting from the arrest or filing of charges for an offense
 110 committed or reported to have been committed while the person
 111 was a victim of human trafficking, which offense was committed
 112 or reported to have been committed as a part of the human
 113 trafficking scheme of which the person was a victim or at the
 114 direction of an operator of the scheme, including, but not
 115 limited to, violations under chapters 796 and 847, without
 116 regard to the disposition of the arrest or of any charges.
 117 However, this section does not apply to any offense listed in s.
 118 775.084(1)(b)1. Determination of the petition under this section
 119 should be by a preponderance of the evidence. A conviction
 120 expunged under this section is deemed to have been vacated due
 121 to a substantive defect in the underlying criminal proceedings.
 122 If a person is adjudicated not guilty by reason of insanity or
 123 is found to be incompetent to stand trial for any such charge,
 124 the expunction of the criminal history record may not prevent
 125 the entry of the judgment or finding in state and national

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126 databases for use in determining eligibility to purchase or
 127 possess a firearm or to carry a concealed firearm, as authorized
 128 in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it
 129 prevent any governmental agency that is authorized by state or
 130 federal law to determine eligibility to purchase or possess a
 131 firearm or to carry a concealed firearm from accessing or using
 132 the record of the judgment or finding in the course of such
 133 agency's official duties. A victim seeking expungement shall not
 134 be assessed a filing or copy fee under s. 28.24 or as otherwise
 135 provided for under law.

136 Section 4. For the purpose of incorporating the amendment
 137 made by this act to section 847.001, Florida Statutes, in a
 138 reference thereto, paragraph (b) of subsection (4) of section
 139 402.82, Florida Statutes, is reenacted to read:

140 402.82 Electronic benefits transfer program.—

141 (4) Use or acceptance of an electronic benefits transfer
 142 card is prohibited at the following locations or for the
 143 following activities:

144 (b) An adult entertainment establishment as defined in s.
 145 847.001.

146 Section 5. For the purpose of incorporating the amendment
 147 made by this act to section 847.001, Florida Statutes, in a
 148 reference thereto, Subsection (5) of section 450.021, Florida
 149 Statutes, is reenacted to read:

150 450.021 Minimum age; general.—

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151 (5) In order to better ensure the elimination of minors
 152 being exploited and becoming victims of human trafficking, a
 153 person under the age of 18, whether or not such person's
 154 disabilities of nonage have been removed by marriage or
 155 otherwise, may not be employed, permitted, or suffered to work
 156 in an adult theater, as defined in s. 847.001(2)(b).

157 Section 6. For the purpose of incorporating the amendment
 158 made by this act to section 847.001, Florida Statutes, in a
 159 reference thereto, paragraph (a) of subsection (3) of section
 160 450.045, Florida Statutes, is reenacted to read:

161 450.045 Proof of identity and age; posting of notices.—

162 (3)(a) In order to provide the department and law
 163 enforcement agencies the means to more effectively identify,
 164 investigate, and arrest persons engaging in human trafficking,
 165 an adult theater, as defined in s. 847.001(2)(b), shall obtain
 166 proof of the identity and age of each of its employees or
 167 independent contractors, and shall verify the validity of the
 168 identification and age verification document with the issuer,
 169 before his or her employment or provision of services as an
 170 independent contractor.

171 Section 7. For the purpose of incorporating the amendment
 172 made by this act to section 943.0583, Florida Statutes, in a
 173 reference thereto, Subsection (5) of section 943.0582, Florida
 174 Statutes, is reenacted to read:

175 943.0582 Prearrest, postarrest, or teen court diversion

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176 program expunction.—

177 (5) Expunction or sealing granted under this section does
 178 not prevent the minor who receives such relief from petitioning
 179 for the expunction or sealing of a later criminal history record
 180 as provided for in ss. 943.0583, 943.0585, and 943.059, if the
 181 minor is otherwise eligible under those sections.

182 Section 8. For the purpose of incorporating the amendment
 183 made by this act to section 943.0583, Florida Statutes, in a
 184 reference thereto, paragraph (a) of subsection (4) of section
 185 943.0585, Florida Statutes, is reenacted to read:

186 943.0585 Court-ordered expunction of criminal history
 187 records.—The courts of this state have jurisdiction over their
 188 own procedures, including the maintenance, expunction, and
 189 correction of judicial records containing criminal history
 190 information to the extent such procedures are not inconsistent
 191 with the conditions, responsibilities, and duties established by
 192 this section. Any court of competent jurisdiction may order a
 193 criminal justice agency to expunge the criminal history record
 194 of a minor or an adult who complies with the requirements of
 195 this section. The court shall not order a criminal justice
 196 agency to expunge a criminal history record until the person
 197 seeking to expunge a criminal history record has applied for and
 198 received a certificate of eligibility for expunction pursuant to
 199 subsection (2) or subsection (5). A criminal history record that
 200 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,

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201 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
 202 s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,
 203 s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in
 204 s. 907.041, or any violation specified as a predicate offense
 205 for registration as a sexual predator pursuant to s. 775.21,
 206 without regard to whether that offense alone is sufficient to
 207 require such registration, or for registration as a sexual
 208 offender pursuant to s. 943.0435, may not be expunged, without
 209 regard to whether adjudication was withheld, if the defendant
 210 was found guilty of or pled guilty or nolo contendere to the
 211 offense, or if the defendant, as a minor, was found to have
 212 committed, or pled guilty or nolo contendere to committing, the
 213 offense as a delinquent act. The court may only order expunction
 214 of a criminal history record pertaining to one arrest or one
 215 incident of alleged criminal activity, except as provided in
 216 this section. The court may, at its sole discretion, order the
 217 expunction of a criminal history record pertaining to more than
 218 one arrest if the additional arrests directly relate to the
 219 original arrest. If the court intends to order the expunction of
 220 records pertaining to such additional arrests, such intent must
 221 be specified in the order. A criminal justice agency may not
 222 expunge any record pertaining to such additional arrests if the
 223 order to expunge does not articulate the intention of the court
 224 to expunge a record pertaining to more than one arrest. This
 225 section does not prevent the court from ordering the expunction

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226 | of only a portion of a criminal history record pertaining to one
 227 | arrest or one incident of alleged criminal activity.
 228 | Notwithstanding any law to the contrary, a criminal justice
 229 | agency may comply with laws, court orders, and official requests
 230 | of other jurisdictions relating to expunction, correction, or
 231 | confidential handling of criminal history records or information
 232 | derived therefrom. This section does not confer any right to the
 233 | expunction of any criminal history record, and any request for
 234 | expunction of a criminal history record may be denied at the
 235 | sole discretion of the court.

236 | (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
 237 | criminal history record of a minor or an adult which is ordered
 238 | expunged by a court of competent jurisdiction pursuant to this
 239 | section must be physically destroyed or obliterated by any
 240 | criminal justice agency having custody of such record; except
 241 | that any criminal history record in the custody of the
 242 | department must be retained in all cases. A criminal history
 243 | record ordered expunged that is retained by the department is
 244 | confidential and exempt from the provisions of s. 119.07(1) and
 245 | s. 24(a), Art. I of the State Constitution and not available to
 246 | any person or entity except upon order of a court of competent
 247 | jurisdiction. A criminal justice agency may retain a notation
 248 | indicating compliance with an order to expunge.

249 | (a) The person who is the subject of a criminal history
 250 | record that is expunged under this section or under other

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251 provisions of law, including former s. 893.14, former s. 901.33,
 252 and former s. 943.058, may lawfully deny or fail to acknowledge
 253 the arrests covered by the expunged record, except when the
 254 subject of the record:

255 1. Is a candidate for employment with a criminal justice
 256 agency;

257 2. Is a defendant in a criminal prosecution;

258 3. Concurrently or subsequently petitions for relief under
 259 this section, s. 943.0583, or s. 943.059;

260 4. Is a candidate for admission to The Florida Bar;

261 5. Is seeking to be employed or licensed by or to contract
 262 with the Department of Children and Families, the Division of
 263 Vocational Rehabilitation within the Department of Education,
 264 the Agency for Health Care Administration, the Agency for
 265 Persons with Disabilities, the Department of Health, the
 266 Department of Elderly Affairs, or the Department of Juvenile
 267 Justice or to be employed or used by such contractor or licensee
 268 in a sensitive position having direct contact with children, the
 269 disabled, or the elderly;

270 6. Is seeking to be employed or licensed by the Department
 271 of Education, any district school board, any university
 272 laboratory school, any charter school, any private or parochial
 273 school, or any local governmental entity that licenses child
 274 care facilities;

275 7. Is seeking to be licensed by the Division of Insurance

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276 Agent and Agency Services within the Department of Financial
 277 Services; or
 278 8. Is seeking to be appointed as a guardian pursuant to s.
 279 744.3125.
 280 Section 9. For the purpose of incorporating the amendment
 281 made by this act to section 943.0583, Florida Statutes, in a
 282 reference thereto, paragraph (a) of subsection (4) of section
 283 943.059, Florida Statutes, is reenacted to read:
 284 943.059 Court-ordered sealing of criminal history
 285 records.—The courts of this state shall continue to have
 286 jurisdiction over their own procedures, including the
 287 maintenance, sealing, and correction of judicial records
 288 containing criminal history information to the extent such
 289 procedures are not inconsistent with the conditions,
 290 responsibilities, and duties established by this section. Any
 291 court of competent jurisdiction may order a criminal justice
 292 agency to seal the criminal history record of a minor or an
 293 adult who complies with the requirements of this section. The
 294 court shall not order a criminal justice agency to seal a
 295 criminal history record until the person seeking to seal a
 296 criminal history record has applied for and received a
 297 certificate of eligibility for sealing pursuant to subsection
 298 (2). A criminal history record that relates to a violation of s.
 299 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
 300 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,

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301 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
 302 s. 916.1075, a violation enumerated in s. 907.041, or any
 303 violation specified as a predicate offense for registration as a
 304 sexual predator pursuant to s. 775.21, without regard to whether
 305 that offense alone is sufficient to require such registration,
 306 or for registration as a sexual offender pursuant to s.
 307 943.0435, may not be sealed, without regard to whether
 308 adjudication was withheld, if the defendant was found guilty of
 309 or pled guilty or nolo contendere to the offense, or if the
 310 defendant, as a minor, was found to have committed or pled
 311 guilty or nolo contendere to committing the offense as a
 312 delinquent act. The court may only order sealing of a criminal
 313 history record pertaining to one arrest or one incident of
 314 alleged criminal activity, except as provided in this section.
 315 The court may, at its sole discretion, order the sealing of a
 316 criminal history record pertaining to more than one arrest if
 317 the additional arrests directly relate to the original arrest.
 318 If the court intends to order the sealing of records pertaining
 319 to such additional arrests, such intent must be specified in the
 320 order. A criminal justice agency may not seal any record
 321 pertaining to such additional arrests if the order to seal does
 322 not articulate the intention of the court to seal records
 323 pertaining to more than one arrest. This section does not
 324 prevent the court from ordering the sealing of only a portion of
 325 a criminal history record pertaining to one arrest or one

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326 incident of alleged criminal activity. Notwithstanding any law
 327 to the contrary, a criminal justice agency may comply with laws,
 328 court orders, and official requests of other jurisdictions
 329 relating to sealing, correction, or confidential handling of
 330 criminal history records or information derived therefrom. This
 331 section does not confer any right to the sealing of any criminal
 332 history record, and any request for sealing a criminal history
 333 record may be denied at the sole discretion of the court.

334 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
 335 history record of a minor or an adult which is ordered sealed by
 336 a court pursuant to this section is confidential and exempt from
 337 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 338 Constitution and is available only to the person who is the
 339 subject of the record, to the subject's attorney, to criminal
 340 justice agencies for their respective criminal justice purposes,
 341 which include conducting a criminal history background check for
 342 approval of firearms purchases or transfers as authorized by
 343 state or federal law, to judges in the state courts system for
 344 the purpose of assisting them in their case-related
 345 decisionmaking responsibilities, as set forth in s. 943.053(5),
 346 or to those entities set forth in subparagraphs (a)1., 4., 5.,
 347 6., 8., 9., and 10. for their respective licensing, access
 348 authorization, and employment purposes.

349 (a) The subject of a criminal history record sealed under
 350 this section or under other provisions of law, including former

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351 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 352 deny or fail to acknowledge the arrests covered by the sealed
 353 record, except when the subject of the record:

354 1. Is a candidate for employment with a criminal justice
 355 agency;

356 2. Is a defendant in a criminal prosecution;

357 3. Concurrently or subsequently petitions for relief under
 358 this section, s. 943.0583, or s. 943.0585;

359 4. Is a candidate for admission to The Florida Bar;

360 5. Is seeking to be employed or licensed by or to contract
 361 with the Department of Children and Families, the Division of
 362 Vocational Rehabilitation within the Department of Education,
 363 the Agency for Health Care Administration, the Agency for
 364 Persons with Disabilities, the Department of Health, the
 365 Department of Elderly Affairs, or the Department of Juvenile
 366 Justice or to be employed or used by such contractor or licensee
 367 in a sensitive position having direct contact with children, the
 368 disabled, or the elderly;

369 6. Is seeking to be employed or licensed by the Department
 370 of Education, a district school board, a university laboratory
 371 school, a charter school, a private or parochial school, or a
 372 local governmental entity that licenses child care facilities;

373 7. Is attempting to purchase a firearm from a licensed
 374 importer, licensed manufacturer, or licensed dealer and is
 375 subject to a criminal history check under state or federal law;

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376 8. Is seeking to be licensed by the Division of Insurance
377 Agent and Agency Services within the Department of Financial
378 Services;

379 9. Is seeking to be appointed as a guardian pursuant to s.
380 744.3125; or

381 10. Is seeking to be licensed by the Bureau of License
382 Issuance of the Division of Licensing within the Department of
383 Agriculture and Consumer Services to carry a concealed weapon or
384 concealed firearm. This subparagraph applies only in the
385 determination of an applicant's eligibility under s. 790.06.

386 Section 10. For the purpose of incorporating the amendment
387 made by this act to section 943.0583, Florida Statutes, in a
388 reference thereto, Subsection (1) of section 961.06, Florida
389 Statutes, is reenacted to read:

390 961.06 Compensation for wrongful incarceration.—

391 (1) Except as otherwise provided in this act and subject
392 to the limitations and procedures prescribed in this section, a
393 person who is found to be entitled to compensation under the
394 provisions of this act is entitled to:

395 (a) Monetary compensation for wrongful incarceration,
396 which shall be calculated at a rate of \$50,000 for each year of
397 wrongful incarceration, prorated as necessary to account for a
398 portion of a year. For persons found to be wrongfully
399 incarcerated after December 31, 2008, the Chief Financial
400 Officer may adjust the annual rate of compensation for inflation

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401 using the change in the December-to-December "Consumer Price
 402 Index for All Urban Consumers" of the Bureau of Labor Statistics
 403 of the Department of Labor;

404 (b) A waiver of tuition and fees for up to 120 hours of
 405 instruction at any career center established under s. 1001.44,
 406 any Florida College System institution as defined in s.
 407 1000.21(3), or any state university as defined in s. 1000.21(6),
 408 if the wrongfully incarcerated person meets and maintains the
 409 regular admission requirements of such career center, Florida
 410 College System institution, or state university; remains
 411 registered at such educational institution; and makes
 412 satisfactory academic progress as defined by the educational
 413 institution in which the claimant is enrolled;

414 (c) The amount of any fine, penalty, or court costs
 415 imposed and paid by the wrongfully incarcerated person;

416 (d) The amount of any reasonable attorney's fees and
 417 expenses incurred and paid by the wrongfully incarcerated person
 418 in connection with all criminal proceedings and appeals
 419 regarding the wrongful conviction, to be calculated by the
 420 department based upon the supporting documentation submitted as
 421 specified in s. 961.05; and

422 (e) Notwithstanding any provision to the contrary in s.
 423 943.0583 or s. 943.0585, immediate administrative expunction of
 424 the person's criminal record resulting from his or her wrongful
 425 arrest, wrongful conviction, and wrongful incarceration. The

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426 Department of Legal Affairs and the Department of Law
 427 Enforcement shall, upon a determination that a claimant is
 428 entitled to compensation, immediately take all action necessary
 429 to administratively expunge the claimant's criminal record
 430 arising from his or her wrongful arrest, wrongful conviction,
 431 and wrongful incarceration. All fees for this process shall be
 432 waived.

433
 434 The total compensation awarded under paragraphs (a), (c), and
 435 (d) may not exceed \$2 million. No further award for attorney's
 436 fees, lobbying fees, costs, or other similar expenses shall be
 437 made by the state.

438 Section 11. This act shall take effect July 1, 2018.