

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Children, Families, and Elder Affairs Committee

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BILL: CS/SB 1732

INTRODUCER: Criminal Justice Committee and Senator Joyner

SUBJECT: Florida Statewide Task Force on Human Trafficking

DATE: April 6, 2008                      REVISED: 4/8/08

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Fav/CS
2.	Ray	Jameson	CF	Fav/2 amendments
3.			TA	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input checked="" type="checkbox"/> | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input checked="" type="checkbox"/> | Significant amendments were recommended |

**I. Summary:**

The bill creates the Florida Statewide Task Force on Human Trafficking within the Executive Office of the Governor. The bill prescribes the membership of the task force, its activities, and other matters necessary to the task force completing its work. The bill requires the task force to receive the Statewide Strategic Plan currently being formulated by the Florida State University Center for the Advancement of Human Rights, and to receive, revise, and propose a plan of implementation of the strategic plan. The bill also requires the Florida State University Center for the Advancement of Human Rights to carry out specified activities.

This bill creates an undesignated section of the Florida Statutes.

**II. Present Situation:**

Human trafficking is increasingly committed by organized, sophisticated criminal groups, and it is the fastest growing source of profits for organized criminal enterprise worldwide. Profits from

the trafficking industry contribute to the expansion of organized crime in the U.S. and worldwide.<sup>1</sup>

Generally, traffickers prey on the vulnerability of the poor, the disabled, the very young or old, or those with low literacy skills and education levels. Between 18,000 and 20,000 people are trafficked in the U.S. annually.<sup>2</sup>

International and national estimates of the number of human trafficking victims are difficult to come by. It is unclear exactly how many people are trafficked into and out of the State of Florida, precisely who the traffickers are, or how victims can best be identified and assisted. International trafficking victims have been identified in 20 states throughout the nation, with Florida identified as one of the top three states (with New York and California) reportedly receiving the majority of the women and children trafficked annually into the U.S.<sup>3</sup> Florida is the second largest hub of human trafficking in the U.S.<sup>4</sup> Between 2001 and 2005, 14 percent of the human trafficking matters opened by U.S. attorneys were in Florida.<sup>5</sup>

In October 2000, the Trafficking Victims Protection Act of 2000 (TVPA) was enacted. The TVPA defines human trafficking, or a “severe form of trafficking in persons” as:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which a person induced to perform such an act is under 18; or
- The recruitment harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjecting that person to involuntary servitude, peonage (where someone is held against their will to pay off a debt), debt bondage, or slavery.<sup>6</sup>

### **Florida Human and Sex Trafficking Laws**

Section 787.06, F.S., provides that it is a second-degree felony for any person to knowingly:

- Engage, or attempt to engage, in human trafficking with the intent or knowledge that the trafficked person will be subjected to forced labor or services; or
- Benefit financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services.

“Human trafficking” is defined in that section as “transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport.”

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<sup>1</sup> <http://www.freedomnetworkusa.org/uslegislation.htm>, (last visited, April 3, 2008)

<sup>2</sup> *Id.*

<sup>3</sup> Florida State University, Center for the Advancement of Human Rights, *Florida Responds to Human Trafficking*, pg. 27 (2003).

<sup>4</sup> Florida Coalition Against Human Trafficking. <http://www.stophumantrafficking.org/Activism.htm> (Last visited April 4, 2008)

<sup>5</sup> Mark Motivans, Tracey Kyckelhahn, and BJS Statisticians, *Federal Prosecution of Human Trafficking, 2001-2005*, U.S. Bureau of Justice (2006).

<sup>6</sup> Trafficking Victims Protection Act of 2000, Pub.L. No. 106-386, (2000).

Section 796.045, F.S., provides that any person who knowingly recruits, entices, harbors, transports, provides, or obtains by any means a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution, commits the offense of sex trafficking, a second degree felony. However, a person commits a first degree felony if the offense of sex trafficking is committed against a person who is under the age of 14 or if such offense results in death.

### **III. Effect of Proposed Changes:**

The bill contains the Legislature's declaration that the purpose of this act is to create a public and private task force to examine and analyze the problem of human trafficking and to plan for a coordinated, humane response for victims of human trafficking through a review of existing programs, a clarification of existing options for such victims, a clearinghouse for coordinated efforts to help persons in need, and revised policy efforts to coordinate governmental and private efforts.

The bill creates within the Executive Office of the Governor the Florida Statewide Task Force on Human Trafficking. The task force is created for the express purpose of examining the problem of human trafficking and recommending strategies and actions for reducing or eliminating the unlawful trafficking of men, women, and children into this state.

The bill provides that the task force must consist of the following governmental members, or a designee:

- The executive director of the Department of Law Enforcement, who serves as co-chair;
- The Secretary of Children and Family Services, who also serves as co-chair;
- The Chief Financial Officer;
- The Commissioner of Agriculture;
- The Attorney General;
- The Surgeon General;
- The director of the Agency for Workforce Innovation;
- The statewide prosecutor;
- The executive director of the Florida Commission on Human Relations;
- The executive director of the Florida Coalition Against Domestic Violence;
- The Secretary of Business and Professional Regulation;
- A sheriff; and
- A police chief.

The task force shall also consist of the following nongovernmental members:

- The executive director of the Florida State University Center for the Advancement of Human Rights;
- The executive director of the Florida Immigrant Advocacy Center;
- The Secretary of the Coalition of Immokolee Farmworkers;
- The executive director of the Florida Coalition Against Human Trafficking;
- The executive director of the Florida Freedom Partnership; and

- The executive director of Gulf Coast Legal Services.

The bill requires the Governor to appoint a sheriff and a police chief to the task force by July 1, 2008, and provides that the Governor may appoint ex officio members at any time.

The bill provides that members of the task force shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, F.S.

The bill provides that the task force is required to receive the Statewide Strategic Plan currently being formulated by the Florida State University Center for the Advancement of Human Rights. This plan must be presented at the first meeting of the task force no later than November 1, 2008. The work of the task force is to receive, revise, and propose a plan of implementation of the strategic plan no later than October 1, 2009. The task force must conduct a final public meeting to announce its findings.

The bill requires the Florida State University Center for the Advancement of Human Rights to carry out the following activities:

- Collect and organize data concerning the nature and extent of trafficking in persons in Florida and measure and evaluate the progress in the state in preventing trafficking, protecting and providing assistance to victims of trafficking, and prosecuting persons engaged in trafficking activities;
- Identify available federal, state, and local programs in this state which provide services to victims of trafficking, including, but not limited to, health care and human services, housing services, education services, legal assistance, job training or preparation classes, interpreting services, English as a Second Language classes, and victim's compensation;
- Evaluate approaches to increase public awareness of trafficking, particularly the risks of becoming a trafficking victim; the common recruitment techniques; the use of debt bondage, blackmail, forced labor and services, prostitution, and other coercive tactics; the crime victims' rights; and the reporting of recruitment activities involved in trafficking;
- Analyze the current state, local, and federal criminal statutes for their adequacy in addressing trafficking and, if the analysis determines that those statutes are inadequate, recommend revisions to those statutes or the enactment of new statutes that specifically define and address trafficking; and
- Consult with governmental and nongovernmental organizations, especially those specializing in stopping trafficking or representing diverse communities disproportionately affected by trafficking, in developing recommendations to strengthen state and local efforts to prevent trafficking, to protect and assist victims of trafficking, and to prosecute traffickers.

The bill provides that the task force is abolished on July 1, 2010.

The bill will take effect upon becoming a law.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Members of the task force serve without compensation, but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, F.S.

According to estimates provided by the Executive Office of the Governor, a task force member may accrue the following costs:

Hotel (per day)	\$135
Food (per day)	\$ 36
Rental Car (per day)	\$ 75

The bill provides that the task force consist of 19 members. Using the estimates above, the approximate reimbursable cost of a meeting would be \$4,674 per day. This estimate does not factor in air travel which would add approximately \$300 for each ticket.

The bill does not specify how many meetings the task force is required to hold. However, if the task force held a minimum of four one day meetings in a year and every member attended all four meetings, the potential cost would be \$18,696 plus airfare.

**VI. Technical Deficiencies:**

On line 87, the phrase “but are not limited to” should say “but not limited to.” **(This technical deficiency is corrected in the traveling amendment, Barcode 449622.)**

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Criminal Justice on April 1, 2008:**

- Modifies and reduces the membership of the Florida Statewide Task Force on human trafficking.
- Modifies requirements regarding Governor appointees, number of meetings, reporting requirements, activities, and other matters.
- Requires the task force to receive the Statewide Strategic Plan currently being formulated by the Florida State University Center for the Advancement of Human Rights, and to receive, revise, and propose a plan of implementation of the strategic plan.
- Requires the Florida State University Center for the Advancement of Human Rights to carry out specified activities.

**B. Amendments:****Barcode 768766 by Children, Families, and Elder Affairs on April 8, 2008:**

Adds the executive director of the Florida Council Against Sexual Violence as a nongovernmental member of the Florida Statewide Task Force on Human Trafficking.

**Barcode 449622 by Children, Families, and Elder Affairs on April 8, 2008:**

Makes a technical change by removing the word “are” from the phrase “but are not limited to” on line 87 of the bill.