

**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.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: CS/SB 1732

INTRODUCER: Criminal Justice Committee and Senator Joyner

SUBJECT: Florida Statewide Task Force on Human Trafficking

DATE: April 1, 2008                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Fav/CS
2.			CF	
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 type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

The bill creates within the Executive Office of the Governor the Florida Statewide Task Force on Human Trafficking. 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:**

The National Center for State Courts and the Human Smuggling and Trafficking Center has described “human trafficking” as “the recruitment, transportation, or receipt of persons by some

form of coercion, fraud, or other abuse of power for the purpose of exploitation. Most trafficking victims are women and children.”<sup>1</sup>

### **Federal Human Trafficking Law**

Federal law punishes human trafficking. The Victims of Trafficking and Violence Protection Act of 2000, Pub L. No. 106-386 (effective October 28, 2000), supplemented existing federal laws applicable to human trafficking, including those passed to enforce the Thirteenth Amendment (proscribing slavery and involuntary servitude). The act is the result of coordinated efforts between the FBI, Immigration and Customs Enforcement, the Department of Labor, and other agencies to address domestic and global trafficking of persons, primarily women and children.

The act:

- Creates new laws that criminalize trafficking with respect to slavery, involuntary servitude, peonage, or forced labor.<sup>2</sup>
- Permits prosecution where nonviolent coercion is used to force victims to work in the belief they would be subject to serious harm.<sup>3</sup>
- Permits prosecution where the victim’s service was compelled by confiscation of documents such as passports or birth certificates.<sup>4</sup>
- Increases prison terms for all slavery violations from 10 years to 20 years and adds life imprisonment where the violation involves the death, kidnapping, or sexual abuse of the victim.<sup>5</sup>
- Requires courts to order restitution and forfeiture of assets upon conviction.<sup>6</sup>
- Enables victims to seek witness protection and other types of assistance.<sup>7</sup>
- Gives prosecutors and agents new tools to get legal immigration status for victims of trafficking during investigation and prosecution.<sup>8</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> See National Center for State Courts, <http://www.ncsconline.org/wc/CourTopics/FAQs.asp?topic=ImmLaw>.

<sup>2</sup> 18 U.S.C. s. 1592.

<sup>3</sup> 18 U.S.C. s. 1591.

<sup>4</sup> 18 U.S.C. s. 1592.

<sup>5</sup> 18 U.S.C. ss. 1581, 1583, and 1584.

<sup>6</sup> 18 U.S.C. s. 1593.

<sup>7</sup> 22 U.S.C. s. 7105.

<sup>8</sup> *Id.*

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:

Provided is a section-by-section analysis of the bill:

**Section 1** of the bill declares the purpose of the bill:

The Legislature declares 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 task force consists 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.
- 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.
- The executive director of Gulf Coast Legal Services.

By July 1, 2008, the Governor is required to appoint the sheriff and police chief, and may appoint ex officio members at any time.

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 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 to the task force 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 of the task force to announce the findings of the task force.

The Florida State University Center for the Advancement of Human Rights is required 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 are 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, protect and assist victims of trafficking, and prosecute traffickers.

The task force is abolished on July 1, 2010.

**Section 2** provides that the bill takes 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.

**VI. Technical Deficiencies:**

None.

**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:

None.