

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 Policy and Steering Committee on Ways and Means

BILL: CS/CS/SB 168

INTRODUCER: Higher Education Committee, Criminal Justice Committee and Senators Joyner and Rich

SUBJECT: Florida Statewide Task Force on Human Trafficking

DATE: April 18, 2009 **REVISED:** _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------|-----------------|-------------|-------------------------|
| 1. | <u>Erickson</u> | <u>Cannon</u> | <u>CJ</u> | Fav/CS |
| 2. | <u>Ray</u> | <u>Walsh</u> | <u>CF</u> | Fav/ 1 amendment |
| 3. | <u>Harkey</u> | <u>Matthews</u> | <u>HE</u> | Fav/CS |
| 4. | <u>Hawkins</u> | <u>Kelly</u> | <u>WPSC</u> | Pre-meeting |
| 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 the Florida Statewide Task Force on Human Trafficking within the Department of Children and Family Services. 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.¹

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.²

International and national estimates of the number of human trafficking victims are difficult to determine. It is unclear how many people are trafficked into and out of the state, 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.³ Florida is the second largest hub of human trafficking in the U.S.⁴ Between 2001 and 2005, 14 percent of the human trafficking matters opened by U.S. attorneys were in Florida.⁵

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.⁶

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.”

¹ Freedom Network USA website, http://www.freedomnetworkusa.org/trafficking_us/index.php, (last visited, March 12, 2009).

² *Id.*

³ Florida State University, Center for the Advancement of Human Rights, *Florida Responds to Human Trafficking*, pg. 27 (2003) available at: http://www.humantrafficking.org/uploads/publications/florida_responds2human_trafficking_fsu.pdf.

⁴ Florida Coalition Against Human Trafficking, <http://www.stophumantrafficking.org/Activism.htm>.

⁵ Mark Motivans, Tracey Kyckelhahn, and BJS Statisticians, *Federal Prosecution of Human Trafficking, 2001-2005*, U.S. Bureau of Justice (2006) available at: <http://www.ojp.usdoj.gov/bjs/pub/pdf/fpht05.pdf>.

⁶ 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 a legislative 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, and revised policy efforts to coordinate governmental and private efforts.

The bill creates the Florida Statewide Task Force on Human Trafficking within the Department of Children and Family Services.⁷ The purpose of the task force is to examine the problem of human trafficking and recommend strategies and actions for reducing or eliminating the unlawful trafficking of men, women, and children into Florida.

The task force will 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 statewide prosecutor;
- The executive director of the Florida Commission on Human Relations;
- The Secretary of Business and Professional Regulation;
- A sheriff; and
- A police chief.

The following nongovernmental members or a designee also will serve on the task force:

- 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 Workers;
- The executive director of the Florida Coalition Against Human Trafficking;
- The executive director of the Florida Freedom Partnership;

⁷ The bill specifies this task force is a “task force” as defined in s. 20.03, F.S. Section 20.03(8), F.S., defines the term “task force” as an advisory board created without specific statutory enactment for a time not to exceed one year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of the assignment.

- The executive director of Gulf Coast Legal Services;
- The executive director of the Florida Council Against Sexual Violence; and
- The executive director of the Florida Coalition Against Domestic Violence.

The Governor is required to appoint a sheriff and a police chief to the task force by July 1, 2009, and the Governor could appoint ex officio members at any time.

The bill provides that members of the task force would serve without compensation or reimbursement for per diem or travel expenses.

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. This plan must be presented at the first meeting of the task force no later than November 1, 2009. 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, 2010.

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 of 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 task force will be abolished on July 1, 2011.

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:

None.

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 February 18, 2009:

- Correctly lists the executive director of the Florida Coalition Against Domestic Violence as a nongovernmental member of the task force.
- Corrects an organization's name.

CS by Higher Education on April 6, 2009:

The committee substitute creates the task force within the Department of Children and Family Services rather than within the Executive Office of the Governor.

B. Amendments:

None.