

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 369 Human Trafficking

SPONSOR(S): Economic Affairs Committee; Transportation & Ports Subcommittee; Kerner; Spano and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 534

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee	12 Y, 0 N, As CS	Johnson	Vickers
2) Criminal Justice Subcommittee	13 Y, 0 N	Aziz	Cunningham
3) Economic Affairs Committee	18 Y, 0 N, As CS	Johnson	Creamer

SUMMARY ANALYSIS

The National Human Trafficking Resource Center (NHTRC) is a national hotline number funded by the United States Department of Health and Human Services. The NHTRC provides service referrals to victims of human trafficking, tips to law enforcement, information to the public, training, and technical assistance.

Currently, 25 states require or encourage the NHTRC hotline number to be posted or promoted within the state. Florida law currently does not require or encourage the posting of the hotline number.

The bill requires the Department of Transportation (DOT) to display public awareness signs at all rest areas, turnpike service plazas, weigh stations, welcome centers and public transit facilities that are open to the public. The public awareness sign instructs anyone who is being forced to engage in an activity and is being held against their will to call the NHTRC to access help and services. The bill provides legislative findings that the exploitation and trade of human beings is the equivalent of erstwhile practices of captivity, and as such, is an equally lucrative industry.

During the 2015-2016 fiscal year, DOT may not expend for than \$50,000 to produce the public awareness signs required by the bill.

The bill has an effective date of January 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida law defines human trafficking as “soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.”¹ Human trafficking is a form of modern-day slavery, which involves the exploitation of persons for commercial sex or forced labor.² Trafficking often subjects victims to force, fraud, and coercion.³

There are no definitive statistics on the extent of human trafficking. The U.S. Department of State estimates that as many as 27 million victims are being trafficked worldwide at any given time. They also estimate that there were approximately 40,000 victims being trafficked in the United States in 2012.⁴ Florida is estimated to have the third highest rate of human trafficking in the United States, following New York and California.⁵ Victims of human trafficking are transported around the United States by a variety of means-cars, buses, vans, trucks, or planes-and are often provided counterfeit identification to use in the event of arrest.

The National Human Trafficking Resource Center (NHTRC) is a national hotline number funded by the United States Department of Health and Human Services.⁶ It has been operated by Polaris since 2007. Polaris is a non-profit, non-governmental organization, which works exclusively on the issue of human trafficking. It is not a government entity, law enforcement agency, or an immigration authority.⁷

The NHTRC provides service referrals to victims of human trafficking, tips to law enforcement, information to the public, training, and technical assistance. The NHTRC’s “mission is to provide human trafficking victims and survivors with access to critical support and services to get help and stay safe, and to equip the anti-trafficking community with the tools to effectively combat all forms of human trafficking.”⁸

The toll-free hotline is available to answer calls from anywhere in the United States, 24 hours a day, seven days a week, every day of the year. It has the capabilities to answer calls in more than 200 languages. In 2014, the hotline received 1,428 phone calls and reported 364 human trafficking cases in Florida.⁹

Currently, 25 states require or encourage the NHTRC hotline number to be posted or promoted within the state.¹⁰

Florida law currently does not require or encourage the posting of the hotline number.

Effect of the Bill

The bill provides legislative findings that the exploitation and trade of human beings is the equivalent of erstwhile practices of captivity, and as such, is an equally lucrative industry. Human beings are not to

¹ s. 787.06(2)(d), F.S.

² s. 787.06(1)(a), F.S.

³ *Id.*

⁴ U.S. Department of State, *Trafficking in Persons Report 2013*, <http://www.state.gov/j/tip/rls/tiprpt/2013/> (last visited March 10, 2015).

⁵ Healthy Families Subcommittee Presentation by Professor Terry Coonan, FSU Human Rights Center, January 14, 2014.

⁶ Information on the National Human Trafficking Resource Center is available at <http://traffickingresourcecenter.org/> (last visited March 10, 2015).

⁷ Polaris, *NHTRC and BeFree Hotlines*, <http://www.polarisproject.org/what-we-do/national-human-trafficking-hotline/the-nhtrc/overview> (last visited March 10, 2015).

⁸ National Human Trafficking Resource Center, *Mission*, <http://traffickingresourcecenter.org/mission> (last visited March 10, 2015).

⁹ National Human trafficking Resource Center, *Florida*, <http://traffickingresourcecenter.org/state/florida> (last visited March 10, 2015).

¹⁰ Polaris, *Posting the National Human Trafficking Resource Center Hotline*, <http://www.polarisproject.org/what-we-do/policy-advocacy/assisting-victims/posting-the-national-human-trafficking-resource-center-hotline> (last visited March 10, 2015).

be traded for bonded or forced labor or sexual exploitation. The bill estimates that more than four million people fall prey to trafficking every year. Women and children are the most vulnerable victims of trafficking, though increasingly, men are also being trafficked to work as unskilled labor in factories.

The bill requires the Department of Transportation (DOT) to display human trafficking public awareness signs at any rest area, turnpike service plaza, weigh station, welcome center, and public transit station that is open to the public.

The bill requires public awareness signs to be at least 8.5 inches by 11 inches in size, and may include, but is not limited to the following in English, Spanish, or any other language approved by DOT:

If you or someone you know is being forced to engage in an activity and is being held against his or her will, whether it is housework, farm work, factory work, retail work, restaurant work, or any other activity, call the National Human Trafficking Resource Center at 1-888-373-7888 to access help and services. Victims of human trafficking are protected under United States and Florida law.

The bill provides that during the 2015-2016 fiscal year, DOT may not expend more than \$50,000 on the required human trafficking awareness signs.

The bill has an effective date of January 1, 2016.

B. SECTION DIRECTORY:

Section 1 Creates s. 787.08, F.S., relating to human trafficking public awareness signs.

Section 2 Provides a limit on the amount that DOT may expend on human trafficking awareness signs.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DOT will incur expenses associated with placing human trafficking awareness signs at various facilities. However, the bill limits DOT's expenses to \$50,000 for the 2015-2016 fiscal year.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to DOT, in cooperation with the Attorney General's office, it already provides information regarding human trafficking at its rest areas.¹¹

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 3, 2015, the Transportation & Ports Subcommittee adopted a Proposed Committee Substitute. The PCS changed the bill from mandatory posting of human trafficking awareness signs at numerous DOT facilities and other locations throughout the state to allowing DOT and various businesses to post human trafficking awareness signs. The PCS also provides legislative findings regarding human trafficking and authorized the Attorney General to adopt rules.

On March 19, 2015, the Economic Affairs Committee adopted two amendments and reported the bill favorably as a committee substitute. The amendments:

- Correct a bill drafting error in the legislative findings;
- Require DOT to display human trafficking awareness signs at certain locations;
- Provide requirements for the signs;
- Provide that DOT may expend up to \$50,000 for signs during the 2015-2016 fiscal year;
- Remove provisions authorizing businesses to display human trafficking awareness signs;
- Remove references to the Attorney General approving signs and adopting rules regarding human trafficking awareness signs.

This analysis is drafted to the committee substitute.

¹¹ Florida Department of Transportation, Bill Analysis for HB 369 (2015). Copy on file with the Transportation & Ports Subcommittee.