

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 Committee on Criminal Justice

BILL: CS/SB 982

INTRODUCER: Education Committee and Senator Thurston

SUBJECT: Human Trafficking Education in Schools

DATE: April 5, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Storch</u>	<u>Jones</u>	<u>CJ</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 982 requires that information regarding the dangers and signs of human trafficking be included in the comprehensive health education instruction that is required to be administered in the public school system. The bill permits a student to opt out of such human trafficking educational instruction by providing the school with a written note from his or her parent.

The bill also requires the Department of Legal Affairs (DLA), subject to appropriations, to develop campaigns to increase awareness of human trafficking.

The fiscal impact of the bill is indeterminate. However, school districts that do not currently have human trafficking education as part of their comprehensive health education may incur costs associated with the addition of such instruction into their curriculum. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2019.

II. Present Situation:

Human Trafficking

Human trafficking is a form of modern-day slavery. Young children, teenagers, and adults can be victims of human trafficking, subjected to force, fraud, or coercion for the purpose of sexual

exploitation or forced labor.¹ Human trafficking is the third-largest international crime industry, generating a profit of an estimated \$32 billion every year.² In 2016, there were an estimated 40.3 million victims of human trafficking.³

Forced labor and sex trafficking are the most common types of human trafficking. Labor trafficking is “all work or service which is extracted from any person under the threat of penalty and for which the person has not offered himself or herself voluntarily.”⁴ Sex trafficking “occurs when someone uses force, fraud or coercion to cause a commercial sex act with an adult or causes a minor to commit a commercial sex act.”⁵ Sex trafficking accounted for 6,244 of the reported cases of human trafficking in 2017.⁶

Human Trafficking in Florida

Florida ranks third in the nation for reported cases of human trafficking.⁷ From January through June of 2018, the National Human Trafficking Hotline had 367 human trafficking cases reported in Florida.⁸ Children are often those targeted in trafficking operations, with 12-14 being the average age that a trafficked victim is first used for commercial sex.⁹

Florida law defines “human trafficking” to mean the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining of another person for the purpose of exploitation of that person.¹⁰ In Florida, any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking commits the crime of human trafficking.¹¹ Such an offense is punishable as a first degree felony,¹² unless the person being sex trafficked is a child under the

¹ Section 787.06(1)(a), F.S.

² DoSomething.org, *11 Facts About Human Trafficking*, available at <https://www.dosomething.org/us/facts/11-facts-about-human-trafficking> (last visited April 4, 2019).

³ International Labour Organization, *Forced labour, modern slavery and human trafficking*, available at <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm> (last visited April 4, 2019).

⁴ Polaris, *What is forced labour, modern slavery and human trafficking*, available at <http://www.ilo.org/global/topics/forced-labour/definition/lang--en/index.htm> (last visited April 4, 2019).

⁵ Sharedhope International, *What is Sex Trafficking*, available at <https://sharedhope.org/the-problem/what-is-sex-trafficking/> (last visited April 4, 2019).

⁶ Polaris, *Growing Awareness. Growing Impact. 2017 Statistics from the National Human Trafficking Hotline and BeFree Textline*, available at <http://polarisproject.org/sites/default/files/2017NHTHStats%20%281%29.pdf> (last visited April 4, 2019).

⁷ National Human Trafficking Hotline, *Hotline Statistics*, available at <https://humantraffickinghotline.org/states> (last visited April 4, 2019).

⁸ National Human Trafficking Hotline, *Florida: Statistics*, available at <https://humantraffickinghotline.org/state/florida> (last visited April 4, 2019).

⁹ Office of the Attorney General, *Statewide Council on Human Trafficking*, available at <http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72> (last visited April 4, 2019).

¹⁰ Section 787.06(2)(d), F.S.

¹¹ Section 787.06(3), F.S.

¹² A first degree felony is punishable by a state prison term not exceeding 30 years, a fine not exceeding \$10,000, or both. Sections 775.082 and 775.083, F.S.

age of 18, mentally defective, or mentally incapacitated, then such an offense is punishable as a life felony.¹³

In 2014, the Statewide Council on Human Trafficking was created within the DLA, for the purposes of enhancing the development and coordination of state and local law enforcement and social services responses to fight commercial sexual exploitation as a form of human trafficking and supporting victims.¹⁴ The Attorney General chairs the 15-member council, which is tasked with:

- Developing recommendations for comprehensive programs and services for victims of human trafficking, including recommendations for certification criteria for safe houses and safe foster homes;
- Making recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses;
- Holding an annual statewide policy summit with an institution of higher learning;
- Working with the Department of Children and Families (DCF) to create and maintain an inventory of human trafficking programs and services in each county; and
- Developing policy recommendations that advance the duties of the council and further the efforts to combat human trafficking in Florida.¹⁵

Required Educational Instruction in Schools

Current law requires specific coursework and instruction for students at public schools. Specifically, each district school board must provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education (SBE) adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.¹⁶

Instructional staff of public schools, subject to the rules of the SBE and the district school board, must provide instruction in specified areas. Among those areas is comprehensive health education that must address the following concepts:

- Community health;
- Consumer health;
- Environmental health;
- Family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy;
- Mental and emotional health;
- Injury prevention and safety;
- Internet safety;
- Nutrition;
- Personal health;

¹³ Section 787.06(3)(a)-(g), F.S. A life felony is punishable by a state prison term for life, by a term of imprisonment not exceeding 40 years, a fine not exceeding \$15,000, or both. Sections 775.082 and 775.083, F.S.

¹⁴ Section 16.617(1), F.S.

¹⁵ Section 16.617(4), F.S.

¹⁶ Section 1003.42(1), F.S.

- Prevention and control of disease; and
- Substance use and abuse.¹⁷

These components of comprehensive health education are delivered to students in kindergarten through grade 12. Additionally, the health education curriculum for students in grades 7-12 also includes a teen dating violence and abuse component that provides information to students regarding the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, and community resources available to victims of dating violence and abuse.¹⁸

Human Trafficking Instruction and Awareness in Schools

Training for teachers regarding human trafficking is provided as part of ongoing health education provided free-of-charge by the DCF and other state agencies.¹⁹ Additionally, the Department of Education (DOE) has developed partnerships with bureaus such as the DOE Human Trafficking Workgroup and the Human Trafficking Interagency Workgroup to assist in achieving some of its training initiatives.²⁰ In efforts to train students on the issue of human trafficking, Brevard, Broward, Miami-Dade, Duval, Hillsborough, Orange, Palm Beach, and Pinellas county school districts piloted human trafficking education lessons that were integrated into health education during the 2017-18 school year.²¹ As of September 2018, 22 school districts throughout the state had human trafficking training and education as part of their comprehensive health education.²²

III. Effect of Proposed Changes:

Current law requires that public schools administer comprehensive health education instruction. The bill requires that the dangers and signs of human trafficking be included in such instruction. The human trafficking education must include, but is not limited to:

- Information on the warning signs of human trafficking;
- Terms used by traffickers;
- Red flags that would indicate a trafficker's malicious intent toward a student;
- Websites that are popular with traffickers; and
- Details on how a student may get help.

The bill permits a student to opt out of the human trafficking portion of health education instruction by providing the school with a written note from his or her parent.

¹⁷ Section 1003.42(2)(n), F.S.

¹⁸ *Id.*

¹⁹ CS/HB 259 (2019) addresses human trafficking education in the public school system. *See* Florida Department of Education, *2019 Agency Analysis of HB 259* (January 22, 2019) (on file with the Senate Criminal Justice Committee).

²⁰ Statewide Council on Human Trafficking, *Annual Report 2018, Florida: An All Hands On Deck Approach To Combat Trafficking*, (January 18, 2019), pg. 22, available at [http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/\\$file/HTAnnualReport2018Web.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/$file/HTAnnualReport2018Web.pdf) (last visited April 4, 2019).

²¹ *Id.* at 23-24.

²² *Id.* at 24.

The bill also requires the DLA, subject to legislative appropriations, to develop campaigns to increase awareness of human trafficking, particularly among children and other potentially vulnerable populations. The bill specifies that such campaigns may include information concerning:

- Approaches used by traffickers;
- Warning signs of trafficking; and
- Inappropriate behaviors that should be reported.

The bill is effective July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of the bill is indeterminate. However, the school districts that do not currently have human trafficking education as part of their comprehensive health education may incur costs associated with the integration of such instruction into their curriculum. Additionally, the DLA may incur costs associated with developing human trafficking awareness campaigns.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.42 of the Florida Statutes.

This bill creates an unnumbered section of law.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on April 2, 2019.

The committee substitute removes from the bill the requirement for the Department of Legal Affairs to:

- Develop and operate a toll-free hotline to receive reports of potential human trafficking incidents; and
- Promptly provide all such reports deemed to be credible to appropriate law enforcement agencies for investigation and disposition.

- B. **Amendments:**

None.