

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 Education

BILL: CS/SB 982

INTRODUCER: Education Committee and Senator Thurston

SUBJECT: Human Trafficking Education in Schools

DATE: April 2, 2019

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------|
| 1. | Bouck | Sikes | ED | Fav/CS |
| 2. | | | CJ | |
| 3. | | | AP | |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 982 adds information on the dangers and signs of human trafficking to required instruction as a part of comprehensive health education in public schools, and authorizes a student to opt out of such instruction.

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

The fiscal impact of the requirement for DLA to develop human trafficking awareness campaigns is indeterminate.

The bill takes effect on July 1, 2019.

II. Present Situation:

Human Trafficking

The federal Victims of Trafficking and Violence Protection Act of 2000¹ defines "severe forms of trafficking in persons" as the recruitment, harboring, transportation, provision, or obtaining of a person for:

¹ Public Law 106-386, s. 103, 22 U.S.C. s. 7102.

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; 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 subjection to involuntary servitude, peonage, debt bondage, or slavery.

Florida law defines human trafficking as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.² Human trafficking is a form of modern-day slavery.³ Victims of human trafficking are young children, teenagers, and adults; include citizens of the United States and those persons trafficked domestically within the borders of the United States; and are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.⁴

Education

Required Instruction in Schools

Florida law specifies required coursework and instruction for public school students. 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.⁵

Instructional staff of public schools, subject to the rules of the SBE and the district school board, must provide instruction in specified areas such as:⁶

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- The elements of civil government.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- Kindness to animals.
- The history of the state.
- Comprehensive health education.
- A character-development program in kindergarten through grade 12.

² Section 787.06(2)(d), F.S.

³ Section 787.06(1), F.S.

⁴ *Id.* at (1)(a). Florida law describes sexual exploitation as prostitution or the work in the sexual entertainment industry and forced labor as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work. Section 787.06(1)(b), F.S.

⁵ Section 1003.42(1), F.S.

⁶ Section 1003.42(2), F.S.

Comprehensive health education currently addresses 12 component areas. Eleven of the components are delivered in kindergarten through grade 12,⁷ and include: concepts of 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; prevention and control of disease; and substance use and abuse. Instruction related to teen dating violence is offered in grades 7-12 only.⁸

The law encourages the SBE to adopt standards and pursue assessment relating to the required instructional content.⁹

Human Trafficking Instruction and Awareness in Schools

The Florida Department of Education has provided training and resources for all school personnel via webinars, professional development events, and in-person trainings on the issue of sex trafficking.¹⁰ Training for teachers regarding human trafficking is provided as part of ongoing health education provided free-of-charge by DCF and other state agencies.¹¹ In addition, to address the task of training students on the issue of human trafficking, Brevard, Broward, Miami-Dade, Duval, Hillsborough, Orange, Palm Beach, and Pinellas county school districts developed and piloted human trafficking education lessons to be integrated in health education during the 2017-18 school year.¹² In 2018, more than 30 school districts prepared for a statewide requirement to include human trafficking in comprehensive health education, and 22 have continued plans on a local level.¹³

III. Effect of Proposed Changes:

CS/SB 982 amends s. 1003.42, F.S., regarding required instruction in the public school system. The revisions modify the required comprehensive health education instruction to include the dangers and signs of human trafficking, and must also 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 authorizes 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.

⁷ Florida Department of Education, *2019 Agency Analysis for HB 259* (1/22/2019), at 2.

⁸ Section 1003.42(2)(n), F.S.

⁹ *Id.*

¹⁰ Florida Attorney General, Statewide Council on Human Trafficking, *Annual Report 2018*, available at [http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/\\$file/HTAnnualReport2018Web.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/$file/HTAnnualReport2018Web.pdf), at 22.

¹¹ Florida Department of Education, *2019 Agency Analysis of HB 259* (Jan. 22, 2019), at 3.

¹² Florida Attorney General, Statewide Council on Human Trafficking, *Annual Report 2018*, available at [http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/\\$file/HTAnnualReport2018Web.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/$file/HTAnnualReport2018Web.pdf), at 22.

¹³ *Id.* at 23.

The bill also requires the Department of Legal Affairs (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 requirements for the DLA regarding human trafficking awareness appear to align with ongoing efforts of the Florida Attorney General's office, which include anti-human trafficking campaigns and support for the Statewide Council on Human Trafficking.¹⁴

The bill takes effect 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹⁴ The Statewide Council on Human Trafficking, within the Department of Legal Affairs, was created in 2014 for the purpose 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 to support victims. Section 16.617, F.S.

C. **Government Sector Impact:**

The Department of Legal Affairs may incur costs associated with developing additional awareness campaigns.¹⁵

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁵ Florida Department of Education, *2019 Agency Analysis of HB 259* (Jan. 22, 2019), at 4.