

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 Appropriations

BILL: CS/SB 154

INTRODUCER: Education Committee and Senator Thurston

SUBJECT: Human Trafficking Education in Schools

DATE: February 4, 2020 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sagues</u>	<u>Sikes</u>	<u>ED</u>	Fav/CS
2.	<u>Stokes</u>	<u>Jones</u>	<u>CJ</u>	Favorable
3.	<u>Dale/Underhill</u>	<u>Kynoch</u>	<u>AP</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 154 provides that information regarding the dangers and signs of human trafficking must be included in the comprehensive health education instruction that is required to be administered in the public school system.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2020.

II. Present Situation:

Human Trafficking

The federal Victims of Trafficking and Violence Protection Act of 2000¹ defines “sex trafficking” as the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial act. “Severe forms of trafficking in persons” includes:

- 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

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

- 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.²

There are approximately 2.5 million victims of human trafficking in the United States. Many victims are lured with false promises of financial or emotional security; instead they are forced or coerced into commercial sex, domestic servitude, or other types of forced labor. Any minor under the age of 18 who is induced to perform a commercial sex act is a victim of human trafficking, regardless of whether there is forced fraud or coercion. Increasingly, criminal organizations such as gangs, are luring children from local schools into commercial sexual exploitation or trafficking. According to the U.S. Department of Justice, every two minutes a child is trafficked for the purpose of sexual exploitation in the United States.³

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.⁴ Human trafficking is a form of modern-day slavery.⁵ 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.⁶

Florida is third in the nation for reported human trafficking cases. In 2018, there were 767 human trafficking cases reported in Florida. Of those cases, 149 were minors. The average ages of trafficked youth are 11-13 years old.⁷

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.⁸

² *Id.*

³ Florida Department of Education, *Healthy Schools – Human Trafficking*, available at: <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited January 31, 2020).

⁴ Section 787.06(2)(d), F.S.

⁵ Section 787.06(1)(a), F.S.

⁶ *Id.* Florida law also provides that while many victims of human trafficking are forced to work in prostitution or the sexual entertainment industry, trafficking also occurs in forms of labor exploitation, such as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work. Section 787.06(1)(b), F.S.

⁷ Florida Department of Education, Presentation to the State Board of Education, *Child Trafficking Prevention Education* (Sept. 20, 2019), p.3, available at: <http://www.fldoe.org/core/fileparse.php/5575/urlt/ChildTraffickingPres.pdf> (last visited January 31, 2020).

⁸ Section 1003.42(1), F.S.

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

- 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.
- Flag education, including proper flag display and flag salute.
- The elements of civil government.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- The effects of alcoholic and intoxicating liquors and beverages and narcotics.
- Kindness to animals.
- The history of the state.
- Conservation of natural resources.
- Comprehensive health education.
- The study of Hispanic contributions to the United States.
- The study of women's contributions to the United States.
- The nature and importance of free enterprise to the United States economy.
- A character-development program in kindergarten through grade 12.
- The sacrifices that veterans and Medal of Honor recipients have made serving the country.⁹

Comprehensive health education currently addresses 12 components. Eleven of the components are delivered in kindergarten through grade 12,¹⁰ 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 and abuse must be provided in grades 7-12 only.¹¹

Instructional staff of charter schools are exempt from this section of law.¹²

Human Trafficking Instruction and Awareness in Schools

In September 2019, the SBE adopted a rule addressing Child Trafficking Prevention Education, which requires school districts to annually provide instruction to students in grades K-12 related to child trafficking prevention and awareness using current health education standards. Age appropriate elements must address the following topics:

- Recognition of signs of human trafficking;
- Awareness of resources, including national, state, and local resources;
- Prevention of the abuse of and addiction to alcohol, nicotine, and drugs;

⁹ The law encourages the SBE to adopt standards and pursue assessment relating to the required instructional content. Section 1003.42(2), F.S.

¹⁰ Section 1003.42(2)(n), F.S.

¹¹ *Id.*

¹² Section 1002.33(16), F.S.

- Information of the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance; and
- Information on how social media and mobile device applications are used for human trafficking.¹³

By December 1 of each year, each school district must submit a human trafficking instruction implementation plan to the commissioner, and by July 1 of each year, each school district must submit an annual report to verify completion of the instruction.¹⁴ The Florida Department of Education (DOE) has provided human trafficking training and resources for all school personnel via webinars, professional development events, and in-person trainings.¹⁵ Health education teachers are encouraged to attend the annual Statewide Human Trafficking Summit, for which registration is free.¹⁶ The DOE also maintains a human trafficking webpage with information and resources for parents and guardians.¹⁷

III. Effect of Proposed Changes:

The bill amends s. 1003.42, F.S., to require the dangers and signs of human trafficking be included in the comprehensive health education instruction provided in the public school system. The bill requires instruction to include, at a minimum:

- Recognition of the signs of human trafficking;
- Awareness of resources, including national, state, and local resources;
- Prevention of the abuse of and addiction to alcohol, nicotine, and drugs;
- Information on the prevalence and nature of human trafficking;
- Strategies to reduce the risk of human trafficking;
- Techniques that may be used in setting healthy boundaries and how to safely seek assistance; and
- Information on how social media and mobile device applications are used for human trafficking.

The human trafficking instruction required by the bill aligns with the Child Trafficking Prevention Education instruction required by State Board of Education (SBE) rule.

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹³ Rule 6A-1.094123(4), F.A.C.

¹⁴ Rule 6A-1.094123(7), F.A.C.

¹⁵ Florida Attorney General, Statewide Council on Human Trafficking, *Annual Report 2018*, p.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 January 31, 2020).

¹⁶ Florida Department of Education, *2020 Agency Analysis of SB 154* (Oct. 21, 2019), at 4.

¹⁷ Florida Department of Education, *Human Trafficking*, available at: <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited January 31, 2020).

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 bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.42 of the Florida Statutes.

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 November 12, 2019:**

The committee substitute requires human trafficking instruction include, at a minimum:

- Recognition of the signs of human trafficking;

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- Awareness of resources, including national, state, and local resources;
 - Prevention of the abuse of and addiction to alcohol, nicotine, and drugs;
 - Information on the prevalence and nature of human trafficking;
 - Strategies to reduce the risk of human trafficking;
 - Techniques that may be used in setting healthy boundaries and how to safely seek assistance; and
 - Information on how social media and mobile device applications are used for human trafficking.

The committee substitute also removes:

- The requirement for the Department of Legal Affairs (DLA) to develop human trafficking awareness campaigns; and
- The provision permitting a student to opt out of the human trafficking instruction by providing the school a written note from his or her parent.

B. Amendments:

None.