

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: SB 154

INTRODUCER: Senator Thurston

SUBJECT: Human Trafficking Education in Schools

DATE: November 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Sikes	ED	Pre-meeting
2.			CJ	
3.			AP	

I. Summary:

SB 154 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 instruction by providing the school with a written note from his or her parent.

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

The bill has no impact on state revenues or expenditures. The requirement for the DLA to develop human trafficking awareness campaigns is contingent upon legislative appropriation. School districts may incur costs associated with implementing additional human trafficking curriculum and instruction; however, these costs should be absorbed through funding provided in the Florida Education Finance Program (FEFP).

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 "severe forms of trafficking in persons" as the recruitment, harboring, transportation, provision, or obtaining of a person for:

- 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.

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.²

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.³ Human trafficking is a form of modern-day slavery.⁴ 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.⁵

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.⁶

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.⁷

Instructional staff of public schools, subject to the rules of the SBE and the district school board, must provide instruction in:⁸

² Florida Department of Education, *Healthy Schools – Human Trafficking*, available at: <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml>

³ Section 787.06(2)(d), F.S.

⁴ Section 787.06(1), F.S.

⁵ *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.

⁶ Florida Department of Education, Presentation to the State Board of Education, *Child Trafficking Prevention Education* (Sept. 20, 2019), available at: <http://www.fldoe.org/core/fileparse.php/5575/urlt/ChildTraffickingPres.pdf>.

⁷ Section 1003.42(1), F.S.

⁸ The law encourages the SBE to adopt standards and pursue assessment relating to the required instructional content. Section 1003.42(2), F.S.

- 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.
- 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.

Comprehensive health education currently addresses 12 components. Eleven of the components are delivered in kindergarten through grade 12,⁹ 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.¹⁰

Instructional staff of charter schools are exempt from this section of law.¹¹

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:¹²

- 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;
- 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

⁹ Section 1003.42(2)(n), F.S.

¹⁰ *Id.*

¹¹ Section 1002.33(16), F.S.

¹² Rule 6A-1.094123, F.A.C.

- Information on how social media and mobile device applications are used for human trafficking.

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.¹³ 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.¹⁴ Health education teachers are encouraged to attend the annual Statewide Human Trafficking Summit, for which registration is free.¹⁵ The DOE also maintains a human trafficking webpage with information and resources for parents and guardians.¹⁶

III. Effect of Proposed Changes:

SB 154 amends s. 1003.42, F.S., to require human trafficking instruction be included in the comprehensive health education instruction provided in the public school system. The bill requires instruction to include the dangers and signs of human trafficking for students in grades K-12, 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 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 support for the Statewide Council on Human Trafficking (council).¹⁷ The Council was created to enhance the development and coordination of state and local law enforcement and social services responses to fight

¹³ Rule 6A-1.094123, F.A.C.

¹⁴ 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.

¹⁵ Florida Department of Education, *2020 Agency Analysis of SB 154* (Oct. 21, 2019), at 4.

¹⁶ Florida Department of Education, *Human Trafficking*, <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited Oct. 16, 2019).

¹⁷ 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.

commercial sexual exploitation as a form of human trafficking and to support human trafficking victims.¹⁸ The duties of the council include:¹⁹

- Developing recommendations for comprehensive programs and services including recommendations for certification of safe houses and safe foster homes.
- Making recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses.
- Annually holding statewide policy summit with an institution of higher learning in this state.
- Working with the Department of Children and Families to create and maintain an inventory of human trafficking programs and services in each county.
- Developing overall policy recommendations that advance the duties of the council and further the efforts to combat human trafficking.

The bill takes effect on July 1, 2020.

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.

¹⁸ Section 16.617 (1), F.S.

¹⁹ Section 16.617 (4), F.S.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures. The requirement for the Department of Legal Affairs (DLA) to develop human trafficking awareness campaigns is contingent upon legislative appropriation. School districts may incur costs associated with implementing additional human trafficking curriculum and instruction; however, these costs should be absorbed through funding provided in the Florida Education Finance Program (FEFP).

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 Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.