

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: SB 534

INTRODUCER: Senator Latvala

SUBJECT: Human Trafficking

DATE: March 20, 2015

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|----------------|-----------|--------------------|
| 1. | <u>Price</u> | <u>Eichin</u> | <u>TR</u> | Favorable |
| 2. | <u>Sumner</u> | <u>Cannon</u> | <u>CJ</u> | Pre-meeting |
| 3. | _____ | _____ | <u>AP</u> | _____ |

I. Summary:

SB 534 seeks to heighten public awareness regarding human trafficking in the State of Florida. The bill:

- Requires the Attorney General to develop specifications for the form and content of human trafficking public awareness signs;
- Directs the Florida Department of Transportation (FDOT) and certain employers to display human trafficking public awareness signs at certain locations;
- Provides civil penalties for employer violations;
- Deems the Attorney General responsible for enforcement; and
- Authorizes the Attorney General to adopt implementing rules.

II. Present Situation:

Florida law defines “human trafficking” to mean transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.¹ The Legislature deems human trafficking to be a form of modern-day slavery; finds that victims are young children, teenagers, and adults; and recognizes that victims are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.²

While some victims are kept under lock and key, the Legislature also acknowledges less obvious but more frequently used practices to instill fear in victims and keep them enslaved, such as isolating victims from the public and family members; confiscating passports, visas, or other identification documents; using or threatening to use violence toward victims or their families;

¹ See s. 787.06(2)(d), F.S.

² See s. 787.061(1)(a), F.S.

telling victims that they will be imprisoned or deported for immigration violations if they contact authorities; and controlling the victims' funds by holding the money ostensibly for safekeeping.³

At the national level, a number of resources are available to fight human trafficking and to help victims. For example, the National Human Trafficking Resource Center is a national, toll-free hotline with specialists available to answer calls from anywhere in the country, 24 hours a day, related to potential trafficking victims, suspicious behaviors, or locations where trafficking is suspected to occur.⁴ Tips may also be submitted online. Brochures and other victim resources are available by phone and online.⁵

Most recently, at the state level, the Florida Legislature continues its efforts against human trafficking. The 2012 Legislature enacted HB 7049 to:

- Combine Florida's three existing human trafficking statutes into one statute making it more friendly for law enforcement;
- Increase penalties for the crime of human smuggling from a first-degree misdemeanor to a third degree felony;
- Provide that those convicted of human sex trafficking may be designated as sex offenders and sex predators;
- Provide that any property used for human trafficking is subject to forfeiture;
- Require massage establishments/employees to present valid photo identification upon request; and
- Give jurisdiction for human trafficking to the Statewide Prosecutor and the Statewide Grand Jury.⁶

Other recent Legislative efforts include, but are not limited to, authorizing the Department of Children and Families to provide training to local law enforcement officials who are likely to encounter sexually exploited children, authorizing circuit courts to work cooperatively to provide regional training, and requiring various local officials and entities to participate in task forces involved in coordinating responses to address human trafficking.⁷

The Office of the Attorney General has also undertaken a number of efforts in pursuit of a policy of zero-tolerance for human trafficking in the State of Florida. Such efforts include, but are not limited to:

- Equipping emergency medicine personnel with key information about human trafficking;
- Partnering with Florida's business community and providing a toolkit of educational material intended to help businesses create and implement their own zero-tolerance plans; and

³ See s. 787.06(1)(c), F.S.

⁴ According to the Office of the Attorney General, Florida ranks third in the number of calls received by the National Human Trafficking Resource Center: http://myfloridalegal.com/_85256CC5006DFCC3.nsf/0/AF860EB7606CF92D85257A7D00458CD7?Open&Highlight=0.human.trafficking. Last visited March 17, 2015.

⁵ See the Federal Bureau of Investigation website: http://www.fbi.gov/about-us/investigate/civilrights/human_trafficking and the National Human Trafficking Resource Center website: <http://www.traffickingresourcecenter.org/type-trafficking/human-trafficking>. Last visited March 17, 2015.

⁶ See Office of the Attorney General website: <http://myfloridalegal.com/pages.nsf/Main/EC88B2B1B7E905E285257AC20074F49F>. Last visited March 17, 2015.

⁷ See ch. 2014-161, Laws of Florida.

- Joining with the Florida Department of Law Enforcement to develop online training that equips law enforcement officers with information to help them recognize and respond to human trafficking.⁸

In addition, the Attorney General has partnered with the FDOT to spread the anti-human trafficking message along Florida's major roadways by displaying posters in rest areas across Florida and providing a public service announcement to be displayed at 39 of Florida's rest areas that have TV displays.⁹

III. Effect of Proposed Changes:

The bill creates s. 787.08, F.S., to require the Attorney General, in consultation with anti-trafficking organizations and human trafficking survivors, to develop specifications for the form and content of required human trafficking public notice signs. The signs must:

- Be at least 8.5 by 11 inches in size;
- Be printed in at least a 16-point type; and
- State substantially in English, Spanish, or any other language required by the Attorney General the following:

If you or someone you know is being forced to engage in an activity and cannot leave – whether it is commercial sex, housework, farm work, factory work, retail work, restaurant work, or any other activity – call the National Human Trafficking Resource Center at [insert number] or text INFO or HELP to [insert number] to access help and services. Victims of slavery and human trafficking are protected under United States and Florida law.

The Attorney General is deemed responsible for enforcement of s. 787.08, F.S., and is required to adopt implementing rules.

The FDOT is directed to display such a sign in every rest area and welcome center in the state. Employers at each of the following establishments are required to display such signs near the public entrance of the establishment or in another conspicuous location clearly visible to both the public and employees of the establishment:

- A strip club or other adult entertainment establishment.
- An establishment found to be a nuisance for prostitution.
- A primary airport.
- A passenger or light rail station.
- A bus station.
- A truck stop, defined to mean a privately owned and operated facility that provides food, fuel, shower or other sanitary facilities, and lawful overnight truck parking.
- An emergency room within a general acute care hospital.
- An urgent care center.

⁸ See Office of the Attorney General website: http://myfloridalegal.com/_85256CC5006DFCC3.nsf/0/AF860EB7606CF92D85257A7D00458CD7?Open&Highlight=0,human,trafficking. Last visited March 17, 2015.

⁹ *Id.*

- The premises of a farm labor contractor where farm laborers are regularly present.
- A privately operated job recruitment center.
- A business or establishment that offers massage or bodywork services for compensation.
- A public K-12 school.
- A public library.

The Attorney General is required to impose a civil penalty of \$500 for a first offense, and \$1,000 for a second or subsequent offense, on an employer who knowingly fails to comply with the sign requirements. The civil penalty is the exclusive remedy for noncompliance.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill requires the specified employers, who in some instances are local governments, to post the human trafficking public notice signs. Aggregating for all cities and counties in the state, the bill appears to have an insignificant fiscal impact and, therefore, does not constitute a mandate.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Office of the Attorney General will incur expenses in developing the required signs and adopting rules, which are expected to be absorbed within existing resources. Any costs associated with posting the signs appear to be insignificant. The FDOT advises of 84 facilities that would require signage and deems the fiscal impact to be “insignificant.”¹⁰

¹⁰ See the 2015 FDOT Legislative Bill Analysis for SB 534. On file in the Senate Transportation Committee.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 787.08 of the Florida Statutes.

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.