

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 534

INTRODUCER: Criminal Justice Committee and Senators Latvala and Sobel

SUBJECT: Human Trafficking

DATE: April 8, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Favorable
2.	Sumner	Cannon	CJ	Fav/CS
3.	Sanders	Kynoch	AP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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 (department) 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.

The bill has an insignificant fiscal impact to the department as the department currently provides human trafficking public awareness signs, in cooperation with the Attorney General's Office at rest areas. The Office of the Attorney General will incur expenses related to the development of the required signs.

This bill provides an effective date of January 1, 2016.

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; 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 United States Department of Health and Human Services' 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

¹ See s. 787.06(2)(d), F.S.

² See s. 787.061(1)(a), F.S.

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.

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
- 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 department 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 department 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

⁷ See ch. 2014-161, Laws of Florida.

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 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.
- 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 excluding establishments owned by health care professions regulated pursuant to ch. 456, F.S.
- A public K-12 school.
- A public library.
- A health department and a health clinic.

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:

None.

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:

Under CS/SB 534, certain establishments (*see* Section III above) will incur minimal expenses in posting the required signage. A civil penalty of \$500 for the first offense and

\$1,000 for each offense thereafter shall be imposed upon an employer who knowingly fails to comply with the provisions of the bill.

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. The department advises 84 facilities (rest areas, welcome centers, service plazas and comfort stations) would require signage and deems the fiscal impact to be “insignificant.”¹⁰

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

CS by Criminal Justice on March 23, 2015:

The Committee Substitute adds a health department and a health clinic to the list of establishments that must display human trafficking public awareness signs. It clarifies that establishments owned by health care professions regulated pursuant to ch. 456, F.S., are not included in the list of establishments that must display a human trafficking public awareness sign.

- B. **Amendments:**

None.

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

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