

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 615 Human Trafficking
SPONSOR(S): Criminal Justice & Public Safety Subcommittee, Overdorf
TIED BILLS: HB 617 **IDEN./SIM. BILLS:** SB 1436

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice & Public Safety Subcommittee	14 Y, 0 N, As CS	Frost	Hall
2) Government Operations Subcommittee	15 Y, 0 N	Landry	Toliver
3) Judiciary Committee	19 Y, 0 N	Frost	Hall

SUMMARY ANALYSIS

Human trafficking is modern-day slavery involving exploitation of an adult by using fraud, force, or coercion, or exploitation of a minor or a person believed by the perpetrator to be a minor. According to the United States Department of State, traffickers compel victims to engage in commercial sex and to work in both legal and illicit industries, including in hospitality, traveling sales crews, agriculture, janitorial services, construction, landscaping, restaurants, factories, care for persons with disabilities, salon services, massage parlors, retail services, fairs and carnivals, peddling and begging, drug smuggling and distribution, religious institutions, child care, and domestic work.

The Statewide Council on Human Trafficking (Council), within the Department of Legal Affairs (DLA) 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 human trafficking victims.

In 2019, the Legislature required DLA to establish a direct-support organization (DSO) to provide assistance, funding, and support to the Council, and to assist in the fulfillment of the Council's purposes. The DSO met for the first time in August 2019 and incorporated as the Florida Alliance to End Human Trafficking. The DSO is authorized to contract with Florida's Forensic Institute for Research, Security, and Tactics (FIRST) which is statutorily required to develop training focused on detecting and reporting human trafficking and the interventions and treatment for human trafficking survivors. The training was required to be ready for statewide dissemination no later than October 1, 2019.

In Florida, firesafety inspectors are officially assigned the duties of conducting firesafety inspections, re-inspections, and change-of-occupancy inspections in both new and existing buildings and facilities on a recurring or regular basis on behalf of the state or any county, municipality, or special district with fire safety responsibilities. Due to their unique position of consistently inspecting buildings, often on a recurrent basis, firesafety inspectors may be able to detect and report human trafficking if properly trained in recognizing common indicators of human trafficking.

CS/HB 615 requires the DSO, currently incorporated as the Florida Alliance to End Human Trafficking, to develop training specifically for firesafety inspectors related to recognizing and reporting human trafficking and allows such training to be eligible for the continuing education credits required under s. 633.216(4), F.S., for a firesafety inspector to renew his or her certification. The DSO may contract with FIRST to develop such training or develop the training on its own.

The bill also amends s. 16.618, F.S., to remove the obsolete language which requires FIRST to develop specified training no later than October 1, 2019. Such training was developed by FIRST and is currently available online.

The bill may have an indeterminate fiscal impact on the DSO by requiring the development of new training specifically for firesafety inspectors.

The bill provides an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Human trafficking is modern day slavery which involves the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining another person for the purpose of exploiting that person.¹ A person may not knowingly, or in reckless disregard of the facts, engage in human trafficking, attempt to engage in human trafficking, or benefit financially by receiving anything of value from participating in a venture that has subjected a person to human trafficking for commercial sexual activity,² labor, or services:

- By using coercion;³
- Of a child younger than 18 or an adult believed by the person to be a child younger than 18;⁴ or
- If for commercial sexual activity, with a mentally defective⁵ or mentally incapacitated⁶ person.⁷

According to the United States Department of State, traffickers compel victims to engage in commercial sex and to work in both legal and illicit industries, including in hospitality, traveling sales crews, agriculture, janitorial services, construction, landscaping, restaurants, factories, care for persons with disabilities, salon services, massage parlors, retail services, fairs and carnivals, peddling and begging, drug smuggling and distribution, religious institutions, child care, and domestic work.⁸ In 2020, the National Human Trafficking Hotline received a total of 51,667 substantive phone calls, texts, webchats, emails, or online tip reports regarding human trafficking nationwide.⁹

Statewide Council on Human Trafficking

The Statewide Council on Human Trafficking (Council), within the Department of Legal Affairs (DLA), is tasked with:

- Developing recommendations for human trafficking victim programs and services, including certification criteria for safe houses and foster homes.
- Making recommendations for apprehending and prosecuting traffickers.
- Annually holding a statewide policy summit.
- Working with the Department of Children and Families to create and maintain an inventory of human trafficking programs and services in each county.
- Developing policy recommendations.¹⁰

¹ S. 787.06(2)(d), F.S.

² Commercial sexual activity means any prostitution, lewdness, or assignation offense or attempt to commit such an offense, and includes a sexually explicit performance and the production of pornography. S. 787.06(2)(b), F.S.

³ S. 787.06(3)(a)2., (b), (c)2., (d), (e)2., and (f)2., F.S. Coercion includes: using or threatening to use force against a person; restraining, isolating, or confining a person without lawful authority and against his or her will, or threatening to do so; using lending or other credit methods to establish a debt by a person when labor or services are pledged as a security for the debt, if the reasonably assessed value of the labor or services is not applied toward the liquidation of the debt; destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, other immigration document, or government identification document; causing or threatening to cause financial harm; enticing or luring a person by fraud or deceit; or providing a Schedule I or II controlled substance to a person for the purpose of exploiting that person. S. 787.06(2)(a), F.S.

⁴ S. 787.06(3)(a)1., (c)1., (e)1., (f)1., or (g), F.S.

⁵ Mentally defective means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct. S. 794.011(1)(a), F.S.

⁶ Mentally incapacitated means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent. S. 794.011(1)(b), F.S.

⁷ S. 787.06(3)(g), F.S.

⁸ U.S. Department of State, Federal Response to Human Trafficking, *About Human Trafficking*, <https://www.state.gov/humantrafficking-about-human-trafficking/#profile> (last visited Feb. 8, 2022).

⁹ National Human Trafficking Hotline, *2020 National Hotline Annual Report*, <https://humantraffickinghotline.org/resources/2020-national-hotline-annual-report> (last visited Feb. 8, 2022).

¹⁰ S. 16.617, F.S.

Membership on the Council includes:

- The Attorney General, or a designee, serving as chair.
- The Secretary of Children and Families, or a designee, serving as vice chair.
- The State Surgeon General, or a designee.
- The Secretary of Health Care Administration, or a designee.
- The executive director of the Department of Law Enforcement, or a designee.
- The Secretary of Juvenile Justice, or a designee.
- The Commissioner of Education, or a designee.
- One member of the Senate appointed by the President of the Senate.
- One member of the House of Representatives appointed by the Speaker of the House of Representatives.
- An elected sheriff appointed by the Attorney General.
- An elected state attorney appointed by the Attorney General.
- Two members appointed by the Governor, and two members appointed by the Attorney General, who have professional experience to assist the Council in the development of care and treatment options for human trafficking victims.¹¹

Direct-Support Organizations

A direct-support organization (DSO) is a non-profit organization authorized by statute to carry out specific tasks in support of a public entity or public cause. The function and purpose of a DSO is detailed in its enacting statute and the contract with the agency the DSO was created to support.¹²

In 2014, the Legislature created s. 20.058, F.S., establishing transparency and reporting requirements for DSOs.¹³ Each DSO is required to submit, by August 1 of each year, specified information to the agency it was created to support.¹⁴ A contract between an agency and a DSO must be contingent upon the DSO submitting the required information to the agency and posting the information on the agency's website. The contract must include a provision for ending operations and returning state-issued funds if the authorizing statute is repealed, the contract is terminated, or the organization is dissolved. If a DSO fails to submit the required information to the agency for two consecutive years, the agency head must terminate its contract with the DSO.¹⁵ By August 15 of each year, the agency must report to the Governor, President of the Senate, Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information submitted by each DSO, along with the agency's recommendation and supporting rationale to continue, terminate, or modify the agency's association with the DSO.¹⁶ Any law creating or authorizing a DSO must provide that the authorization is repealed on October 1 of the fifth year after enactment, unless reviewed and reenacted by the Legislature.¹⁷

DSO Supporting the Council – Florida Alliance to End Human Trafficking

In 2019, the Legislature required DLA to establish a DSO to provide assistance, funding, and support to the Council, and to assist in the fulfillment of the Council's purposes.¹⁸ The DSO met for the first time in August 2019 and incorporated as the Florida Alliance to End Human Trafficking.¹⁹ The DSO is statutorily required to be:

- A Florida not for profit corporation, incorporated under chapter 617, and approved by the Secretary of State;

¹¹ *Id.*

¹² Ss. 14.29(9)(a), 16.616(1), and 258.015(1), F.S. See also Rules of the Florida Auditor General, *Audits of Certain Nonprofit Organizations* (effective June 30, 2021), Rule 10.720(1)(b) and (d), https://flauditor.gov/pages/pdf_files/10_700.pdf (last visited Feb. 8, 2022).

¹³ Ch. 14-96, § 3, Laws of Fla.

¹⁴ S. 20.058(1), F.S.

¹⁵ S. 20.058(4), F.S.

¹⁶ S. 20.058(3), F.S.

¹⁷ S. 20.058(5), F.S.

¹⁸ Ch. 2019-152, Laws of Fla.; S. 16.618, F.S.

¹⁹ Office of the Attorney General, *Statewide Council on Human Trafficking*, <http://myfloridalegal.com/pages.nsf/main/8aea5858b1253d0d85257d34005afa72> (last visited Feb. 8, 2022).

- Organized and operated exclusively to solicit funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, property and funds; and make expenditures in support of the purposes specified under s.16.618, F.S.; and
- Certified by DLA, after review, to be operating in a manner consistent with the purposes of the DSO and in the best interests of the state.²⁰

The DSO's board of directors must be thirteen members, including:

- Two members appointed by the executive director of the Florida Department of Law Enforcement, both of whom must have experience and knowledge in the area of human trafficking.
- Three members appointed by the Attorney General:
 - One of whom must be a human trafficking survivor.
 - One of whom must be a mental health expert.
- Four members appointed by the President of the Senate.
- Four members appointed by the Speaker of the House of Representatives.²¹

The DSO is authorized to contract with Florida's Forensic Institute for Research, Security, and Tactics (FIRST) to develop required training. The contract with FIRST must provide that the DSO may terminate the contract if FIRST fails to meet its obligations under s. 16.618(4), F.S. In addition, if FIRST ceases to exist, or if the contract between the DSO and FIRST is terminated, DLA must contract with another organization to develop the required training and information.²²

FIRST, which is managed by the Pasco County Sheriff's Office, is designed to train public safety leaders.²³ Section 16.618(4), F.S., requires FIRST to develop training focused on detecting human trafficking, best practices for reporting human trafficking, and the interventions and treatment for human trafficking survivors. In developing the training, FIRST must consult with law enforcement agencies, human trafficking survivors, industry representatives, tourism representatives, and other interested parties and conduct research to determine the reduction in recidivism attributable to the education of the harms of human trafficking for first-time offenders.²⁴ The training was required to be ready for statewide dissemination no later than October 1, 2019.²⁵ The training was developed, and can currently be accessed online.²⁶

Firesafety Inspectors

In Florida, a firesafety inspector is a person who holds a current and valid Fire Safety Inspector Certificate of Compliance issued by the Division of State Fire Marshal within the Department of Financial Services (DFS) under s. 633.216, F.S., and who is officially assigned the duties of conducting firesafety inspections of buildings and facilities on a recurring or regular basis on behalf of the state or any county, municipality, or special district with fire safety responsibilities.²⁷

Subject to a person meeting minimum qualifications, the Division of State Fire Marshal, Bureau of Firefighter Standards and Training issues certifications for Firesafety Inspector I and Firesafety Inspector II.²⁸ A Firesafety Inspector Certificate of Compliance is valid for four years from the date of its issuance, and certification renewal is subject to completing an application for renewal and meeting the requirements for renewal as established or adopted by DFS rule or under ch. 633, F.S., which must

²⁰ S. 16.618(1), F.S.

²¹ S. 16.618(3), F.S.

²² S. 16.618(4)(a), F.S.

²³ FIRST, Florida's Forensic Institute for Research, Security, & Tactics, <https://www.floridafirsttraining.org/#/home> (last visited Feb. 8, 2022).

²⁴ S. 16.618(4)(b), F.S.

²⁵ 16.618(4)(b), F.S.

²⁶ Florida Alliance to End Human Trafficking, <https://fateht.vdcert.com/register> (last visited Feb. 8, 2022).

²⁷ S. 633.102(12), F.S.

²⁸ See s. 633.216(2), F.S.; Bureau of Fire Standards and Training, Division of State Fire Marshal, *Firesafety Inspector I Certification* (Jun. 8, 2021), <https://www.myfloridacfo.com/division/sfm/bfst/Documents/FiresafetyInspectorI.pdf> (last visited Feb. 8, 2022); and Bureau of Fire Standards and Training, Division of State Fire Marshal, *Firesafety Inspector II Certification* (Sept. 26, 2012), <https://www.myfloridacfo.com/division/sfm/bfst/Documents/FiresafetyInspectorII.pdf> (last visited Feb. 8, 2022).

include completing at least 54 hours of continuing education during the preceding four year period or successfully passing an examination established by DFS.²⁹

Firesafety inspectors are typically responsible for inspections, re-inspections, and change-of-occupancy inspections in both new building construction and existing building construction for a variety of buildings and structures. Other duties may include, but are not limited to, ensuring fire safety equipment is installed and maintained properly and that firefighting, fire protection, and all other fire safety requirements are fulfilled in accordance with the Florida Fire Prevention Code, Florida Administrative Codes, county ordinances, and other adopted standards.³⁰ Due to their unique position of regularly inspecting buildings, firesafety inspectors may be able to detect and report human trafficking if properly trained in recognizing common indicators of human trafficking.

Effect of Proposed Changes

CS/HB 615 requires the DSO, currently incorporated as the Florida Alliance to End Human Trafficking, to develop training specifically for firesafety inspectors related to recognizing and reporting human trafficking, and allows for such training to be eligible for the continuing education credits required under s. 633.216(4), F.S., for a firesafety inspector to renew his or her certification. The DSO may contract with FIRST to develop such training or develop the training on its own.

The bill also amends s. 16.618, F.S., to remove obsolete language which requires FIRST to develop human trafficking training for statewide dissemination no later than October 1, 2019. Such training was developed and is currently available online. Under the bill, FIRST is still required to make such training available for statewide dissemination.

The bill provides an effective date of July 1, 2022.

B. SECTION DIRECTORY:

Section 1: Amends s. 16.618, F.S., relating to direct-support organization.

Section 2: Provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

²⁹ S. 633.216(4), F.S., and Rules 69A-39.003, 69A-39.005, and 69A-39.009, F.A.C.

³⁰ See Orange County Government Fire Rescue Department, *Fire Inspector / Fire Inspector Recruit*, <https://www.orangecountyfl.net/Portals/0/Library/Employment-Volunteerism/docs/Fire%20Inspector%20-CERT.pdf> (last visited Feb. 8, 2022). The Villages Fire Rescue Department, *Currently Recruiting for Fire Inspector*, <https://www.myfloridacfo.com/campaigns/firecollege/VillagesInsp.pdf> (last visited Feb. 8, 2022).

2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill may have an indeterminate fiscal impact on the DSO by requiring it to develop new training specifically for firesafety inspectors.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
Not applicable. The bill does not appear to affect county or municipal governments.
2. Other:
None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 18, 2022, the Criminal Justice & Public Safety Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Required the DSO, instead of FIRST, to develop human trafficking training for firesafety inspectors; and
- Made a technical change to the bill's language.

This analysis is drafted to the committee substitute as passed by the Criminal Justice & Public Safety Subcommittee.