

**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.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: SB 340

INTRODUCER: Senator Osgood and others

SUBJECT: Trust Fund for Victims of Human Trafficking

DATE: April 3, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	<b>Pre-meeting</b>
2.			ACJ	
3.			AP	

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**I. Summary:**

SB 340 creates s. 787.063, F.S., providing that the Trust Fund for Victims of Human Trafficking may be used for “at least” all of the following purposes:

- Educating the public about the recruitment, trafficking, and exploitation of persons through human trafficking.
- Assisting in the prevention of recruitment in Florida schools of minors for exploitation.
- Establishing a survivors’ resource center to make available to survivors of human trafficking information about services and resources, including legal services, social services, safe harbors, safe houses, and language services.
- Assisting in the coordination between law enforcement agencies and service providers.
- Providing information concerning a petition for expunction of a criminal history record resulting from the arrest or filing of charges for an offense committed or reported to have been committed while the person was a victim of human trafficking which is filed pursuant to s. 943.0583, F.S.
- Providing financial assistance for the cost of expunction of a criminal history record.
- Providing financial assistance for the cost of legal services to defend against criminal charges resulting from the arrest or filing of charges for an offense committed or reported to have been committed while the person was a victim of human trafficking.

This bill is the companion bill to SB 338, which creates the Trust Fund within the Office of the Attorney General, Department of Legal Affairs. Therefore, this bill will take effect on the same date that SB 338 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

## II. Present Situation:

### Human Trafficking

Human trafficking is a form of modern-day slavery.<sup>1</sup> Human trafficking victims are young children, teenagers, and adults who may be citizens that are trafficked domestically within the borders of the United States or smuggled across international borders worldwide.<sup>2</sup> Many human trafficking victims are induced with false promises of financial or emotional security, but are forced or coerced into commercial sex, domestic servitude, or other types of forced labor.<sup>3</sup> Any minor who is younger than 18 years old and who is induced to perform a commercial sex act is a human trafficking victim even if there is no forced fraud or coercion.<sup>4</sup> Increasingly, criminal organizations, such as gangs, are enticing local school children into commercial sexual exploitation or trafficking.<sup>5</sup> The average ages of youth who are trafficked are 11-13 years old.<sup>6</sup>

Congress passed the Victims of Trafficking and Violence Protection Act (Act) of 2000 to combat human trafficking by establishing several methods of prosecuting traffickers, preventing trafficking, and protecting victims.<sup>7</sup> The Act contains severe penalties and mandates restitution for victims of human trafficking.<sup>8</sup>

The U.S. Department of Justice reports that every two minutes a child is trafficked for the purpose of sexual exploitation in the United States.<sup>9</sup> Approximately 24.9 million people are human trafficking victims in the world.<sup>10</sup> There are approximately 2.5 million victims of human trafficking in the United States.<sup>11</sup> The U.S. National Human Trafficking Hotline (NHTH) received 276,654 reports of human trafficking between 2007 and 2019.<sup>12</sup>

The number of human trafficking cases listed in reports may not accurately reflect the number of actual cases of human trafficking because many traffickers are prosecuted for other crimes.<sup>13</sup> Additionally, prosecutors often have difficulty proving the relationship at issue is one of human trafficking or a victim may be unwilling to testify against his or her trafficker in court.<sup>14</sup>

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<sup>1</sup> Section 787.06(1)(a), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> The Department of Education (DOE), *Healthy Schools – Human Trafficking*, available at <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited March 26, 2023).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> The DOE, *Child Trafficking Prevention Education*, p. 3, September 20, 2019, available at <http://www.fldoe.org/core/fileparse.php/5575/urlt/ChildTraffickingPres.pdf> (last visited March 26, 2023).

<sup>7</sup> Pub. L. No. 106-386 (2000).

<sup>8</sup> *Id.*

<sup>9</sup> The DOE, Human Trafficking, *Healthy Schools – Human Trafficking*, available at <https://www.fldoe.org/schools/healthy-schools/human-trafficking.stml>, (last visited March 26, 2023).

<sup>10</sup> National Human Trafficking Hotline, *What is Human Trafficking?* available at <https://humantraffickinghotline.org/what-human-trafficking> (last visited March 26, 2023).

<sup>11</sup> The DOE, Human Trafficking, *Healthy Schools – Human Trafficking*, available at <https://www.fldoe.org/schools/healthy-schools/human-trafficking.stml>, (last visited March 26, 2023).

<sup>12</sup> NHTH, *Hotline Statistics*, available at <https://humantraffickinghotline.org/states> (last visited March 26, 2023).

<sup>13</sup> Nada Hassanein, *Preying on the vulnerable: Human trafficking prevalent yet elusive in the Big Bend*, Tallahassee Democrat, June 27, 2018, available at <https://www.tallahassee.com/story/news/2019/01/27/preying-vulnerable-human-trafficking-alive-and-well-big-bend/2648630002/> (last visited March 26, 2023).

<sup>14</sup> *Id.*

### *Human Trafficking in Florida*

Florida is ranked the third highest state of reported human trafficking cases in the United States.<sup>15</sup> The National Human Trafficking Hotline reports that in 2021, 781 cases were identified in Florida with 1,253 victims in those cases.<sup>16</sup> The 14th Judicial Circuit Human Trafficking Task Force serves six Panhandle counties. Board member, Dr. Laurie Lawrence, indicates that human trafficking is on the rise in the Panhandle with the highest rate per capita of child victims in the state (201), an increase of 40 percent in 2021.<sup>17</sup>

Florida law defines “human trafficking” as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining another person for the purpose of exploitation of that person.<sup>18</sup> In Florida, any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking for labor or services, or commercial sexual activity, commits a first degree felony or a life felony.<sup>19</sup> “Coercion,” is an element in proving the crime of human trafficking of adult victims, but is not an element if the victim is under the age of 18 years.

The types of human trafficking cases can vary greatly and may involve forced labor, or sex trafficking. For example, a case investigated by the Palm Beach County Human Trafficking Task Force focused on three individuals who ran a labor contracting company that harvested agricultural products in Florida in 2015 through 2017. The investigation led to a federal indictment for, among other crimes, forced labor using workers who are temporary, nonimmigrant workers lawfully admitted into the United States to perform agricultural labor or services of a temporary or seasonal nature. The indictment alleged that the defendants obtained hundreds of hours of physically demanding agricultural labor from the victimized workers through coercive means, such as:

- Imposing debts on workers;
- Confiscating the workers’ passports;
- Subjecting workers to crowded, unsanitary and degrading living conditions, and to yelling and verbal abuse;
- Threatening workers with arrest, jail time, and deportation;

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<sup>15</sup> The DOE, Child Trafficking Prevention Education, p. 3., available at <https://www.fldoe.org/core/fileparse.php/5575/urlt/ChildTraffickingPres.pdf>, (last visited March 26, 2023).

<sup>16</sup> National Human Trafficking Hotline, Statistics, Florida, available at <https://humantraffickinghotline.org/en/statistics/florida>, (last visited March 25, 2023).

<sup>17</sup> WMBB News, Tess Rowland, Statistics show human trafficking is on the rise in the Panhandle, January 5, 2022, available at <https://www.mypanhandle.com/news/local-news/bay-county/statistics-show-human-trafficking-is-on-the-rise-in-the-panhandle/>, (last visited March 25, 2023).

<sup>18</sup> Section 787.06(2)(d), F.S.

<sup>19</sup> Section 787.06(3), F.S. A first degree felony is punishable by up to 30 years imprisonment and a fine of \$10,000. Sections 775.082 and 775.083, F.S. A violation of s. 787.06(3)(g), F.S., commercial sexual activity in which any child younger than 18 years of age or an adult believed by the person to be a child younger than 18 years of age, or in which any person who is mentally defective or mentally incapacitated as those terms are defined in s. 794.011(1), F.S., is involved, is a life felony. This life felony is punishable by imprisonment for life. Section 787.06(3)(g), F.S., and ss. 775.082 and 775.083, F.S.

- Isolating workers and limiting their ability to interact with anyone other than fellow employees; and
- Suggesting to workers that if they failed to comply with the defendants' demands, they or their family members could be physically harmed.<sup>20</sup>

In Tallahassee, in January 2019, a two month-long investigation lead to the arrest of a 36-year-old male on prostitution and sex trafficking charges involving a 14-year old girl. The victim told investigators that the defendant threatened to kill the victim and her family if she didn't cooperate. Afraid for her life, the victim complied with the defendant's demands. At the time of his arrest, the male was already facing charges for sex trafficking a child in 2014.<sup>21</sup>

In addition, a man who ran a sex trafficking organization for more than 20 years that exploited dozens of vulnerable women and girls through manipulation, lies, and threats, was recently sentenced by a federal judge in South Florida. The man had forced his victims to work at South Florida exotic dance clubs and engage in commercial sex. He lied to the victims by telling them that he would invest their earnings so that they could retire in their 20s. He coerced his victims into working eight-hour shifts, six days a week, every week of the year and kept all their money. The court sentenced him to sixty years in prison and ordered him to pay over \$14 million in restitution to his victims.<sup>22</sup>

### ***Victim Support, Public Education***

Florida has local task forces and coalitions that encompass all of Florida's 67 counties. The mission of the Statewide Council on Human Trafficking is to enhance the development and coordination of state and local law enforcement and social services responses to fight all forms of human trafficking and to support victims. There is a Direct-Support Organization (DSO) for the Statewide Council.<sup>23</sup> The DSO is known as the Alliance to End Human Trafficking, a nonprofit organization created by the Legislature to provide funding, support, and assistance to the statewide effort to end human trafficking.<sup>24</sup>

In collaboration with the Florida Forensic Institute for Research, Security, and Tactics, the Florida Alliance to End Human Trafficking developed a training course that focuses on detecting human trafficking, best practices for reporting human trafficking, and the interventions and

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<sup>20</sup> U.S. Department of Justice, Justice News, Defendants Charged in Connection with Multi-State Racketeering Conspiracy Involving the Forced Labor of Mexican Agricultural H-2A Workers, September 22, 2021, available at <https://www.justice.gov/opa/pr/defendants-charged-connection-multi-state-racketeering-conspiracy-involving-forced-labor>, (last visited March 25, 2023).

<sup>21</sup> WTXL, *Human trafficking suspect accused of sex-trafficking child in Tallahassee*, January 26, 2019, available at [http://www.wtxl.com/news/human-trafficking-suspect-accused-of-sex-trafficking-child-in-tallahassee/article\\_9748879c-21a4-11e9-b768-5bb68f906ecc.html](http://www.wtxl.com/news/human-trafficking-suspect-accused-of-sex-trafficking-child-in-tallahassee/article_9748879c-21a4-11e9-b768-5bb68f906ecc.html) (last visited March 25, 2023).

<sup>22</sup> U.S. Attorney's Office, Southern District of Florida, Leader of Sex Trafficking Ring Sentenced to 60 Years in Federal Prison, Ordered to Pay Over \$14 Million in Restitution, September 27, 2022, available at <https://www.justice.gov/usao-sdfl/pr/leader-sex-trafficking-ring-sentenced-60-years-federal-prison-ordered-pay-over-14>, (last visited March 25, 2023). See also Fox News, Stephen Sorace, Undercover human trafficking bust in Florida leads to over 200 arrests, rescue of 24 suspected victims, available at <https://www.foxnews.com/us/undercover-human-trafficking-bust-florida-leads-over-200-arrests-rescue-24-suspected-victims>, (last visited March 25, 2023).

<sup>23</sup> Section 16.618, F.S., authorized the creation of the Statewide Council on Human Trafficking's DSO.

<sup>24</sup> <https://floridaallianceendht.com/wp-content/uploads/2022/10/2021-2022-Annual-Report.pdf>, (last viewed March 26, 2023).

treatment for survivors of human trafficking.<sup>25</sup> The one-hour course can be found and completed on the DSO's website.<sup>26</sup>

### III. Effect of Proposed Changes:

SB 340 creates s. 787.063, F.S., providing that the Trust Fund for Victims of Human Trafficking may be used for "at least" all of the following purposes:

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### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>25</sup> Florida Alliance to End Human Trafficking, Training Portal, available at <https://fateht.vidcert.com/register>, (last visited March 26, 2023); Florida's Forensic Institute for Research, Security and Tactics, an enterprise of the Pasco Sheriff's Office, embodies a collaborative approach between academia and practitioners, under one institute in pursuit of a common goal: shaping the future of public safety.

<sup>26</sup> *Id.*

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:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 787.063 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.