

**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 Criminal Justice Committee

**BILL:** CS/SB 168

**INTRODUCER:** Criminal Justice Committee and Senators Joyner and Rich

**SUBJECT:** Florida Statewide Task Force on Human Trafficking

**DATE:** February 18, 2009      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	<b>Fav/CS</b>
2.			CF	
3.			HE	
4.			WPSC	
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

The bill creates the Florida Statewide Task Force on Human Trafficking within the Executive Office of the Governor. The bill prescribes the membership of the task force, its activities, and other matters necessary to the task force completing its work. The bill requires the task force to receive the Statewide Strategic Plan currently being formulated by the Florida State University Center for the Advancement of Human Rights, and to receive, revise, and propose a plan of implementation of the strategic plan. The bill also requires the Florida State University Center for the Advancement of Human Rights to carry out specified activities.

This bill creates an undesignated section of the Florida Statutes.

**II. Present Situation:**

“An estimated 800,000 men, women and children are trafficked across international borders each year, according to the U.S. Department of State. Victims are trafficked into the international sex trade and into forced labor situations throughout the world. Many of these victims are lured from

their homes with false promises of well-paying jobs; instead, they are forced or coerced into prostitution, domestic servitude, farm or factory labor or other types of forced labor.”<sup>1</sup>

### **Florida Human and Sex Trafficking Laws**

Section 787.06, F.S., provides that it is a second-degree felony for any person to knowingly:

- Engage, or attempt to engage, in human trafficking with the intent or knowledge that the trafficked person will be subjected to forced labor or services; or
- Benefit financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services.

“Human trafficking” is defined in the statute as “transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport.”

Section 796.045, F.S., provides that any person who knowingly recruits, entices, harbors, transports, provides, or obtains by any means a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution, commits the offense of sex trafficking, a second degree felony. However, a person commits a first degree felony if the offense of sex trafficking is committed against a person who is under the age of 14 or if such offense results in death.

### **Federal Human Trafficking Law**

In October 2000, the Trafficking Victims Protection Act of 2000 (TVPA)<sup>2</sup> was enacted. According to the U.S. Department of Justice, the TVPA “provides extensive protections and services for victims of trafficking found in the United States regardless of nationality” and defines “severe forms of trafficking in persons” as:

- 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
- 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. (106 P.L. 386: 114 Stat. 1470, Sec. 103 (8))<sup>3</sup>

### **III. Effect of Proposed Changes:**

The bill contains the Legislature’s declaration that the purpose of this act is to create a public and private task force to examine and analyze the problem of human trafficking and to plan for a coordinated, humane response for victims of human trafficking through a review of existing programs, a clarification of existing options for such victims, and revised policy efforts to coordinate governmental and private efforts.

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<sup>1</sup> *Human Trafficking and Human Smuggling* (fact sheet dated November 19, 2008), U.S. Immigration and Customs Enforcement (<http://www.ice.gov/pi/news/factsheets/humantrafficking.htm>).

<sup>2</sup> Pub.L. No. 106-386 (2000).

<sup>3</sup> <http://www.ojp.usdoj.gov/ovc/ncvrw/2005/pg51.html>

The bill creates within the Executive Office of the Governor the Florida Statewide Task Force on Human Trafficking.<sup>4</sup> The task force is created for the express purpose of examining the problem of human trafficking and recommending strategies and actions for reducing or eliminating the unlawful trafficking of men, women, and children into this state.

The bill provides that the task force consists of the following governmental members (or their designee):

- The executive director of the Department of Law Enforcement, who serves as co-chair;
- The Secretary of Children and Family Services, who serves as co-chair;
- The Chief Financial Officer;
- The Commissioner of Agriculture;
- The Attorney General;
- The State Surgeon General;
- The statewide prosecutor;
- The executive director of the Florida Commission on Human Relations;
- The Secretary of Business and Professional Regulation;
- A sheriff; and
- A police chief.

The task force also consists of the following nongovernmental members:

- The executive director of the Florida State University Center for the Advancement of Human Rights;
- The executive director of the Florida Immigrant Advocacy Center;
- The Secretary of the Coalition of Immokolee Workers;
- The executive director of the Florida Coalition Against Human Trafficking;
- The executive director of the Florida Freedom Partnership;
- The executive director of Gulf Coast Legal Services;
- The executive director of the Florida Council Against Sexual Violence; and
- The executive director of the Florida Coalition Against Domestic Violence.

The bill requires the Governor to appoint a sheriff and a police chief to the task force by July 1, 2009, and provides that the Governor may appoint ex officio members at any time. Members of the task force serve without compensation or reimbursement for per diem and travel expenses.

The bill provides that the task force is required to receive the Statewide Strategic Plan currently being formulated by the Florida State University Center for the Advancement of Human Rights. This plan must be presented at the first meeting of the task force no later than November 1, 2009. The work of the task force is to receive, revise, and propose a plan of implementation of the strategic plan no later than October 1, 2010.

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<sup>4</sup> The bill specifies this task force is a “task force” as defined in s. 20.03, F.S. Section 20.03(7) defines a “task force” as “an advisory board created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of the assignment.”

The bill requires the Florida State University Center for the Advancement of Human Rights to carry out the following activities:

- Collecting and organizing data concerning the nature and extent of trafficking in persons in Florida and measure and evaluate the progress in the state in preventing trafficking, protecting and providing assistance to victims of trafficking, and prosecuting persons engaged in trafficking activities;
- Identifying available federal, state, and local programs in this state which provide services to victims of trafficking, including, but not limited to, health care and human services, housing services, education services, legal assistance, job training or preparation classes, interpreting services, English as a Second Language classes, and victim's compensation;
- Evaluating approaches to increase public awareness of trafficking, particularly the risks of becoming a trafficking victim; the common recruitment techniques; the use of debt bondage, blackmail, forced labor and services, prostitution, and other coercive tactics; the crime victims' rights; and the reporting of recruitment activities involved in trafficking;
- Analyzing the current state, local, and federal criminal statutes for their adequacy in addressing trafficking and, if the analysis determines that those statutes are inadequate, recommending revisions to those statutes or the enactment of new statutes that specifically define and address trafficking; and
- Consulting with governmental and nongovernmental organizations, especially those specializing in stopping trafficking or representing diverse communities disproportionately affected by trafficking, in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims of trafficking, and prosecute traffickers.

The bill provides that the task force is abolished on July 1, 2011.

The bill takes effect upon becoming a law.

#### **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:**

None.

**C. Government Sector Impact:**

The bill provides that members of the task force serve without compensation or reimbursement for per diem and travel expenses. The bill specifies that the task force is created within the Executive Office of the Governor but does not specify that that office (or any other office or agency) is responsible for providing staff services to the task force.

**VI. Technical Deficiencies:**

The executive director of the Florida Coalition Against Domestic Violence is listed as a governmental member, but the coalition does not appear to be a government agency.

**VII. Related Issues:**

None.

**VIII. 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 February 18, 2009:**

- Correctly lists the executive director of the Florida Coalition Against Domestic Violence as a nongovernmental member of the task force.
- Corrects an organization's name.

**B. Amendments:**

None.