

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB JDC 24-01 Anti-Human Trafficking

SPONSOR(S): Judiciary Committee

TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|----------------------------------|-----------|---------|---------------------------------------|
| Orig. Comm.: Judiciary Committee | 21 Y, 0 N | Leshko | Kramer |

SUMMARY ANALYSIS

Human trafficking is a form of modern day slavery which involves the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining of another person for the purpose of exploiting that person.

Section 16.617, F.S., creates the Statewide Council on Human Trafficking (Council), within the Department of Legal Affairs (DLA), to enhance 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 victims. Section 16.618, F.S., requires DLA to establish a direct-support organization (DSO) to provide assistance, funding, and support to the Council. Authorization for the DSO is set to expire on October 1, 2024, unless reviewed and saved from repeal by the Legislature.

Sections 394.875, 456.0341, 480.043, 509.096, and 787.29, F.S., require various entities to implement procedures to report suspected human trafficking and to display human trafficking awareness signs. The signs must contain the telephone number for the National Human Trafficking Hotline or such other number that the Florida Department of Law Enforcement uses to detect and stop human trafficking.

Florida law currently mandates use of the National Human Trafficking Hotline number on human trafficking awareness signs required to be posted by specified entities; however, certain provisions of current law allow for some entities to display either the National Human Trafficking Hotline number, a number that FDLE uses to detect and stop human trafficking, or the number to a local law enforcement agency.

The PCB JDC 24-01 amends s. 16.618, F.S., to extend the statutory authorization for the DSO until October 1, 2029, at which time s. 16.618, F.S., will be repealed unless reviewed and saved from repeal by the Legislature.

The bill also amends ss. 394.875, 456.0341, 480.043, 509.096, and 787.29, F.S., to modify the requirements for human trafficking reporting procedures and awareness signs from requiring the National Human Trafficking Hotline number be utilized to requiring that the Florida Human Trafficking Hotline number be utilized. The bill amends ss. 456.0341, 480.043, and 509.096, F.S., to require the update to human trafficking awareness signs to be completed and updated signage to be posted by January 1, 2025.

The bill amends s. 787.06, F.S., to require a nongovernmental entity to provide an affidavit, signed by an officer or a representative of the nongovernmental entity under penalty of perjury, attesting that the nongovernmental entity does not use coercion for labor or services, when executing, renewing, or extending a contract with a governmental entity.

The bill makes additional technical changes.

The bill may have an insignificant negative fiscal impact on entities that are required to update their human trafficking awareness signs due to any costs associated with updating, replacing, and reposting such signs as required by the bill.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Human Trafficking

Human trafficking is a form of modern day slavery which involves the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining of 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, labor, or services:

- By using coercion;²
- With or of a child or person believed to be a child younger than 18;³ or
- If for commercial sexual activity, with a mentally defective⁴ or mentally incapacitated⁵ person.⁶

“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.
- Providing a Schedule I or II controlled substance⁷ to a person for the purpose of exploiting that person.⁸

Statewide Council on Human Trafficking

Section 16.617, F.S., creates the Statewide Council on Human Trafficking (Council), within the Department of Legal Affairs (DLA), to enhance 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 victims. The Council is tasked with:

- Developing recommendations for human trafficking victim programs and services, including recommendations for certification criteria for safe houses and safe foster homes.
- Assessing the frequency and extent to which social media platforms are used to assist, facilitate, or support human trafficking within this state; establishing a process to detect such use on a consistent basis; and making recommendations on how to stop, reduce, or prevent social media platforms from being used for such purposes.

¹ S. 787.06(2)(d), F.S.

² Ss. 787.06(3)(a)2., (b), (c)2., (d), (e)2., and (f)2., F.S.

³ Ss. 787.06(3)(a)1., (c)1., (e)1., (f)1., and (g), F.S.

⁴ 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)(c), F.S.

⁵ 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)(d), F.S.

⁶ S. 787.06(3)(g), F.S.

⁷ S. 893.03, F.S.

⁸ S. 787.06(2)(a), F.S.

- Making recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses.
- Annually holding a statewide policy summit.
- Working with the Department of Children and Families (DCF) to create and maintain an inventory of human trafficking programs and services in each county.
- Developing policy recommendations that advance the duties of the Council and further the efforts to combat human trafficking in the state.⁹

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.¹⁰

Direct-support Organization- Florida Alliance to End Human Trafficking

Section 16.618, F.S., requires DLA to establish a direct-support organization (DSO) to provide assistance, funding, and support to the Council. The DSO incorporated in 2019 as the Florida Alliance to End Human Trafficking.¹¹ The DSO is statutorily required to be:

- A Florida not for profit corporation, incorporated under chapter 617, and approved by the Secretary of State;
- Organized and operated exclusively to conduct programs and activities; 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 to or for the direct or indirect benefit of the Council;¹² 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.¹³

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 (FDLE), both of whom must have law enforcement backgrounds with 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.¹⁴

⁹ S. 16.617(4), F.S.

¹⁰ S. 16.617(2), F.S.

¹¹ Florida Alliance to End Human Trafficking, 2019-2020 Annual Report, https://www.floridaallianceendht.com/wp-content/uploads/2022/10/2019-2020-Annual-Report_FINAL.pdf (last visited Feb. 2, 2024).

¹² S. 16.618(8)(a), F.S.

¹³ S. 16.618(1), F.S.

¹⁴ S. 16.618(3), F.S.

The DSO in conjunction with the Council is required to form strategic partnerships to foster the development of community and private sector resources to advance the goals of the Council.¹⁵

Authorization for the DSO is set to expire on October 1, 2024, unless reviewed and saved from repeal by the Legislature.¹⁶

Human Trafficking Reporting Procedures and Awareness

Sections 394.875, 456.0341, 480.043, 509.096, and 787.29, F.S., require various entities to implement procedures to report suspected human trafficking and to display human trafficking awareness signs.

Section 394.875, F.S., requires residential treatment centers for children and adolescents¹⁷ to conspicuously place signs on their premises to warn children and adolescents of the dangers of human trafficking and to encourage the reporting of individuals observed attempting to engage in human trafficking activity. The signs must contain the telephone number for the National Human Trafficking Hotline or such other number that FDLE uses to detect and stop human trafficking.^{18, 19}

Section 456.0341, F.S., requires each person licensed or certified in the following professions to post a human trafficking awareness sign²⁰ in their place of work in a conspicuous place accessible to employees:²¹

- Acupuncture;²²
- Medical practice;²³
- Osteopathic medicine;²⁴
- Chiropractic medicine;²⁵
- Podiatric medicine;²⁶
- Optometry;²⁷
- Pharmacy;²⁸
- Dentistry, dental hygiene, and dental laboratories;²⁹
- Nursing home administration;³⁰
- Occupational therapy;³¹
- Respiratory therapy;³²
- Dietetics and nutrition practice;³³
- Massage therapy practice;³⁴ and

¹⁵ S. 16.618(5), F.S.

¹⁶ S. 16.618(12), F.S.

¹⁷ “Residential treatment center for children and adolescents” means a 24-hour residential program, including a therapeutic group home, which provides mental health services to emotionally disturbed children or adolescents and which is a private for-profit or not-for-profit corporation licensed by the Agency for Health Care Administration which offers a variety of treatment modalities in a more restrictive setting. S. 394.67(22), F.S.

¹⁸ S. 394.875(8)(b), F.S.

¹⁹ FDLE hosts the Florida Human Trafficking Hotline (1-855-FLA-SAFE/1-855-352-7233) as a resource for the public to report suspected human trafficking. FDLE, *Florida Human Trafficking Hotline*, <https://www.fdle.state.fl.us/Florida-Human-Trafficking-Hotline.aspx> (last visited Feb. 2, 2024).

²⁰ The sign must be at least 11 inches by 15 inches in size, printed in a clearly legible font and in at least a 32-point type, in English and Spanish. *Id.*

²¹ S. 456.0341(3), F.S.

²² Ch. 457, F.S.

²³ Ch. 458, F.S.

²⁴ Ch. 459, F.S.

²⁵ Ch. 460, F.S.

²⁶ Ch. 461, F.S.

²⁷ Ch. 463, F.S.

²⁸ Ch. 465, F.S.

²⁹ Ch. 466, F.S.

³⁰ Ch. 468, pt. II, F.S.

³¹ Ch. 468, pt. III, F.S.

³² Ch. 468, pt. V, F.S.

³³ Ch. 468, pt. X, F.S.

³⁴ Ch. 480, F.S.

- Physical therapy practice.³⁵

Section 480.043, F.S., requires massage establishments³⁶ to implement a procedure for reporting suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency and post a sign with the relevant provisions of the reporting procedure in a conspicuous place in the establishment which is accessible to employees.³⁷

Section 509.096, F.S., requires a public lodging establishment³⁸ to implement a procedure for the reporting of suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency.³⁹ Additionally, all such establishments are required to post a human trafficking public awareness sign⁴⁰ in a conspicuous location in the establishment which is accessible to all employees.⁴¹

Section 787.29, F.S., requires the Department of Transportation and several types of businesses which may encounter human trafficking activity to display human trafficking public awareness signs⁴² as follows:

- Rest areas, turnpike service plazas, weigh stations, primary airports, passenger rail stations, and welcome centers.⁴³
- Emergency rooms at general acute care hospitals.⁴⁴
- Strip clubs and other adult entertainment establishments.⁴⁵
- Businesses or establishments that offer massage or bodywork services for compensation that are not owned by health care practitioners.⁴⁶

The human trafficking awareness signs required under ss. 456.0341, 509.096, and 787.29, F.S., must state substantially the following:⁴⁷

If you or someone you know is being forced to engage in an activity and cannot leave, whether it is prostitution, housework, farm work, factory work, retail work, restaurant work, or any other activity, call the National Human Trafficking Resource Center at 888-373-7888 or text INFO or HELP to 233-733 to access help and services. Victims of slavery and human trafficking are protected under United States and Florida law.

The National Human Trafficking Hotline (1-888-373-7888) is a national, toll-free hotline, available to answer calls, texts, emails, and live chats from anywhere in the United States, 24 hours a day, 7 days a week, in more than 200 languages. The hotline connects human trafficking victims and survivors to critical support and services to get help and stay safe, including the opportunity to speak with specially-trained advocates. The Trafficking Hotline has been operated since 2007 by Polaris, a non-profit, non-

³⁵ Ch. 486, F.S.

³⁶ A "massage establishment" means a site or premises, or portion thereof, wherein a massage therapist practices massage therapy. S. 480.033(7), F.S.

³⁷ S. 480.043(13), F.S.

³⁸ A "public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is either considered transient and rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less; or which is considered nontransient and is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less. S. 509.013(4), F.S.

³⁹ S. 509.096(1)(b), F.S.

⁴⁰ The sign must be at least 11 inches by 15 inches in size, printed in easily legible font and in at least 32-point type, and printed in English and in Spanish and in any other language predominantly spoken in the area. S. 509.096(1)(c), F.S.

⁴¹ S. 509.096(1)(c), F.S.

⁴² The public awareness signs must be at least 8.5 inches by 11 inches in size, must be printed in at least 16-point type, and in English and Spanish. S. 787.29(4), F.S.

⁴³ S. 787.29(1), F.S.

⁴⁴ S. 787.29(2), F.S.

⁴⁵ S. 787.29(3)(a), F.S.

⁴⁶ S. 787.29(3)(b), F.S.

⁴⁷ Ss. 456.0341(3), 509.096(1)(c), and 787.29(4), F.S.

governmental organization. The United States Department of Health and Human Services and other private donors and supporters provide funding for the hotline.⁴⁸

In 2011, FDLE implemented the Florida “See Something, Say Something” Phone Line (1-855-FLA-SAFE/1-855-352-7233), which is a component of the national “If You See Something, Say Something” campaign.⁴⁹ This campaign operates in conjunction with the Nationwide Suspicious Activity Reporting Initiative. FDLE hosts both the Florida “See Something, Say Something” phone line as well as a web portal that can be used by the public to report suspicious activities that may be indicative of pre-operational planning for terrorist activities or other criminal activities. The phone line is available to answer calls 24 hours a day, 7 days a week. In calendar year 2023, FDLE received 1,955 calls to this phone line. Beginning in 2023, FDLE expanded the scope of tips accepted through the Florida “See Something, Say Something” phone line (which may also be referred to as the Florida Human Trafficking Hotline) to include tips regarding suspected human trafficking activity. From January 10th through December 11th, 2023, the phone line received 181 human trafficking related calls.⁵⁰

Florida law currently mandates use of the National Human Trafficking Hotline number on human trafficking awareness signs required to be posted by specified entities; however, certain provisions of current law allow for some entities to display either the National Human Trafficking Hotline number, a number that FDLE uses to detect and stop human trafficking, or the number to a local law enforcement agency.

Effect of Proposed Changes

PCB JDC 24-01 amends s. 16.618, F.S., to extend the statutory authorization for the DSO until October 1, 2029, at which time s. 16.618, F.S., will be repealed unless reviewed and saved from repeal by the Legislature.

The bill amends ss. 394.875, 456.0341, 480.043, 509.096, and 787.29, F.S., to modify the requirements for human trafficking reporting procedures and awareness signs from requiring the National Human Trafficking Hotline number to be utilized to requiring that the Florida Human Trafficking Hotline number be utilized. The bill also amends ss. 456.0341, 480.043, and 509.096, F.S., to require the update to human trafficking awareness signs to be completed and updated signage to be posted by January 1, 2025.

The bill amends s. 787.06, F.S., to require a nongovernmental entity to provide an affidavit, signed by an officer or a representative of the nongovernmental entity under penalty of perjury, attesting that the nongovernmental entity does not use coercion for labor or services, when executing, renewing, or extending a contract with a governmental entity.⁵¹

The bill makes additional technical changes.

The bill provides an effective date of July 1, 2024.

⁴⁸ Polaris, *The National Human Trafficking Hotline*, <https://polarisproject.org/national-human-trafficking-hotline/> (last visited Feb. 2, 2024).

⁴⁹ The “If You See Something, Say Something” campaign was originally implemented by the New York Metropolitan Transportation Authority, who licensed the use of the slogan to the United States Department of Homeland Security in 2010 for the national “If You See Something, Say Something” campaign focused on anti-terrorism. United States Department of Homeland Security, *If You See Something, Say Something* Campaign Overview, <https://www.dhs.gov/publication/if-you-see-something-say-something%E2%84%A2-campaign-overview#:~:text=The%20%22If%20You%20See%20Something%2C%20Say%20Something%2C%AE%22%20campaign,to%20DHS%20for%20anti-terrorism%20and%20anti-terrorism%20crime%20efforts>. (last visited Feb. 5, 2024).

⁵⁰ Email from Bobbie Smith, Director of Legislative Affairs, FDLE, Re: FL Human Trafficking Hotline (Feb. 5, 2024) (on file with the House Judiciary Committee).

⁵¹ “Governmental entity” means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, but not limited to, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency. S. 287.138(1)(d), F.S.

B. SECTION DIRECTORY:

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

Section 2: Amends s. 394.875, F.S., relating to crisis stabilization units, residential treatment facilities, and residential treatment centers for children and adolescents; authorized services; license required.

Section 3: Amends s. 456.0341, F.S., relating to requirements for instruction on human trafficking.

Section 4: Amends s. 480.043, F.S., relating to massage establishments; requisites; licensure; inspection; human trafficking awareness training and policies.

Section 5: Amends s. 509.096, F.S., relating to human trafficking awareness training and policies for employees of public lodging establishments; enforcement.

Section 6: Amends s. 787.06, F.S., relating to human trafficking.

Section 7: Amends s. 787.29, F.S., relating to human trafficking public awareness signs.

Section 8: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The bill may have an insignificant negative fiscal impact on entities that are required to update their human trafficking awareness signs due to any costs associated with updating, replacing, and reposting such signs as required by the bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES