

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 Children, Families, and Elder Affairs

BILL: CS/SB 652

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Cruz

SUBJECT: Human Trafficking Public Awareness Signs

DATE: February 9, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Berger	Cox	CF	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 652 seeks to heighten public awareness regarding human trafficking in Florida. The bill amends s. 787.29, F.S., requiring an employer of an athletic venue, entertainment venue, or a convention center with the capacity to hold 5,000 or more people to display human trafficking awareness signs which are clearly visible to employees and guests of the establishment. The signage must be placed in a conspicuous location and comply with the requirements under s. 787.29(4), F.S.

The bill defines the term “entertainment venue” for purposes of the new provision. Section 787.29(3)(a) and (b), F.S., are redesignated as s. 787.29(3)(a)1. and 2, and the bill relocates the provision in s. 787.29(5), F.S., relating to penalties for a violation of the subsection, to s. 787.29(3)(b), F.S.

The bill has a minimal negative, but indeterminate, fiscal impact on state and local governments, and businesses required to display human trafficking awareness signs. See Section V. Fiscal Impact Statement.

This bill shall take effect July 1, 2022.

II. Present Situation:

Human Trafficking

Human trafficking is a form of modern-day slavery. Young children, teenagers, and adults are all victims of human trafficking, who are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.¹ Human trafficking is the third-largest international crime industry, generating a profit of an estimated \$150 billion every year.² In 2016, there were an estimated 40.3 million victims of human trafficking.³

Since 2007, there were 73,946 human trafficking cases reported to the National Human Trafficking Hotline (Hotline).⁴ In 2020, the Hotline and BeFree Textline recorded a total of 16,658 human trafficking victims identified in the U.S. alone.⁵ In 2020, the Hotline received a total of 51,667 reports nationwide.⁶

Forced labor and sex trafficking are the most common types of human trafficking. Labor trafficking is a form of modern-day slavery in which individuals perform labor or services through force, fraud, or coercion.⁷ Sex trafficking “occurs when someone uses force, fraud or coercion to cause a commercial sex act with an adult or causes a minor to commit a commercial sex act.”⁸ Sex trafficking accounted for 7,648 of the reported cases of human trafficking in 2020.⁹

Traffickers coerce victims into sex trafficking in numerous ways. Some victims may be forced into prostitution by an intimate partner while others may be recruited with a false job offer.¹⁰ Fake massage businesses, truck stops, and hotels and motels are all venues used in sex trafficking operations.¹¹

In an effort to combat human trafficking in the United States, Congress passed the Trafficking Victims Protection Act (Act) in 2000 which established several methods of prosecuting

¹ Section 787.06(1)(a), F.S

² Human Rights First, *Human Trafficking by the Numbers*. July 31, 2019, available at [Human Trafficking by the Numbers | Human Rights First](#) (last visited Feb. 4, 2022).

³ International Labour Organization, *Forced labour, modern slavery and human trafficking*, available at <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm> (last visited February 4, 2022).

⁴ Polaris, *Resource: U.S. National Human Trafficking Hotline Statistics*, Jan. 1, 2022, available at [U.S. National Human Trafficking Hotline Statistics | Polaris \(polarisproject.org\)](#) (last visited Feb. 4, 2022).

⁵ Polaris, *Human Trafficking Trends in 2020*, available at <https://polarisproject.org/wp-content/uploads/2022/01/Human-Trafficking-Trends-in-2020-by-Polaris.pdf> (Last visited February 4, 2022).

⁶ The Hotline, *2020 National Hotline Annual Report*, Dec. 2021, available at [2020 National Hotline Annual Report | National Human Trafficking Hotline](#) (last visited February 1, 2022).

⁷ National Trafficking Hotline, *Labor Trafficking*, available at <https://humantraffickinghotline.org/type-trafficking/labor-trafficking> (last visited February 4, 2022).

⁸ Sharedhope International, *What is Sex Trafficking*, available at <https://sharedhope.org/the-problem/what-is-sex-trafficking/> (last visited February 4, 2022).

⁹ Polaris, *Human Trafficking Trends in 2020*, available at <https://polarisproject.org/wp-content/uploads/2022/01/Human-Trafficking-Trends-in-2020-by-Polaris.pdf> (last visited February 4, 2022).

¹⁰ *Id.*

¹¹ Polaris, *Sex Trafficking in the U.S.: A Closer Look at U.S. Citizen Victims*, available at <https://polarisproject.org/wp-content/uploads/2019/09/us-citizen-sex-trafficking.pdf> (last visited February 4, 2022).

traffickers, preventing human trafficking, and protecting victims and survivors of trafficking. The Act contains severe penalties and mandated restitution for victims of human trafficking.¹²

Human Trafficking in Florida

Florida ranks third in the nation for reported cases of human trafficking.¹³ In 2020, the Hotline had 2,539 human trafficking cases reported in Florida.¹⁴ Children are often those targeted in trafficking operations, with 12-14 being the average age that a trafficked victim is first used for commercial sex.¹⁵

Florida law defines “human trafficking” to mean the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining of another person for the purpose of exploitation of that person.¹⁶ 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 commits the crime of human trafficking.¹⁷ Such an offense is punishable as a first degree felony,¹⁸ unless the person being sex trafficked is a child under the age of 18, mentally defective, or mentally incapacitated, then such an offense is punishable as a life felony.¹⁹

The number of human trafficking cases listed in reports may not accurately reflect the number of actual cases of human trafficking due to the fact that many traffickers are prosecuted for other crimes.²⁰ Additionally, prosecutors often have difficulty proving the relationship at issue is that of human trafficking or when dealing with a victim who might be unwilling to testify against his or her trafficker in court.²¹

Human trafficking cases are often hidden operations that require law enforcement agencies to engage in intricate investigations. In November 2018, an investigation in Polk County led to the arrest of 103 people for charges including prostitution and human trafficking.²² Similarly, in

¹² Pub. L. No. 106-386 (2000).

¹³ National Human Trafficking Hotline, *Hotline Statistics*, available at <https://humantraffickinghotline.org/states> (last visited February 4, 2022).

¹⁴ National Human Trafficking Hotline, *National Human Trafficking Hotline Data Report: Florida State Report: 1/1/2020-12/31/2020*, available at [Florida State Report For 2020.docx \(humantraffickinghotline.org\)](https://www.humantraffickinghotline.org/Florida-State-Report-For-2020.docx) (last visited February 4, 2022).

¹⁵ Office of the Attorney General: Statewide Council on Human Trafficking, *About Human Trafficking*, available at <http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72> (last visited February 4, 2022).

¹⁶ Section 787.06(2)(d), F.S.

¹⁷ Section 787.06(3), F.S.

¹⁸ A first degree felony is punishable by a state prison term not exceeding 30 years, a fine not exceeding \$10,000, or both. Sections 775.082 and 775.083, F.S.

¹⁹ Section 787.06(3)(a)-(g), F.S. A life felony is punishable by a state prison term for life, by a term of imprisonment not exceeding 40 years, a fine not exceeding \$15,000, or both. Sections 775.082 and 775.083, F.S.

²⁰ Nada Hassanein, *Preying on the vulnerable: Human trafficking prevalent yet elusive in the Big Bend*, Tallahassee Democrat, (Jan. 27, 2019) available at <https://www.tallahassee.com/story/news/2019/01/27/preying-vulnerable-humantrafficking-alive-and-well-big-bend/2648630002/> (last visited February 4, 2022).

²¹ *Id.*

²² Daniel Dahm and Brianna Volz, *Orlando-area doctor among 103 arrested in Polk County sex sting, sheriff says*, ClickOrlando.com, (December 3, 2018) available at <https://www.clickorlando.com/2018/12/04/orlando-area-doctor-among-103-arrested-in-polk-county-sex-sting-sheriff-says/> (last visited February 4, 2022).

January 2019, a 36-year-old male was arrested in Tallahassee on charges of prostitution and sex trafficking involving a 14-year old girl. The male was already facing charges for sex trafficking a child in 2014.²³

Statewide Council on Human Trafficking

In 2014, the Statewide Council on Human Trafficking (Council) was created within the Department of Legal Affairs.²⁴ The purpose of the Council is to enhance the development and coordination of law enforcement and social services responses to combat commercial sexual exploitation and to support victims.²⁵ The fifteen member Council is chaired by the state Attorney General.²⁶ The Council's duties include:

- Developing recommendations for comprehensive programs and services for human trafficking victims;
- Making recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses;
- Holding an annual 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; and
- Developing policy recommendations that advance the duties of the Council and further the efforts to combat human trafficking in Florida.²⁷

Human Trafficking and Tourism

Human trafficking is extremely prevalent during sporting and entertainment events due to excess tourism attracted by large crowds.²⁸ Traffickers often use the influx of traffic to camouflage global exploitation rings. In recent years, global media have criticized major sporting events for being used as human trafficking hotbeds.²⁹ The Miami-Dade State Attorney reports that 47 traffickers were arrested and 22 survivors identified at the 2020 Super Bowl in Miami.³⁰ Large events such as the Super Bowl, World Series, World Cup, concerts, and collegiate sports inherently attract the largest coordinated efforts of movement in young victims, who are both male and female between the ages of 13-16, within the U.S.³¹

²³ The Florida Bar, *Measure To Strengthen Human Trafficking Laws Goes To The Governor*, available at <https://www.floridabar.org/the-florida-bar-news/measure-to-strengthen-human-trafficking-laws-goes-to-the-governor> (last visited February 4, 2022).

²⁴ Ch. 2014-161, s. 9, Laws of Fla. Also, see Florida Office of the Attorney General, *Statewide Council on Human Trafficking*, available at <http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72> (last visited on February 4, 2022).

²⁵ Section 16.617(1), F.S.

²⁶ Section 16.617(2), F.S.

²⁷ Section 16.617(4), F.S.

²⁸ It's a Penalty, *The Power of Sporting Events in the Fight Against Human Trafficking*, available at <https://itsapenalty.org/2021/08/24/power-of-sporting-events/> (last visited February 4, 2022).

²⁹ *Id.*

³⁰ *Id.*

³¹ ACAMS TODAY, *Human Trafficking and Major Sporting Events: The Dark Side of the Super Bowl*, available at <https://www.acamstoday.org/human-trafficking-and-major-sporting-events-the-dark-side-of-the-super-bowl/> (last visited February 4, 2022).

In 2019, approximately 131.42 million tourists visited Florida.³² The influx of both international and domestic travelers are expected to increase as a majority of COVID-19 related restrictions are being lifted.

Signs

Increasing effective public awareness and outreach efforts about the risks and signs of human trafficking is an important aspect of any anti-trafficking strategy, and can lead to the detection of human trafficking cases and ultimately help prevent human trafficking.³³ Human trafficking awareness training provides an important foundation for stakeholders to recognize the indicators of human trafficking and learn how to appropriately respond.³⁴

Currently, Florida requires the Department of Transportation to display human trafficking public awareness signs in specified locations, such as rest areas, turnpike service plazas, and weigh stations.³⁵ Such signs are also required to be displayed at the following locations:

- Emergency rooms;³⁶
- Strip clubs or other adult entertainment establishments;³⁷ and
- A business or establishment that offers massage or bodywork services for compensation in certain circumstances.³⁸

Section 787.29(4), F.S. requires that the public awareness signs must be:

- Be at least 8.5 inches by 11 inches in size;
- Be printed in at least a 16-point type; and
- State substantially the following in English and Spanish:

“If you or someone you know is being forced to engage in an activity and cannot leave-whether it is prostitution, housework, farm work, retail work, restaurant work, or any other activity-call the National Human Trafficking Resource Center at 1-888-373-7888 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.”³⁹

Florida law requires public lodging establishments to post human trafficking awareness signs that meet the same requirements, except that the size of the sign must be larger and it must include any other language predominantly spoken in the area in certain circumstances.⁴⁰ A violation of the provision subjects a public lodging establishment to a fine of \$2,000 per day

³²WUSF, *International visitors are returning to Florida, leading to a tourism surge*, available at <https://wusfnews.wusf.usf.edu/economy-business/2021-11-16/international-visitors-returning-to-florida-leading-to-tourism-surge> (last visited February 4, 2022).

³³The United States Department of State, *Public Awareness & Training*, available at <https://www.state.gov/humantrafficking-public-awareness-training/> (last visited February 4, 2022).

³⁴*Id.*

³⁵Section 787.29(1), F.S.

³⁶Section 787.29(2), F.S.

³⁷Section 787.29(3)(a), F.S.

³⁸Section 787.29(3)(b), F.S.

³⁹Section 787.29(4), F.S.

⁴⁰Section 509.096(1)(c), F.S.

which must be remitted to the Florida Alliance to End Human Trafficking, the direct-support organization⁴¹ established under s. 16.618, F.S., unless certain written assurances are provided by the public lodging establishments to the Department of Business and Professional Regulation within a specified time.⁴²

Florida does not currently require public awareness signs related to human trafficking to be displayed in entertainment or sports venues.

III. Effect of Proposed Changes:

The bill amends s. 787.29, F.S., to require the employer of each athletic venue, entertainment venue, and convention center with the capacity to hold 5,000 or more people to display human trafficking awareness signs in accordance with certain requirements, including to:

- Be placed in a conspicuous location;
- Be clearly visible to the public and venue employees; and
- Meet the requirements under s. 787.29(4), F.S.

The bill defines the term “entertainment venue” to mean any public facility that offers services or holds events, performances, or activities for enjoyment or amusement and is used for commercial or industrial purposes and that does not include overnight lodging or casinos but may include performing arts centers, arenas, racetracks, coliseums, auditoriums, theme or amusement parks, museums, cultural complexes, or other similar facilities.

The bill relocates the provision in s. 787.29(5), F.S., to s. 787.29(3)(b), F.S., which classifies a violation of this subsection as a noncriminal violation and provides that it is punishable only by a fine as provided in s. 775.083, F.S.

This bill is effective July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

⁴¹ 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. Some examples of other DSOs may be found in ss. 14.29(9)(a), 267.1732, 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), available at https://flauditor.gov/pages/pdf_files/10_700.pdf (last visited February 4, 2022).

⁴² *Id.*

C. Trust Funds Restrictions:

None.

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:

Certain venues will incur minimal expenses in posting the required signage. A civil penalty of \$500 for a noncriminal violation shall be imposed upon an employer who knowingly fails to comply with the provisions of the bill.

C. Government Sector Impact:

To the extent that certain venues which fall within the scope of the bill are owned by a local government, they will incur minimal expenses in posting the required signage. Further, costs incurred to ensure compliance by specified venues should be offset by fines imposed for violations of the new provision under the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 787.29 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 Children, Families, and Elder Affairs on February 8, 2022:

The committee substitute defines the term “entertainment venue” for purposes of the new provision established under the bill.

B. Amendments:

None.

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