

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

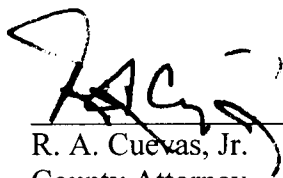
DATE: September 20, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to pass legislation
strengthening Florida law
related to human trafficking
and sex trafficking consistent
with legislation passed earlier
this year by the Georgia
General Assembly

Resolution No. R-750-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)
9-20-2011

RESOLUTION NO. R-750-11

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS LEGISLATION STRENGTHENING FLORIDA LAW
RELATED TO HUMAN TRAFFICKING AND SEX TRAFFICKING
CONSISTENT WITH LEGISLATION PASSED EARLIER THIS
YEAR BY THE GEORGIA GENERAL ASSEMBLY

WHEREAS, human trafficking is a form of modern-day slavery; and

WHEREAS, victims of human trafficking are young children, teenagers, women and men who are subjected to force, fraud or coercion for the purpose of sexual exploitation or forced labor; and

WHEREAS, the U.S. Department of State estimates that between 600,000 and 800,000 people, mostly women and children, are trafficked across national borders annually, with the number of persons trafficked into the U.S. each year estimated to range from 14,500 to 17,500; and

WHEREAS, according to the U.S. Department of Justice, an estimated 200,000 American children are at risk for trafficking into the sex industry each year; and

WHEREAS, human trafficking is the fastest growing criminal industry in the world and, after drug dealing, is tied with arms-dealing as the second largest criminal industry; and

WHEREAS, many victims of human trafficking are forced to work in prostitution or the sex entertainment industry, but human trafficking also occurs in the form of labor exploitation, such as domestic servitude, restaurant work, janitorial work, sweatshop factory work and migrant agricultural work; and

WHEREAS, Florida is ranked as one of the top three states in the nation for human trafficking cases, along with New York and Texas, according to the Center for the Advancement of Human Rights at Florida State University; and

WHEREAS, in 2000, the U.S. Congress passed the Trafficking Victims Protection Act (TVPA), which not only made human trafficking a crime, but also required that victims who might otherwise be treated as criminals through for example engaging in prostitution, be treated as victims of crime and provided with health and human services if they cooperate with prosecutions; and

WHEREAS, in 2008, Congress passed the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, which reauthorized the TVPA for four additional years and authorized new measures to combat human trafficking, including:

- The creation of new crimes that imposed severe penalties on those who obstruct or attempt to obstruct the investigation and prosecution of trafficking crimes;
- Broadening the reach of the crime of sex trafficking of minors by eliminating the requirement to show that the defendant knew that the person engaged in commercial sex was a minor in cases where the defendant had a reasonable opportunity to observe the minor; and
- Enhanced penalties for conspiring to commit trafficking-related crimes; and

WHEREAS, current Florida law also provides penalties for human trafficking and sex trafficking; and

WHEREAS, section 787.06, Florida Statutes, provides that it is a second-degree felony, punishable by a maximum prison term of 15 years and a maximum fine of \$10,000, for any person to knowingly engage in or attempt to engage in human trafficking; and

WHEREAS, sex trafficking is regulated under chapter 796, Florida Statutes, related to prostitution; and

WHEREAS, section 796.045 provides that any person who knowingly recruits, harbors or transports 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, punishable by a maximum prison term of 15 years and a maximum fine of \$10,000; and

WHEREAS, a person commits a first-degree felony, punishable by a maximum prison term of 30 years and a maximum fine of \$10,000, 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; and

WHEREAS, prostitution is illegal under section 796.07, Florida Statutes, and section 796.07, Florida Statutes, makes it illegal to own or operate a place for the purpose of lewdness or prostitution; and

WHEREAS, a person who commits either of these offenses is guilty of:

- For the first violation, a second-degree misdemeanor, punishable by a maximum term of imprisonment of 60 days and a maximum fine of \$500;
- For the second violation, a first-degree misdemeanor, punishable by a maximum term of imprisonment of 1 year and a maximum fine of \$1,000;
- For the third or subsequent violation, a third-degree felony, punishable maximum term of imprisonment of 5 years and a maximum fine of \$5,000; and

WHEREAS, a new Georgia law went into effect July 1, 2011 that strengthens laws targeted at curtailing human trafficking and sex trafficking, striking a delicate balance between tougher penalties for traffickers and more equitable treatment for trafficking victims; and

WHEREAS, the new Georgia law, SB 200, passed by the Georgia General Assembly earlier this year and signed into law by the Georgia Governor in May, imposes a 25-year minimum prison sentence for those convicted of using coercion to traffic someone under the age of 18; imposes a minimum 5-year prison sentence on those who pay for sex with a person 16 to

18 years of age; and a minimum 10-year prison sentence on those who pay for sex with a child under the age of 16; and

WHEREAS, SB 200 also provides protections to children and adults engaged in prostitution by allowing them to avoid prosecution on prostitution charges if they cooperate with prosecutors and can prove that they were coerced into such activity through physical abuse, destruction of immigration documents, drug use or financial harm; and

WHEREAS, the Florida Legislature should adopt an approach similar to the Georgia law by providing prosecutors additional tools to fight human and sex trafficking, while at the same time providing additional legal protection for children and adults coerced into the sex trade,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass legislation strengthening Florida law related to human and sex trafficking consistent with legislation passed earlier this year by the Georgia General Assembly, which increased penalties for persons engaged in human and sex trafficking.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the issue identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2012 and 2013 state legislative packages.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	aye
Audrey M. Edmonson, Vice Chairwoman	aye
Bruno A. Barreiro	aye
Lynda Bell	aye
Esteban L. Bovo, Jr.	aye
Jose "Pepe" Diaz	aye
Sally A. Heyman	aye
Barbara J. Jordan	aye
Jean Monestime	aye
Dennis C. Moss	aye
Rebeca Sosa	aye
Sen. Javier D. Souto	aye
Xavier L. Suarez	aye

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of September, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A stylized handwritten signature in black ink, consisting of the letters "JMM" with a horizontal line extending from the end.

Jess M. McCarty

A handwritten number "7" in black ink.