



SWOP Behind Bars
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1-877-776-2004 ext. 555

Advocacy Toolkit for Florida Senate Bill 540

Last updated 2019 February 17

SWOP Behind Bars is **strongly opposing** Florida Senate Bill FL 540 (FL SB 540). The website for this bill is <https://www.flsenate.gov/Session/Bill/2019/00540>. The sponsor is Senator Lauren Book, who attempted a bill in 2018 that included some portions of this one. An identical House version has also been introduced, but this toolkit currently focuses on the Senate. We will update and release new versions as things change, such as additional committee meetings and the House.

Language of FL SB 540

Summary: "Human Trafficking; Requiring the owner or operator of a public lodging establishment to train certain employees and create certain policies relating to human trafficking by a specified date; requiring the Department of Children and Families, in consultation with the Department of Law Enforcement and the Attorney General, to establish a certain direct-support organization; requiring that the criminal history record of a person who is convicted of, or enters a plea of guilty or *nolo contendere* to, soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation be added to the Soliciting for Prostitution Registry, etc."

Our Bill Analysis

Soliciting for Prostitution Registry

For alleged violations of [F.S. 796.07\(2\)\(f\)](#)¹, people would be placed on a new "Soliciting for Prostitution Registry" if they:

- receive a guilty verdict in trial
- plead guilty
- plead *nolo contendere* (no contest), which avoids trial and doesn't admit guilt, but still has consequences

They would be added to this registry *even if* the judge withholds adjudication (formal conviction). Someone arrested for this charge would only escape getting added to this registry if:

- the charge was dropped
- they receive a not-guilty verdict in trial

¹ **796.07** Prohibiting prostitution and related acts. (1) As used in this section: (a) "Prostitution" means the giving or receiving of the body for sexual activity for hire but excludes sexual activity between spouses. (b) "Lewdness" means any indecent or obscene act. (c) "Assignment" means the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement. (d) "Sexual activity" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; anal or vaginal penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation; however, the term does not include acts done for bona fide medical purposes.

(2)(f) "To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation."



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The registry would be controlled by the Florida Department of Law Enforcement (FDLE). The bill does not specify if only FDLE would have access to this registry, if it would have additional access for other agencies, or if it would be public.

Public Lodging Requirements

This bill would require that within 30 days of hiring, public lodging employees who routinely interact with guests must complete education in "identification, prevention, and reporting of suspected human trafficking." Public lodging establishments would be fined \$1000 per day per employee who isn't trained. The bill does not specify particulars, such as who would design the educational program, how the program would be paid for and implemented, who would administer the training, what material would be required, or who would accept the reports.

LEO Requirements

Law enforcement officers (LEOs) would be required to complete training on identifying and investigating human trafficking in their basic recruit training or as continuing education. The training must be developed with DCF and the Statewide Council on Human Trafficking. Their certification as LEOs would be inactive until this training is completed.

DCF-led Direct-Support Organization

The Department of Children and Families (DCF), in consultation with FDLE and the Office of the Attorney General (OAG), would lead a direct-support not-for-profit corporation to raise and spend funds and partner with other organizations for "inpatient care to victims of human trafficking in treatment centers throughout the state." Currently, human trafficking programs operate without certification or standards; this bill would address that for the direct-support organization, but it may not apply to programs that do not partner with this organization. This bill does not specify what those standards would be. The board of directors would be members with law enforcement background appointed by FDLE (2), members appointed by the Attorney General (3), members appointed by the Speaker of the House of Representatives (4), and members appointed by the Speaker of the Senate (4). The board would not be required to include survivors of human trafficking in its leadership.



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Why We Oppose This Bill

- Ignores the reality that most trafficking is for labor exploitation, not trading sex
- Puts victims and survivors of human trafficking in greater danger through "rescue" efforts which may subject them to further abuse and retaliation
- Leads to harm including injury, trauma, and death from "trafficking raids"/"john stings", arrests, detentions, interrogations, and imprisonments
- Takes away power from victims and survivors to decide for themselves which, if any, interventions they wish to receive
- Fails to include survivors in leadership roles for the direct-support organization
- Places responsibility for a direct-support organization with DCF, an agency that has caused considerable harm to victims and contributed to trafficking of children and teenagers. DCF is part of the problem, not part of the solution—children and teenagers flee abusive foster caregivers or families while under DCF's supervision, and are abused or even killed without DCF's notice. Even the bill's sponsor, Sen. Lauren Book, admits that DCF "has a systemic problem" with "blatant and unacceptable failures," and she has stated "I do not have any confidence that other vulnerable individuals across the state can be kept safe by DCF"²
- Does not provide for the critical needs of victims and survivors: freedom from abuse and exploitation by 3rd parties, romantic/sexual partners, family, and caregivers; employment with a living wage; safe housing; long-term recovery support; and more needs identified by victims and survivors rather than "experts"
- Targets marginalized communities disproportionately involved in trading sex due to lack of access to other resources, especially LGBTQIA+ people, people of color, immigrants and migrant workers, and people without housing or a living wage
- Violates the privacy of potential victims and survivors of sex trafficking, sex workers, and clients of sex workers, along with guests of public lodging who are scrutinized and profiled as possible victims
- Harms victims and survivors of sex trafficking who are not correctly identified by placing them on a "Soliciting for Prostitution Registry"
- Forever labels registrants of the "Soliciting for Prostitution Registry" with a "Scarlet Letter" that could block access to resources, housing, and employment outside of the sex industry due to stigmas against trading sex and criminal records
- Forces people to remain in the sex industry due to inability to obtain other forms of employment— in other words, those who place them on the Registry become their traffickers

² Tatham, C. (2019, January 16). State senator says no child can be kept safe by DCF following review of toddler's death. *WTSP*. Retrieved from <https://www.wtsp.com/article/news/local/pinellascounty/state-senator-says-no-child-can-be-kept-safe-by-dcf-following-review-of-toddlers-death/67-588326b7-80bf-40bb-aa3e-01b9de7dfec1>



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Contacting Legislators: Who to Write, Fax, Call, and/or Visit

For general tips from the Florida Senate on communicating with legislators, see:
<https://www.flsenate.gov/About/EffectiveCommunication>

To find your legislators and their contact information: <http://flsenate.gov/Senators/Find>

Bill Sponsor: Senator Lauren Book (D)

District 32: Part of Broward county
<http://www.flsenate.gov/Senators/s32>
book.lauren.web@flsenate.gov

District Office
967 Nob Hill Road
Plantation, FL 33324
(954) 424-6674

Tallahassee Office
202 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100
(850) 487-5032



Legislative Assistants
Zoraida Druckman and Jeffrey Scala

FLORIDA SENATE: CRIMINAL JUSTICE COMMITTEE

<https://www.flsenate.gov/Committees/Show/CJ>

Committee Meeting: 02/19/19, 10:00 am, 37 Senate Building
MAKE CONTACT WITH THESE COMMITTEE MEMBERS ASAP!

If you ever attend a committee meeting, be advised that these meetings are recorded, broadcast on TV screens in the capitol, and streamed and archived online. You may be visible in the audience, and you will certainly be prominent if you're given the opportunity to address the community. The details listed on [appearance forms](#) are also entered into public record. Arrive early to ensure entry as the doors will be closed if the room fills.



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Chair: Senator Keith Perry (R)

District 8: Alachua, Putnam, and part of Marion counties
[@KeithPerryFL](https://www.flsenate.gov/Senators/S8perry.keith.web@flsenate.gov)



District Office

2610 NW 43rd Street
Suite 2B
Gainesville, FL 32606
(352) 264-4040

Legislative Assistants

Kayla Lott and Robert Vogan

Secretary

Adriana Mitchell

Satellite Office

Marion County Board of Commissioners
115 SE 25th Avenue
Ocala, FL 34471

Satellite Office

Putnam County Government Complex
2509 Crill Avenue
Palatka, FL 32177

Tallahassee Office

316 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100
(850) 487-5008

Legislative Assistant

Kinley Tuten

Vice Chair: Senator Jeff Brandes (R)

District 24: Part of Pinellas county
[@JeffreyBrandes](http://www.flsenate.gov/Senators/s24brandes.jeff.web@flsenate.gov)





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Legislative Assistants

Zachary Hubbard, Melissa Meshil, and Vanessa Thompson

Tallahassee Office

416 Senate Building
404 South Monroe Street
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(850) 487-5024

Senator Randolph Bracy (D)

District 11: Part of Orange county
<http://www.flsenate.gov/Senators/s11bracy.randolph.web@flsenate.gov>

District Office

6965 Piazza Grande Avenue
Suite 211
Orlando, FL 32835
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FAX (888) 263-3814



Legislative Assistants

Aisha Bien-Aime, Charlean Gatlin, and Travaris McCurdy

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Tallahassee, FL 32399-1100
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Senator Anitere Flores (R)

Deputy Majority (Republican) Leader

District 39: Consists of Monroe and part of Miami-Dade counties
<http://www.flsenate.gov/Senators/s39flores.anitere.web@flsenate.gov>





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Secretary

Tiffany Lorente

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Senator Jason W. B. Pizzo (D)

District 38: Part of Miami-Dade county
<http://www.flsenate.gov/Senators/s38pizzo.jason.web@flsenate.gov>
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District Office

5582 N.E. 4th Court
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Legislative Assistants

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Teri Cariota

FLORIDA SENATE: CRIMINAL JUSTICE COMMITTEE

TBA in future version



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Telephone Calls and Voicemails

Basic information from your phone call or voicemail may be documented by the staffer (or the legislator themselves if you speak to them) for a database, such as your name and your position on the bill. This is so the legislator can track their constituents' positions on legislation. If you don't get voicemail, you're more likely to speak to their assistant rather than the legislator themselves; the assistant will take your message. Feel free to customize the wording to make it your own, but we advise that you include the various elements (ex. issue and position, the "ask", a thank you).

Sample Call Template

Introduce yourself

Hello, my name is *[name]* and I'm a constituent from *[city/town/county]*.

[1. If someone answers] May I please speak to [Title and Last Name]? [If they aren't available, the staff may offer to take a message or you may ask if the staff will relay your message.]

[2. If you get voicemail, just proceed to leave your message.]

Issue and position

*[Why are you calling? Share your position and the action you want them to take on this bill, such as...] I'm calling to urge *[you/Title and Last Name]* to protect victims and survivors of human trafficking and promote the human rights of sex workers by opposing SB 540.*

Why this is personal to you

[Who are you in relation to this issue? Why does it matter to you? Are you affiliated with SWOP Behind Bars, a SWOP USA chapter, or other agency relevant to this bill?]

Optional: Personal story or talking points

[Option 1: Describe in 1-3 sentences how this legislation would personally affect you or someone you know or how you have been personally affected by the issues raised in this bill, or Option 2: make 1-3 brief points such as our opposition points or your own take on the impact of this bill]

Identify the need or problem

[What is the need or problem you want addressed, ex. lack of resources or the violence that sex workers experience]



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Identify a solution

[What will help address the need/problem, ex. decriminalizing sex work or providing youth with housing instead of sending back to abusers]

The "ask"

[Ask if you can count on them or express your hope that they will oppose and be specific about the action you want them to take, such as...] I hope I can count on *[you/Title and Last Name]* to oppose this bill so we can empower victims and survivors of human trafficking and protect the human rights of sex workers.

Thank you

Thank you so much for your time. *[Optional request for response if you're willing to share contact information, such as...]* Please let me know how you intend to vote on SB 540. I can be reached at *[contact information]*.

Emails, Faxes, and Letters

VERY IMPORTANT REMINDER: "Florida has a very broad public records law. Written communications to or from Florida Senators and Senate employees regarding legislative business are public records available to the public and media upon request, unless exempt from disclosure under one of the limited exceptions provided in the Florida Statutes. Your email address and all or significant portions of email communications may therefore be subject to public disclosure."

In short, if you out yourself in writing to a legislator, *you may be publicly outed through records requests*. This doesn't mean you shouldn't write! Just be mindful of what you say about yourself if there is anything you wouldn't want in public record.

A former legislative intern advised: "Send emails or faxes. Mail sits around unopened." Many of these legislators don't have a fax number listed, so that isn't an option for all of them. Many don't care to receive postal mail, which also takes longer to get to them and get opened up by their staff. However, if you have sufficient time prior to a deadline, postal mail is still an option.

Feel free to customize the wording in these templates to make them your own, but we advise that you include the various elements (ex. issue and position, the "ask", a thank you). Make sure you send these individually to the legislators and not in bulk (ex. no "Dear Senators", they want to see their own name on it). You can send a quick version or a more personalized one.



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Sample Quick Email/Letter Template

Subject Line (Emails)

Protect Human Trafficking Victims and Sex Workers by Opposing SB 540

Salutation

Dear *[Elected Title] [Last Name]*,

Issue and position

[Why are you writing? Share your position and the action you want them to take on this bill, such as...] I am writing to urge you to protect victims and survivors of human trafficking and promote the human rights of sex workers by opposing SB 540.

Talking points

[Make 1-3 brief points such as our opposition points or write in your own]

The "ask"

[Ask if you can count on them to oppose and be specific about the action you want them to take, such as...] Your help is needed to oppose this bill and ensure that victims and survivors of human trafficking will be empowered to take back control of their own lives, not be forced into interventions and services that may cause them further harm. Your help would also protect the human rights of sex workers who are already stigmatized for their work, and they would be more vulnerable to harms such as being trafficked if a Soliciting for Prostitution Registry is created. *[Optional request for response if you're willing to share contact information, such as...]* Please let me know how you intend to vote on SB 540.

Thank you

Thank you for your time *[OR]* Thank you for your attention to addressing human trafficking and the human rights of sex workers.

Closing

Respectfully,

[Your name and any contact information you wish to share]



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Sample Personalized Email Template

Subject Line

Protect Human Trafficking Victims and Sex Workers by Opposing SB 540

Salutation

Dear *[Elected Title] [Last Name]*,

Issue and position

[Why are you writing? Share your position and the action you want them to take on this bill, such as...] I am writing to urge you to protect victims and survivors of human trafficking and promote the human rights of sex workers by opposing SB 540.

Why this is personal to you

[Who are you in relation to this issue? Why does it matter to you? Are you affiliated with SWOP Behind Bars, a SWOP USA chapter, or other agency relevant to this bill?]

Personal story or talking points

[Option 1: Write your own 1-3 sentence example of how this legislation would personally affect you or someone you know or how you have been personally affected by the issues raised in this bill, or Option 2: make 1-3 brief points such as our opposition points or write in your own take on the impact of this bill]

The "ask"

[Ask if you can count on them to oppose and be specific about the action you want them to take, such as...] Your help is needed to oppose this bill and ensure that victims and survivors of human trafficking will be empowered to take back control of their own lives, not be forced into interventions and services that may cause them further harm. Your help would also protect the human rights of sex workers who are already stigmatized for their work, and they would be more vulnerable to harms such as being trafficked if a Soliciting for Prostitution Registry is created. *[Optional request for response if you're willing to share contact information, such as...]* Please let me know how you intend to vote on SB 540.



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Thank you

Thank you for your time *[OR]* Thank you for your attention to addressing human trafficking and the human rights of sex workers.

Closing

Respectfully,

[Your name and any contact information you wish to share]

In Person

Have a practiced speech ready to go, and be prepared for their questions or opposition. It's all right if you don't know the answer—you can say you want to be sure you provide the best information and will get back to them on it. If you're speaking to a staff member, adjust how you address them; they will take notes for their boss.

Sample Elevator Speech

Introductions

Hello, *[Title and Last Name]*. I'm *[name]* from *[city/town/county]*.
[Optional: identify an organization you're representing and what it is, such as...] I'm a member of SWOP Behind Bars, a national social justice network dedicated to people who face discrimination because they are involved in the sex trade.

Issue and position

[Tell them why you're there and what you want them to do about the bill, such as...] I'm here today to urge you to protect victims and survivors of human trafficking and promote the human rights of sex workers by opposing SB 540.

Why this is personal to you

[In 1 sentence, who are you in relation to this issue?]

Optional: Personal story and/or talking point

[Share 1-3 sentences about how this bill is relevant to you, or share a brief point such as our opposition points or your own take on the bill's impact]



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Identify the need or problem

[What is the need or problem you want addressed, ex. lack of resources or the violence that sex workers experience]

Identify a solution

[What will help address the need/problem, ex. decriminalizing sex work or providing youth with housing instead of sending back to abusers]

The "ask"

[You have them right in front of you, so ask if you can count on them to oppose or take action, such as...] [Title], can I count on you to oppose this bill so we can empower victims and survivors of human trafficking and protect the human rights of sex workers?

Thank you and good bye!



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Writing and Research on Sex Work, Trafficking, and Victimization

Here's a selection of some of the many works you can cite. These are in APA format.

- Albright, E., & D'Adamo, K. (2017). Decreasing human trafficking through sex work decriminalization. *AMA Journal of Ethics*, 19(1), 122-126.
[doi:10.1001/journalofethics.2016.19.1.sect2-1701](https://doi.org/10.1001/journalofethics.2016.19.1.sect2-1701)
- Amnesty International. (2016, May 16). *Amnesty International policy on state obligations to respect, protect and fulfil the human rights of sex workers* (POL 30/4062/2016) [PDF]. Retrieved from <https://www.amnesty.org/download/Documents/POL3040622016ENGLISH.PDF>
- Bass, A. (2015). *Getting screwed: Sex workers and the law*. Lebanon, NH: ForeEdge.
- Freedom Network USA. (2015, April). *Human trafficking and sex workers rights*. Retrieved from <https://freedomnetworkusa.org/app/uploads/2016/12/HT-and-Sex-Workers-Rights.pdf>
- Global Alliance Against Traffic in Women. (2011). *Moving beyond 'supply and demand' catchphrases: Assessing the uses and limitations of demand-based approaches in anti-trafficking* [PDF]. Retrieved from http://www.gaatw.org/publications/MovingBeyond_SupplyandDemand_GAATW2011.pdf
- Global Network of Sex Work Projects. (2016, July 28). *SWOP Behind Bars*. Retrieved from <http://www.nswp.org/news/swop-behind-bars>
- Global Network of Sex Work Projects. (2019, January 28). *Policy brief: The impact of anti-trafficking legislation and initiatives on sex workers*. Available from <https://www.nswp.org/resource/policy-brief-the-impact-anti-trafficking-legislation-and-initiatives-sex-workers>
- Heineman, J., & Wagner, B. (2018, April 18). The sex trafficking panic is based on myths. *Buzzfeed*. Retrieved from <https://www.buzzfeed.com/jennyheineman/sex-trafficking-myths-sesta-fosta>
- Mac, J. (2016, January). Juno Mac: The laws that sex workers really want [Video file]. Retrieved from https://www.ted.com/talks/juno_mac_the_laws_that_sex_workers_really_want
- Platt, L., Grenfell, P., Meiksin, R., Elmes, J., Sherman, S. G., Mwangi, P.,... Crago, A. (2018, December 11). Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies. *PLOS Medicine*, 15(12). [doi:10.1371/journal.pmed.1002680](https://doi.org/10.1371/journal.pmed.1002680)
- Spellman, T. (2018, November 14). Op-ed: Why decriminalizing sex work is central for gender equity, public health, and racial justice. *Medium*. Retrieved from <https://medium.com/seventhy-three-dc/why-decriminalizing-sex-work-is-central-for-gender-equity-public-health-and-racial-justice-63549237e36b>
- SWOP Chicago. (2016, September 13). *Sex work and harm reduction: Tips for working with individuals in the sex trade* [Slides as PDF]. Retrieved from <https://www.heartlandalliance.org/mhri/wp-content/uploads/sites/20/2016/10/9.13.16-Harm-Reduction-presentation-Best-Practices-for-Sex-Workers.pdf>



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TEDx Talks. (2014, November 24). *The red umbrella -- sex work, stigma, & the law* | Maggie de Vries | TEDxSFU [Video file]. Retrieved from <https://m.youtube.com/watch?v=RUfcouJch7U>

WHO, UNFPA, UNAIDS, NSWP, World Bank, & UNDP. (2012). *Addressing violence against sex workers* [PDF]. Retrieved from https://www.who.int/hiv/pub/sti/sex_worker_implementation/swit_chpt2.pdf