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# Advocacy Toolkit for Florida SB 540 / HB 851 (v6)

Last updated 2019 March 31 | by Christine Hanavan, MSW

**SWOP Behind Bars** is **calling for heavy revisions** to Florida Senate Bill 540 (**SB 540**) and the House companion bill 851 (**HB 851**). **SWOP Behind Bars** will only support these bills if the "**Soliciting for Prostitution Registry/Public Database**" is **removed and stays removed**, and **people in the sex industry are included at all stages** Otherwise, we **must oppose. Nothing about us without us.**

Does your organization share our concerns? Please consider signing the **organizational sign-on letter** at <https://goo.gl/forms/SjnfldrYNCqnyoRr1> or writing and submitting your own on your letterhead.



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## About This Toolkit

**SB 540:** <https://www.flsenate.gov/Session/Bill/2019/00540>. The sponsor is Senator Lauren Book, and it is now co-introduced by Senator Lori Berman. This version of the toolkit addresses the most recently amended "committee substitute" version as of 3/12/2019. Newly proposed amendments won't be publicly available until the night prior to its final committee hearing. The final Senate committee will be Appropriations. **It has not yet been scheduled/announced.**

**HB 851:** <https://www.flsenate.gov/Session/Bill/2019/00851>. The sponsor is Representative Heather Fitzenhagen, and the co-introducers are Representatives Bush, Geller, Jacobs, Joseph, Plakon, Polsky, Pritchett, Raschein, Toledo, and Webb. This toolkit addresses the most recently amended "committee substitute" version as of 3/26/2019. The next House committee is Appropriations and the final will be Judiciary. These have not yet been scheduled/announced. Newly proposed amendments won't be publicly available until the night prior to its final committee hearing. CS/HB 851 currently matches CS/CS/SB 540 **except it removed the Prostitution Registry.**

**Language note:** We use "sex workers" throughout this document to refer specifically to *adult consensual sex workers* who provide full service sex work which is criminalized. We aren't using it to refer to minors, victims/survivors of human trafficking in the sex industry, or sex workers involved in legally permitted forms of sex work like adult film and stripping. We use "sex trafficking" to refer to human trafficking in the *sex industry* as distinct from other labor industries like agriculture and hospitality; *sex* in this context refers to the industry, not the act taking place. We use "people in the sex industry" to refer to anyone working in this industry which may or may not be by their own choice.

Items that have changed or been amended since the prior versions of the toolkit are noted in *dark red italics*.



## Language of the Legislation

**Senate Amended Summary:** Human Trafficking; Requiring the *Department of Legal Affairs* to establish a certain direct-support organization; requiring the direct-support organization, *in conjunction with the Statewide Council on Human Trafficking, to form certain partnerships for specified purposes*; requiring a public lodging establishment to train certain employees and create certain policies relating to human trafficking by a specified date; requiring that the criminal history record of a person who is convicted of, or who 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 *Public Database*, etc.

**House Current Summary:** Human Trafficking; Requires owner or operator of a public lodging establishment to train certain employees & create certain policies relating to human trafficking by specified date; requires DCF, in consultation with the FDLE and AG, to establish a certain direct-

support organization; provides duties of Division of Hotels & Restaurants of DBPR, clerk of court, & FDLE; provides certified law enforcement officer training requirements.



## Our Legislative Analysis (Based on Senate Amended Version)

### Soliciting for Prostitution *Public Database*

This section was amended out of HB 851 but is still present in SB 540. We believe it will also be amended out of SB 540 because Book seems to have originated the deletion, but this not guaranteed. We also don't know if anyone will propose adding it back in, such as when the bill makes it to the chamber floor.

Starting with a *first-time* alleged violation of [s. 796.07\(2\)\(f\)](#)<sup>1</sup>, people would be placed on a new "Soliciting for Prostitution *Public Database*" 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 from the criminal record it creates, court fees, etc.

People would also be added to this registry even if the judge withholds adjudication (formal conviction). Someone arrested for this charge would only not get added to this registry if:

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

The registry would be controlled by the Florida Department of Law Enforcement (FDLE). The amended SB 540 specifies that:

- *People's criminal history record will be added to the database for a **first-time offense** of s. 796.07(2)(f)*<sup>2</sup>
- *FDLE shall automatically remove a person from the database for a first violation after 5 years if they haven't "again violated" this statute or "committed" any other offense considered a sexual offense "including, but not limited to, human trafficking or an offense that would require registration as a sex offender"*
- *FDLE may not remove a record if the person violates the statute a second or subsequent time*
- *The database must include:*
  - *"His or her" full legal name*
  - *"His or her" last known address*

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<sup>1</sup> "[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 assignment." [*Emphasis not in statute*]  
We don't believe changing this language or any using another statute would change how people in the sex industry are arrested and charged as if they're traffickers or managers.

<sup>2</sup> A first-time violation is a 1<sup>st</sup> degree misdemeanor punishable by "a definite term of imprisonment not exceeding 1 year," a fine up to \$1000, 100 hours of community service, paying for and attending "an educational program about the negative effects of prostitution and human trafficking, such as a sexual violence prevention education program, including such programs offered by faith-based providers, if such programs exist in the judicial circuit in which the offender is sentenced". A second violation jumps to a 3<sup>rd</sup> degree felony, and a third or subsequent to a 2<sup>nd</sup> degree felony, with increased penalties.

- *A color photograph of "him or her"*
- *The offense for which "he or she" was convicted*
- *Don't forget: **PUBLIC***

Studies vary, but they agree that the vast majority (80-97%) of criminal cases never go to trial. Prosecutors pack on the charges regardless of how strong their case is to pressure defendants to plead no contest or to a lesser offense to avoid the risk of higher-level sentencing, regardless of their actual guilt or the strength of the prosecution's case. Most people can't afford to make bail or to hire a private attorney to fight the charges, and public defenders are overwhelmed with cases. This all means a very high percentage of people charged would go on the registry.

Senator Book insisted in the Community Affairs committee meeting that this is a "database" and "not a registry" like the Sex Offender Registry. This semantic distinction apparently refers to conditions of the Sex Offender Registry such as notification of neighbors and residency restrictions. However, we feel changing this language does not mean it is not *in practice* a "registry." She said that people would not be additionally added to the Sex Offender Registry unless they committed a crime that currently places someone on that.

The statute 796.07(2)(f) is unclearly worded and is part of the statutes on prostitution. It is *not* a statute for human trafficking (s. 787.06). It also catches up sex workers, trafficking victims and survivors, and people who interact with them. In practice, charges like these aren't limited to only buyers, procurers, or managers.<sup>3</sup>

This provision of the bill is being heavily pushed by Corporal Alan Wilkett of the Pasco County Sheriff's Office, and he [cites one publication](#) that he "believes" and finds "compelling" spearheaded by Melissa Farley. The amended SB 540 now has written into it:

*"WHEREAS, research from 2011 has demonstrated that a majority of human trafficker's clients are not interviewed by law enforcement, despite having extensive knowledge of the traffickers and the traffickers' practices, and are even used as recruiters for traffickers, and WHEREAS, human trafficker's clients who were interviewed in the same 2011 research stated that they would think twice about purchasing sex from a victim of human trafficking if they were named on a public database."*

There are considerable flaws to this publication and others led by Farley, including ethical violations, methodological errors, drawing conclusions that cannot be made based on the study design chosen, heavy confirmation bias, etc. This would base Florida law on one publication rather than the considerable evidence base showing that decriminalization is the best approach to reducing participation in the sex industry, ability to exit the sex industry, violence and trafficking in the sex industry, health outcomes for people who've been in the sex industry, etc. See the end of the toolkit for a sampling of writings regarding Farley in general, along with concerns about one of the Scotland studies that informed this 2011 publication.

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<sup>3</sup> Vacature or expungement is also a lengthy, retraumatizing process with no guarantee of success, and it doesn't address the proliferation of mugshot sites. Even the Polaris Project [recently observed](#): "Florida has an additional condition which draws out the process for survivors. Its law mandates that survivors cannot have a motion pending for relief at the same time anywhere else. Survivors with convictions in multiples states or even multiple jurisdictions in Florida may have a long wait to clear their consecutive convictions. The requirement that the petitions be filed one at a time, and fully resolved before proceeding to the next jurisdiction, unnecessarily extends the process."

## Direct Support Organization

This section was amended heavily from the original versions and has improved in some areas. The *Department of Legal Affairs* (in previous versions and current House version the *Department of Children and Families*<sup>4</sup>) would establish a direct-support organization (DSO) to *provide assistance, funding, and support to Statewide Council on Human Trafficking*<sup>5</sup> (previously in consultation with FDLE and the Office of the Attorney General for "inpatient care to victims of human trafficking in treatment centers throughout the state"; the amendment no longer specifies those agencies or "inpatient"). This DSO would be a not-for-profit corporation to raise and spend funds, as well as acquire and hold properties. *The DLA may authorize the DSO to use without charge its property, facilities, and personnel for the DSO's approved purposes, in accordance with statewide equal employment opportunity requirements (which does not account for sexual orientation, gender identity, etc.)*

Currently, human trafficking programs can operate without certification or shared standards and best practices. This bill does not specify what the best practices would be for these programs, or clearly require that anyone should establish them.

The board of directors has changed considerably since the original bill, from 13 to *7 members* to be appointed as follows:

- *4 members appointed by the Attorney General, of which 1 must be a survivor of human trafficking and 1 must be a mental health expert*
- *1 member appointed by the Governor*
- *1 member appointed by the Speaker of the House of Representatives*
- *1 member appointed by the Speaker of the Senate*

Only 1 survivor of human trafficking is required<sup>6</sup>, and 0 sex workers are included. In the original bill, FDLE would appoint 2 members with law enforcement background and only the FDLE appointees were required to have "knowledge in the area of human trafficking." The amended bill no longer requires this knowledge of *any* appointees. We don't recommend adding back in FDLE appointees, but we do believe experience in providing direct interventions is critical. People who "completed a training" or "took a class" aren't experienced. Lived experience and practical experience are a must.

Further revisions are needed, but this is a start.

## Public Lodging Requirements

This bill would require that public lodging establishments<sup>7</sup>:

- Provide human trafficking awareness training to public lodging employees who work in *housekeeping or the front desk/reception* within *6 months* of employment in that role,

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<sup>4</sup> We share Senator Book's concerns about DCF and discussed them with her and her intern, so this is a welcome change that we requested. We hope there are more to come.

<sup>5</sup> This council already exists, and its leadership structure is one we don't want replicated in the DSO board: <http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72>

<sup>6</sup> Requiring survivors is another change from the original that we suggested and appreciate seeing, but we don't want *only one*.

<sup>7</sup> "**509.013** Lodging and food service establishments; membership campgrounds: (4)(a) "Public lodging establishment" includes:

"1. "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is 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 advertised or held out to the public as a place regularly rented to guests.

"2. "Nontransient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month."

*[Exclusions/exceptions are listed]*

- with proof provided to the division<sup>8</sup> upon request
- Implement a procedure for reporting suspected human trafficking to the *National Human Trafficking Hotline (Polaris) or a local law enforcement agency*
- *Post a sign obviously visible to employees about these procedures*
- Training *must be submitted to and approved by the division before it's provided and it must include:*
  - *Definition of human trafficking and difference between "the two forms of human trafficking: sex trafficking and labor trafficking"*
  - *Establishment-specific guidance on identifying potential victims*
  - *Guidance on role of employees in reporting and responding to suspected human trafficking*
- Division must take *disciplinary action* for violations (unlike the fines in the original bill/current House version, the "disciplinary action" is unspecified)
- *No private cause for action established; public lodging establishments aren't liable for harm from failure of employees to prevent/detect/report if they were in compliance with requirements at the time*

The bill does not specify certain critical details about the training, such as who would design the educational program, how the program would be paid for and implemented, or who would administer the training.

## LEO Requirements

Law enforcement officers (LEOs) would be required to complete *4 hours* of 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.

## Massage Establishment Requirements

This section was added in response to the recent Treasure Coast prostitution stings at massage establishments<sup>9</sup>. It adds these requirements for massage establishments:

- Provide human trafficking awareness training to massage therapists and "employees who ordinarily interact with guests," within 6 months of employment in that role, with proof provided to the board upon request
- Implement a procedure for reporting suspected human trafficking to the National Human Trafficking Hotline or a local law enforcement agency
- Post a sign obviously visible to employees about these procedures
- Training must be submitted to and approved by the department before it's provided and it must include:
  - Definition of human trafficking and difference between "the two forms of human trafficking: sex trafficking and labor trafficking"
  - Establishment-specific guidance on identifying potential victims
  - Guidance on role of employees in reporting and responding to suspected human trafficking

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<sup>8</sup> Division of Hotels and Restaurants of the Department of Business and Professional Regulation

<sup>9</sup> As a sidenote: nobody involved in those cases has any human trafficking charges (s. 787.06) but they have been charged under prostitution statutes (s. 796.07). One of the women, for instance, is portrayed in the media as having been charged with human trafficking. This may be a misunderstanding or misrepresentation of her charge under s. 796.07(2)(d) "(d) To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation."

- Board must take disciplinary action for violations
- No private cause for action established; massage establishments aren't liable for harm from failure of employees to prevent/detect/report if they were in compliance with requirements at the time



## Our Talking Points

This legislation is flawed in many ways that could potentially be corrected through amendments, especially another strike-all that would do a complete rewrite. The prohibitionist/anti-sex work movement in Florida considers itself a leader in the "fight to end human trafficking" and "ending demand" by penalizing sex work and people who purchase sexual services. We share the goals of fighting human trafficking and increasing services for victims and survivors, but this legislation currently does not include the populations affected by it. Anti-trafficking has become equated with sex work prohibitionists instead of *all* people who oppose human trafficking despite how we also share the concern for victims and survivors of human trafficking. We are critical of Florida's failures to support victims and survivors and we advocate for better services and protections. We could support legislation that addresses these needs *without harming people in the sex industry*. It is possible that this could be heavily revised to achieve harm reduction. In its current form, we cannot support it due to the exclusion of people in the sex industry and especially the "Soliciting for Prostitution Public Database."

These talking points reflect problems with the legislation itself as well as flaws in how Florida (and other states) attempt to address human trafficking, especially within the sex industry.

## Problems and Recommendations

- ⚠ **Problem:** The "**Soliciting for Prostitution Registry**" or "**Soliciting for Prostitution Public Database**" **includes people not guilty of any crime**. Registry/database includes people who are found or plead guilty who **aren't violent offenders** and **aren't involved in human trafficking**, cruelly subjecting them to a lifetime of stigma and barriers. Registry/database is for prostitution-related charges [796.07(2)(f)], **not for human trafficking charges** [s. 787.06], **failing to target the problem of human trafficking**. Registry/database is an **untested approach** with **unintended consequences**, an **unknown fiscal impact**, and possible **constitutional violations**. There are **no known public safety benefits** and **no known public health benefits**.
  - ☑ **Recommendation:** **Do not create this registry or database.**
  - ☑ **Recommendation:** **If this provision is reintroduced, either amend it out again or oppose the bill.**
  
- ⚠ **Problem:** Registry/database provision operates under the mistaken assumption that "end demanding" for the sex industry will reduce victimization. According to many evidence-based studies, **"end demand"/Nordic Model approaches increase victimization and human trafficking**. Treating all purchasers of sexual services as predators discourages those who aren't from providing their identities or negotiating consent with people in the sex industry. This furthers risk-taking behaviors. **Actual predators continue to prey upon people in the sex industry**.
  - ☑ **Recommendation:** Allow people in the sex industry to **report experienced or witnessed victimization anonymously with full immunity and amnesty from being prosecuted**.
  - ☑ **Recommendation:** Maintain criminalization of human trafficking.



⚠️ **Problem:** Current **law enforcement officer (LEO) approaches** to cases within the sex industry subject people to additional **risks and harms**, such as **psychological trauma, physical injury, and potentially death**. The **criminal justice system furthers these harms** with imprisonment, criminal charges, sentences, and a lifelong criminal record. **Failed "rescue" attempts also put victims at risk** of retaliation and escalating abuse from their traffickers due to the increased LEO attention.

- ☑️ **Recommendation:** **Prohibit harmful and potentially traumatizing actions** such as **aiming weapons at, handcuffing, detaining, arresting, or charging** any potential victims. These all increase harm and have possibly lifelong consequences.
- ☑️ **Recommendation:** LEOs **should not prolong investigations**; instead, victim-centric methods should be employed **to offer adults assistance** and **attempt to gain their consent** for any risks they may face from LEO activities.
- ☑️ **Recommendation:** Whenever possible, **ensure a trained victim advocate is present**. This **allows LEOs to better do their jobs** instead of trying to fulfill multiple conflicting roles.
- ☑️ **Recommendation:** Amend s. 943.0583 to **automatically expunge the criminal records of human trafficking victims** instead of requiring a petition and apply across multiple jurisdictions instead of one at a time.

⚠️ **Problem:** **FDLE allows itself to write policies for LEOs to "engage in sexual contact or conduct constituting lewd behavior" as part of their work**<sup>10</sup>, including recording people in sexual situations without their knowledge and LEOs engaging in sexual contact without their victims' "intelligent, knowing, and voluntary consent," which is required by s. 794.011(1)(a). **This is state-sanctioned sexual assault.**

- ☑️ **Recommendation:** **Prohibit FDLE from allowing LEOs to commit sexual assault** in defiance of s. 794.011(1)(a) and s. 794.011(4)(d)(7)<sup>11</sup>. It is illegal, unethical, and unnecessary.

## Other Points of Concern

- Asks hotel employees to be responsible for identifying and reporting suspected human trafficking, yet it does not address extensive labor exploitation within the hotel industry.
- Asks hotel employees to take the roles of victim advocates and criminal investigators, which is a responsibility they may not be prepared for and may find traumatizing.
- Florida law requires that knowledge or suspicion of child abuse and exploitation must be reported to the DCF hotline, but this bill does not distinguish between how such reporting is required for *minors* and not *adults*.
- Does not provide for the critical needs of victims and survivors that contribute to vulnerability to becoming or remaining trafficked: freedom from abuse and exploitation by romantic/sexual partners, family, and caregivers; financial needs; safe housing; long-term recovery support; and more needs as identified by victims and survivors rather than outside "experts" who determine those needs for them.
- Does not address how marginalized communities are disproportionately involved in the sex industry due to lack of access to other resources, especially LGBTQIA+ people, people of color, immigrants and migrant workers, survivors of abuse and violence, and people without housing or living wages.

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<sup>10</sup> FDLE's Ethical Standards of Conduct, principal 4.8, at <http://www.fdle.state.fl.us/CJSTC/Officer-Requirements/LE-Ethical-Standards-of-Conduct.aspx>

<sup>11</sup> "The offender is a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified under s. 943.1395 or is an elected official exempt from such certification by virtue of s. 943.253, or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and such officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of government."



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

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>. For easy lookup when you know your legislators and districts, we have a spreadsheet:

[https://docs.google.com/spreadsheets/d/1\\_W3t7QigL6NqRhp\\_A0ZIZIFUDx-4fZWWz6c03H5qGIA](https://docs.google.com/spreadsheets/d/1_W3t7QigL6NqRhp_A0ZIZIFUDx-4fZWWz6c03H5qGIA)

We recommend contacting bill sponsors, co-introducers, and your personal legislators. We also suggest contacting relevant committee members in advance of committee meetings that are hearing the bills. You may get a response from the legislator themselves, or from a staff member on their behalf. If you want a response, it's best to request one.

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### Senate Bill Sponsor: Senator Lauren Book (D)

**District 32:** Part of Broward county

<http://www.flsenate.gov/Senators/s32>

[book.lauren@flsenate.gov](mailto:book.lauren@flsenate.gov)

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**Legislative Assistants:**

Zoraida Druckman, Jeffrey Scala, and Shirley Sharon

**Legislative Intern:**

Angel Gonzalez

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### Senate Bill Co-Sponsor: Senator Lori Berman (D)

**District 31:** Consists of part of Palm Beach county

<http://www.flsenate.gov/Senators/s31>

[berman.lori@flsenate.gov](mailto:berman.lori@flsenate.gov)

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**Legislative Assistants:**

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**Tallahassee Office:**

311 Senate Building  
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Tallahassee, FL 32399-1100  
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## Florida Senate: Appropriations Committee

This committee will be the last Senate committee stop before it goes to the floor for the full Senate. List of committee members is at <https://www.flsenate.gov/Committees/Show/AP> and there's a tab for this committee [in the spreadsheet](#).

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## House Bill Sponsor: Representative Heather Fitzenhagen (R)

**District 78:** Part of Lee county

[Representative Profile Page](#)

[Heather.Fitzenhagen@myfloridahouse.gov](mailto:Heather.Fitzenhagen@myfloridahouse.gov)

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**District Secretary:**

Melissa Thompson

**Tallahassee Office:**

303 House Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100  
(850) 717-5078

**Legislative Assistant:**

Derick Tabertshofer

We dropped off a one-sheet reviewing our concerns and suggestions while we were in town on 3/19/2019; we received no responses or reaction from Fitzenhagen. During the Criminal Justice subcommittee, Rep. Webb stated that she "personally knows" Rep. Fitzenhagen is willing to work with people on this and other legislation. Barbara DeVayne, lobbyist for Florida NOW, waived to support and asked that the committee "listen to these women."

## Fitzenhagen stated in her close, emphasis ours:

"In case it was lost on you, a consensual sex worker, a.k.a. a *prostitute*, is committing a crime. **End of story.** So I think that it is a **malevolent assertion** for these persons to come up here and to **try to malign this good bill** that is attempting to protect people that are the victims of human trafficking. **And it is not my intent to work with them going forward.**"

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## House Bill Co-Introducers

These co-introducers were not previously signed on earlier in March. Many are from the same region of south Florida as Senator Book. Please check our [contact spreadsheet](#) or the House directory to get their full details:

<https://www.myfloridahouse.gov/FileStores/Web/HouseContent/Approved/ClerksOffice/HouseDirectory.pdf>

The co-introducers with Representative Fitzenhagen are Representatives Bush (D-109), Geller (D-100), Jacobs (D-96), Joseph (D-108), Plakon (R-29), Polsky (D-81), Pritchett (D-102), Raschein (R-120), Toledo (R-60), and Webb (D-69).

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## Florida House of Representatives: Criminal Justice Subcommittee

They met on Tuesday March 26 at 8:00 AM in Sumner Hall (room 404 in House Office Building). [Meeting agenda here](#). Meeting packet [available here](#). In the House, this is a subcommittee of the Judiciary committee. The subcommittee page is at

<https://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3023>

Some of these members were also co-introducing the bill. They're in *italics* and the sponsor is in **bold**.

**Chair:** Rep. Grant, J. (R)

**Vice Chair:** Rep. McClain (R)

**Democratic Ranking Member:** Rep. Grieco (D)

**Representatives:** *Bush* (D), Donalds (R), Eagle (R), Fernandez-Barquin (R), **Fitzenhagen** (R), Gottlieb (D), Hattersley (D), Roach (R), Robinson (R), Sabatini (R), Santiago (R), *Webb* (D)

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## Florida House of Representatives: Appropriations Committee

The committee page is at

<https://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2991>

Some of these members are also co-introducing the bill. They're in *italics*.

**Chair:** Rep. Cummings (R)

**Vice Chair:** Rep. Eagle (R)

**Democratic Ranking Member:** Rep. McGhee (D)

**Representatives:** Avila (R), Byrd (R), Diamond (D), DuBose (D), Duran (D), Fine (R), *Geller* (D), *Jacobs* (D), Jenne (D), La Rosa (R), Latvala (R), Leek (R), Magar (R), Massullo (R), Pigman (R), *Plakon* (R), Plasencia (R), *Raschein* (R), Renner (R), Rodrigues, R. (R), Smith, C. (D), Sprowls (R), Stark (D), Trumbull (R), Watson, B. (D), Williamson (R), Yarborough (R)

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## Florida House of Representatives: Judiciary Committee

The committee page is at

<https://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2998>

Some of these members are also co-introducing the bill. They're in *italics*.

**Chair:** Rep. Renner (R)

**Vice Chair:** Rep. Rommel (R)

**Democratic Ranking Member:** Rep. Diamond (D)

**Representatives:** Alexander (D), Beltran (R), Brannan (R), Driskell (D), Fernandez-Barquin (R), *Fitzenhagen* (R), *Geller* (D), Gottlieb (D), Grant, J. (R), Gregory (R), Hill (R), Killebrew (R), LaMarca (R), Mercado (D), Sirois (R)



## Committee Meetings

If you attend a committee meeting, be advised that these meetings are recorded, broadcast on TV screens in the capitol, and streamed and archived online by [The Florida Channel](#). You may be visible in the audience, and you'll certainly be on camera if you're given the opportunity to speak.

When attending a committee meeting:

- [Equality Florida](#) advises: "Businesses appropriate attire should be worn while in the Capitol. This includes suits, slacks, button up shirts, knee-length skirts, dresses and close-toed shoes. No jeans. Please wear comfortable (but business appropriate) shoes as there is a lot of walking involved."
- *Arrive early* to get through [building security](#) and navigate your way to the meeting room. Security screenings are done by Capitol Police who are in uniform and armed.
- The doors will be closed if the room fills to capacity. However, you can still enter if you arrive late and the room *isn't* full. If it does fill, there are places around the building to view live proceedings on TVs (required under the legislative rules to ensure public access to meetings).
- You may leave the room and return to the room at any time.
- You *must* remain quiet—no loud conversations, applause or boos, sounds from mobile devices, etc. If you need to have a side conversation for any reason, keep it very quiet or step out of the room.
- The Senate website provides [some accessibility information](#).
- For the Senate, you can fill out these [appearance forms](#) or handwrite when you get there.
- For the House, you can fill out an [appearance record](#) or handwrite when you get there.

If you are willing to address the committee to give public testimony or waive to support/oppose, remember that **everything will be recorded for the public record**. Here are some important things to know:

- You can speak or waive for proposed amendments, and/or to the bill as a whole after the amendments ("bill as amended" if amendments adopted, "bill as written" if not).
- The details listed on appearance forms are entered into public record, so provide information according to what you're willing to have available to the public. The media, for instance, gets ahold of this right away to get names right of anyone they refer to or quote.
- If you simply want support or opposition noted, you can check the relevant box next to "Waive Speaking."
- If you're going to address multiple bills, you might want to bring preprinted forms with all your basics already filled out. Otherwise, you'll have a lot of handwriting ahead of you.
- Amendments are addressed and voted upon prior to addressing the bill as amended/bill as written.
- When it's time for appearance forms, the chair will call your name (or an approximation if they can't read your handwriting/pronounce it). If you are waiving, you will state from in the audience that [your name] or [your organization] waives in support/to oppose. Only one person should waive on behalf of each organization (ex. one for SWOP Tampa, not everyone who's there!) Some organizations do send multiple members to waive.
- If you give a testimony, expect to get media coverage including quotes and video clips because the media is heavily covering this bill in both chambers.
- Do not give any information on the form or in your testimony that you are not willing to make public. That being said—this is a *very important* form of advocacy. You are showing that you not only took the time out to attend this meeting but that you care enough about it to give a speech.
- You can deliver a practiced speech if you're comfortable doing that, or you may bring a written speech or notes with you to the podium (on paper or mobile device).
- You may not directly address anyone in your testimony to ask them questions or otherwise direct remarks to them. This is "out of posture." You are speaking to the committee members. You may, however, reference someone without directly speaking to them.
- The committee members may ask you questions after your statement, but the audience cannot. Be prepared to clarify or elaborate upon what you said and counter opposition or resistance.
- People who speak after you might respond to things you said, but you won't get to respond back.
- The bill sponsor also gets the opportunity in their Closing to address any points that you raised.
- Be prepared for the possibility of the media approaching you for commentary and/or interviews.
- If it isn't a good time for you to speak right then, exchange contact information rather than provide a response that you aren't prepared to give.



## Contact Templates

Previous versions of the toolkit had templates that emphasized sex workers' rights as the primary reason people should share our position. We unfortunately haven't had much success with this approach in Florida, so we're shifting our tactics towards emphasizing the other reasons legislators should amend or oppose even if they don't care about sex workers. However, you are welcome to also highlight what's most important to you in addition to our messaging.

## Automated Templates

Decriminalize Sex Work has four sample letters that can be customized and easily sent to your legislators by inputting your contact information. This lets the system populate who your legislators are so it will be

sent to each of them and is requested by the legislators so they can respond to you and see if you are their constituent. Please remember that in Florida, all information submitted is public record subject to records requests.

<https://decriminalizesexwork.net/issues-advocacy/stop-florida-registry>

## 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).

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### 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, such as...]*  
I'm calling to urge *[you/Title and Last Name]* to protect victims and survivors of human trafficking by opposing the "Soliciting for Prostitution Public Database" in *[SB 540 or HB 851]*.

#### 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 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 people in the sex industry experience]*

#### Identify a solution

*[What will help address the need/problem, ex. decriminalizing sex work or providing*

*community services]*

## 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 amend or oppose *[SB 540 or HB 851]* so we can protect victims and survivors of human trafficking.

## 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 and if you will commit to proposing amendments. 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 Senator/Sir or Ma'am" bulk email—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 by Amending or Opposing *[SB 540 or HB 851]*

### Salutation

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

### Issue and position

*[Why are you writing? Share your position and the action you want them to take, such as...]*  
I am writing to urge you to protect victims and survivors of human trafficking by opposing the "Soliciting for Prostitution Public Database" in *[SB 540 or HB 851]*.

## Talking points

*[Make 1-3 brief points such as our points or write in your own take on the impact of this bill]*

## The "ask"

*[Ask if you can count on them and be specific about the action you want them to take, such as...]* Your help is needed to ensure a dangerous and deadly provision remains out of this bill. If the provision is present, it would create a "Soliciting for Prostitution Public Database" that does not promote public safety or help victims and survivors of human trafficking. Victims are at risk of being registered because they are often arrested and charged as if they were trafficking themselves or each other. Implementing this type of registry is also an experimental approach with no evidence to support it. Evidence from other forms of registries suggests adding people to it would break up families, lead to discrimination in employment and housing, and have ongoing unintended consequences beyond the sentence served. The fiscal impact is not known, and it may be unconstitutional. Florida can't risk a "Soliciting for Prostitution Public Database."

*[Optional request for response if you're willing to share contact information, such as...]* Please let me know how you intend to amend or vote on *[SB 540 or HB 851]* and the "Soliciting for Prostitution Public Database."

## Thank you

Thank you for your time *[OR]* Thank you for your attention to addressing human trafficking and protecting Florida's future.

## Closing

Respectfully,

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

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## Sample Personalized Email/Letter Template

### Subject Line

Protect Human Trafficking Victims by Amending or Opposing *[SB 540 or HB 851]*

### Salutation

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

### Issue and position

*[Why are you writing? Share your position and the action you want them to take, such as...]*  
I am writing to urge you to protect victims and survivors of human trafficking by opposing the "Soliciting for Prostitution Public Database" in *[SB 540 or HB 851]*.

### 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 points or write in your own take on the impact of this bill]*

## The "ask"

*[Ask if you can count on them and be specific about the action you want them to take, such as...]* Your help is needed to ensure a dangerous and deadly provision remains out of this bill. If the provision is present, it would create a "Soliciting for Prostitution Public Database" that does not promote public safety or help victims and survivors of human trafficking. Victims are at risk of being registered because they are often arrested and charged as if they were trafficking themselves or each other. Implementing this type of registry is also an experimental approach with no evidence to support it. Evidence from other forms of registries suggests adding people to it would break up families, lead to discrimination in employment and housing, and have ongoing unintended consequences beyond the sentence served. The fiscal impact is not known, and it may be unconstitutional. Florida can't risk a "Soliciting for Prostitution Public Database."

*[Optional request for response if you're willing to share contact information, such as...]*  
Please let me know how you intend to amend or vote on *[SB 540 or HB 851]* and the "Soliciting for Prostitution Public Database."

## Thank you

Thank you for your time *[OR]* Thank you for your attention to addressing human trafficking and protecting Florida's future.

## Closing

Respectfully,

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



## Meeting a Legislator or Their Staff In Person

Your best chance to meet with a legislator or their staff is calling or emailing well in advance to schedule a meeting. With the short notice on committee meetings, this makes scheduling difficult. Still, you might walk into their office and have good luck with an availability. You could run into them in the halls of the building or literally in the elevator. Have a practiced speech ready to go, but don't rely on reading from it. Be prepared for their questions (especially 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.

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## 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. It's a national social justice network dedicated to people who face discrimination because they are involved in the sex industry.

### **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 by ensuring the proposed "Soliciting for Prostitution Public Database" stays out of [SB 540 or HB 851].*

### **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 points or your own take on the bill's impact]*

### **Identify the need or problem**

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

### **Identify a solution**

*[What will help address the need/problem, ex. decriminalizing sex work or providing community services]*

### **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 a "Soliciting for Prostitution Public Database" so we can protect victims and survivors of human trafficking?*

### **Thank you and good bye!**



## **Writings and Research on Sex Work, Trafficking, Victimization, and Decrim**

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](http://www.gaatw.org/publications/MovingBeyond_SupplyandDemand_GAATW2011.pdf)

- 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](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/seventhirty-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>
- 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](https://www.who.int/hiv/pub/sti/sex_worker_implementation/swit_chpt2.pdf)

## Writings on Farley's Studies

This grouping is not in APA format, so DIY on the citations.

[http://www.scot-pep.org.uk/sites/default/files/download-files/a\\_commentary\\_on\\_challenging\\_mens\\_demand\\_for\\_prostitution\\_in\\_scotland.pdf](http://www.scot-pep.org.uk/sites/default/files/download-files/a_commentary_on_challenging_mens_demand_for_prostitution_in_scotland.pdf)

[https://www.academia.edu/1039197/Comment\\_on\\_Melissa\\_Farleys\\_claims\\_regarding\\_decriminalisation\\_of\\_sex\\_work\\_in\\_New\\_Zealand](https://www.academia.edu/1039197/Comment_on_Melissa_Farleys_claims_regarding_decriminalisation_of_sex_work_in_New_Zealand)

<https://cybersolidaires.typepad.com/files/complaint-to-apa-against-mfarley.pdf>

<https://www.psychologytoday.com/us/blog/sexual-intelligence/201107/disgusting-dishonest-damaging-newsweek-calls-you-the-john-next-door>