

RESOLUTION NO. 15 - 2310

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO PROMOTE AND PROVIDE THERAPEUTIC JURISPRUDENCE TO CHILDREN VICTIMS AND WITNESSES OF HUMAN TRAFFICKING IN THE JUSTICE SYSTEM; AND PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA LEGISLATURE, GOVERNOR, SENATE PRESIDENT, HOUSE SPEAKER, CHAIR AND MEMBERS OF THE MIAMI-DADE STATE LEGISLATIVE DELEGATION, BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, MIAMI-DADE COUNTY STATE ATTORNEY'S OFFICE, FLORIDA ATTORNEY GENERAL'S OFFICE, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, human trafficking is a form of modern-day slavery where individuals are often sold or forced into sexual exploitation; and

WHEREAS, the reprehensible individuals who profit from this deplorable practice often prey upon and manipulate the most vulnerable in our society, including children; and

WHEREAS, the children used for commercial sex trafficking are, on average, no more than 12-13 years old and are often victims of prior physical, psychological, and sexual abuse, poverty, unaddressed trauma, and/or low self-esteem; and

WHEREAS, a 2001 study conducted by the University of Pennsylvania estimated that between 244,000 and 325,000 children in America are at risk each year of becoming victims of commercial sexual exploitation; and

WHEREAS, a 2011 report by the Department of Justice's Bureau of Justice Statistics also found that nearly half of all incidents of sex trafficking in the United States involve victims under the age of 18; and

WHEREAS, human traffickers view Florida as one of the most attractive destinations and transit points for their victims, and Florida accounts for the third-highest call volume to the National Human Trafficking Resource Center; and

WHEREAS, an estimated 385 teen girls are involved in the sex trade in Florida each month, according to a 2011 study commissioned by the Women's Fund of Miami-Dade; and

WHEREAS, the Florida Legislature recently made great efforts to address this issue in 2012 with the passage of both the Florida Safe Harbor Act, Chapter 2012-105, Laws of Florida (HB 99), which provided a more coordinated response to address the child welfare service needs of sexually exploited children, and Chapter 2012-97, Laws of Florida (HB 7049), which increased the penalties for human trafficking; and

WHEREAS, one of the stated goals of the Florida Safe Harbor Act was to sever the bond between sexually exploited children and sex traffickers so that these children could either be reunited with their families or given appropriate foster care; and

WHEREAS, children victims and witnesses in human trafficking experience psychological abuse at the hands of the traffickers, including fearfulness, hopelessness, high incidences of Post-Traumatic Stress Disorder (PTSD), anxiety and depression; and

WHEREAS, Florida is one of only six states in the United States that allows depositions of child victims and witnesses by right, meaning that these child victims and witnesses must submit to adversarial questions from criminal defense attorneys while coping with the psychological trauma of human trafficking; and

WHEREAS, Fla. Stat. § 92.54 permits the use of closed circuit television in proceedings involving victims or witnesses up to the age of 15, but does not provide these protections for children between 16 and 18; and

WHEREAS, the Florida Rape Shield Law under Fla. Stat. § 794.022 does not currently extend to crimes involving human trafficking; and

WHEREAS, according to the International Network on Therapeutic Jurisprudence, therapeutic jurisprudence focuses on the law's impact on emotional life and on psychological well-being, and looks carefully at literature from psychology, psychiatry, clinical behavioral sciences, criminology and social work to see how those insights can be incorporated or brought into the legal system; and

WHEREAS, it is the intent of the Town of Surfside to promote therapeutic jurisprudence for child victims and witnesses of human trafficking, and humanize the criminal justice system to protect their emotional and mental health; and

WHEREAS, agencies, nonprofits, and educational institutions have taken leadership roles in coordinating awareness and finding solutions to eradicate the scourge of human trafficking and provide support for the victims and witnesses to these crimes, including the Miami-Dade State Attorney's Office Human Trafficking Task Force and Unit, Florida Statewide Council on Human Trafficking, and Florida National University's Human Trafficking Steering Planning Committee; and

WHEREAS, the Town of Surfside urges Miami Dade County, the Miami-Dade County League of Cities, and the Florida League of Cities to support the herein resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Urging Therapeutic Jurisprudence for Child Victims of Human Trafficking. Support by the Town of Surfside Town Commission to urge the Florida Legislature to provide therapeutic jurisprudence for children victims and witnesses of human trafficking in the justice system and adopt the Child Witness Protection Act, as promoted by the Miami-Dade State Attorney's Office.

Section 3. Direction to Town Clerk: The Town Clerk is hereby directed to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, the Chair and members of the Miami-Dade State Legislative Delegation, including our local representatives Sen. Gwen Margolis and Rep. Joseph Geller, the Board of County Commissioners of Miami-Dade County, Miami-Dade County State Attorney's Office, Florida Attorney General's Office, United States Department of Homeland Security, the Miami-Dade County League of Cities, and the Florida League of Cities.

Section 4. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 11th day of August, 2015.

Motion by Vice Mayor Tourgeman.

Second by Commissioner Karukin

FINAL VOTE ON ADOPTION

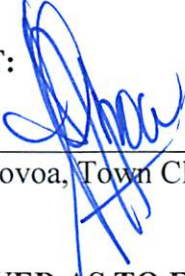
Commissioner Barry Cohen
Commissioner Michael Karukin
Commissioner Marta Olchyk
Vice Mayor Eli Tourgeman
Mayor Daniel Dietch

yes
yes
yes
yes
yes



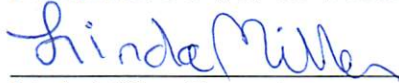
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney