

By Senator Flores

37-01429-14

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1                   A bill to be entitled  
2           An act relating to the Statewide Council on Human  
3           Trafficking; creating s. 16.617, F.S.; creating the  
4           Statewide Council on Human Trafficking within the  
5           Department of Legal Affairs; providing for membership  
6           of the council; authorizing council members to be  
7           reimbursed for per diem and travel expenses; requiring  
8           the council to meet on a quarterly basis; requiring  
9           the department to provide staff support; prescribing  
10          duties of the council; requiring the council to submit  
11          an annual report to the Legislature; creating s.  
12          16.6171, F.S.; authorizing the Department of Legal  
13          Affairs to establish a direct-support organization to  
14          support the council; providing for membership of the  
15          board of directors; establishing contract  
16          requirements; specifying duties of the direct-support  
17          organization; establishing conditions for the use of  
18          the department's property; prohibiting certain conduct  
19          by a department employee or employee or volunteer of  
20          the direct-support organization; authorizing the  
21          department to terminate the direct-support  
22          organization under specified conditions; providing an  
23          effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Section 16.617, Florida Statutes, is created to  
28           read:

29           16.617 Statewide Council on Human Trafficking; creation;

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30 membership; duties.-

31 (1) CREATION.-There is created the Statewide Council on  
32 Human Trafficking within the Department of Legal Affairs. The  
33 council is created for the purpose of examining the treatment  
34 needs and best practices to support victims of human  
35 trafficking.

36 (2) MEMBERSHIP.-

37 (a) The council shall consist of the following members:

38 1. The Attorney General or his or her designee, who shall  
39 serve as chairperson.

40 2. The State Surgeon General or his or her designee, who  
41 shall serve as vice chairperson.

42 3. The Secretary of Children and Families or his or her  
43 designee.

44 4. The Secretary of Health Care Administration or his or  
45 her designee.

46 5. The executive director of the Department of Law  
47 Enforcement or his or her designee.

48 6. One member of the Senate appointed by the President of  
49 the Senate.

50 7. One member of the House of Representatives appointed by  
51 the Speaker of the House of Representatives.

52 8. Four members appointed by the Attorney General who have  
53 professional experience to assist the council in the development  
54 of treatment and care for victims of human trafficking.

55 (b) Each member shall be appointed to a 4-year term.  
56 However, for the purpose of achieving staggered terms, the  
57 President of the Senate and the Speaker of the House of  
58 Representatives shall each initially appoint their respective

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59 members to serve a 2-year term, and the Attorney General shall  
60 initially appoint two members to serve a 2-year term. All  
61 subsequent appointments shall be for 4-year terms. Any vacancy  
62 that occurs shall be filled in the same manner as the original  
63 appointment and shall be for the remainder of the unexpired term  
64 of that seat.

65 (c) A member may not receive a commission, fee, or  
66 financial benefit in connection with serving on the council but  
67 may be reimbursed for per diem and travel expenses pursuant to  
68 s. 112.061.

69 (3) ORGANIZATION AND SUPPORT.—

70 (a) The first meeting of the council shall be held no later  
71 than September 1, 2014. Thereafter, the council shall meet at  
72 least once per quarter per calendar year. Meetings may be held  
73 via teleconference or other electronic means.

74 (b) A majority of the members of the council shall  
75 constitute a quorum.

76 (c) The Department of Legal Affairs shall provide the  
77 council with staff necessary to assist the council in the  
78 performance of its duties.

79 (4) DUTIES.—The council shall:

80 (a) Discuss current issues facing victims of human  
81 trafficking.

82 (b) Annually hold a statewide policy summit in conjunction  
83 with an institution of higher learning in this state.

84 (c) Create and maintain an inventory of human trafficking  
85 programs and services in each county, including, but not limited  
86 to, awareness programs and victim assistance services, which can  
87 be used to determine how to maximize existing resources and

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88 address unmet needs and emerging trends.

89 (5) REPORT.—By June 30 of each year, the council shall  
90 submit a report to the President of the Senate and the Speaker  
91 of the House of Representatives summarizing the accomplishments  
92 of the council during the preceding year and making  
93 recommendations with respect to providing treatment and support  
94 for victims of human trafficking.

95 Section 2. Section 16.6171, Florida Statutes, is created to  
96 read:

97 16.6171 Direct-support organization.—

98 (1) The Department of Legal Affairs may establish a direct-  
99 support organization to provide assistance, funding, and  
100 promotional support for the Statewide Council on Human  
101 Trafficking and to assist in the fulfillment of the council's  
102 duties.

103 (2) The direct-support organization must be a Florida  
104 corporation, not for profit, incorporated under chapter 617, and  
105 approved by the Department of State.

106 (3) The direct-support organization shall be governed by a  
107 board of directors.

108 (a) The board of directors shall consist of:

109 1. Two members appointed by the Attorney General.

110 2. One member appointed by the Governor.

111 3. One member appointed by the President of the Senate.

112 4. One member appointed by the Speaker of the House of  
113 Representatives.

114 (b) Each member of the board of directors shall be  
115 appointed to a 4-year term. However, for the purpose of  
116 achieving staggered terms, the President of the Senate and the

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117 Speaker of the House of Representatives shall each initially  
118 appoint their respective members to serve a 2-year term, and the  
119 Attorney General shall initially appoint a member to serve a 2-  
120 year term. All subsequent appointments shall be for 4-year  
121 terms. Any vacancy that occurs shall be filled in the same  
122 manner as the original appointment and shall be for the  
123 remainder of the unexpired term of that seat.

124 (c) A member of the board of directors may not receive a  
125 commission, fee, or financial benefit in connection with serving  
126 on the board.

127 (4) The direct-support organization shall operate under  
128 written contract with the Department of Legal Affairs. The  
129 contract must provide for:

130 (a) Approval of the articles of incorporation and bylaws of  
131 the direct-support organization by the department.

132 (b) Submission of an annual budget for the approval of the  
133 department.

134 (c) Certification by the board that the direct-support  
135 organization is complying with the terms of the contract and in  
136 a manner consistent with the purposes of the direct-support  
137 organization and in the best interest of the state. Such  
138 certification must be made annually.

139 (d) The reversion to the department of moneys and property  
140 held in trust by the direct-support organization for the benefit  
141 of the council if the direct-support organization is no longer  
142 approved to operate or ceases to exist.

143 (e) The disclosure of material provisions of the contract  
144 and of the distinction between the board and the direct-support  
145 organization to donors of gifts, contributions, or bequests, and

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146 such disclosure on all promotional and fundraising publications.

147 (f) An annual financial audit in accordance with s.  
148 215.981.

149 (g) The fiscal year of the direct-support organization,  
150 which must begin July 1 of each year and end June 30 of the  
151 following year.

152 (h) Appointment of the board of directors to be made  
153 pursuant to this section.

154 (5) (a) In conjunction with the Statewide Council on Human  
155 Trafficking and funded exclusively by the direct-support  
156 organization, the direct-support organization shall form  
157 strategic partnerships to foster the development of community  
158 and private sector resources to advance the goals of the  
159 council. To that end, the direct-support organization may  
160 conduct programs and activities; raise funds; request and  
161 receive grants, gifts, and bequests of money; acquire, receive,  
162 hold, invest, and administer, in its own name, securities,  
163 funds, objects of value, or other property, real or personal;  
164 and make expenditures to, or for the direct or indirect benefit  
165 of, the council or programs or activities of the direct-support  
166 organization.

167 (b) Notwithstanding s. 287.025(1) (e), the direct-support  
168 organization may enter into contracts to insure property of the  
169 council or the direct-support organization and may insure  
170 objects or collections on loan from others in satisfying  
171 security terms of the lender.

172 (c) The direct-support organization shall consider the  
173 participation of counties and municipalities that demonstrate a  
174 willingness to participate and an ability to be successful in

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175 any programs funded by the direct-support organization.

176 (6) (a) The department may authorize, without charge,  
177 appropriate use of property, facilities, and personnel of the  
178 department by the direct-support organization. The use shall be  
179 for the approved purposes of the direct-support organization and  
180 may not be made at times or places that would unreasonably  
181 interfere with opportunities for the general public to use  
182 department facilities.

183 (b) The department shall enter into a letter of agreement  
184 with the direct-support organization, which shall specify the  
185 conditions with which the direct-support organization must  
186 comply in order to use property, facilities, or personnel of the  
187 department. Such conditions must provide for budget and audit  
188 review and oversight by the department.

189 (c) The department may not authorize the use of property,  
190 facilities, or personnel of the department or a program or  
191 activity of the direct-support organization that does not  
192 provide equal employment opportunities to all persons regardless  
193 of race, color, religion, sex, age, or national origin.

194 (7) A department employee or an employee or volunteer of  
195 the direct-support organization may not be a business associate  
196 of any individual, firm, or organization involved in the sale or  
197 exchange of real or personal property to the direct-support  
198 organization.

199 (8) The department may terminate a contract or agreement  
200 with the direct-support organization at any time if the  
201 department determines that the direct-support organization no  
202 longer meets the objectives of this section.

203 Section 3. This act shall take effect July 1, 2014.