

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 169 Trust Funds/Creation/Trust Fund for Victims of Human Trafficking and Prevention/FDLE
SPONSOR(S): Spano
TIED BILLS: HB 167 **IDEN./SIM. BILLS:** SB 342

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice & Claims Subcommittee	15 Y, 0 N	MacNamara	Bond
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

SUMMARY ANALYSIS

Article III, Section 19(f), of the Florida Constitution governs the creation of trust funds. It provides that no trust fund of the state or other public body may be created without a three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

The bill creates the Trust Fund for Victims of Human Trafficking and Prevention in the Department of Law Enforcement. The trust fund will consist of funds obtained from civil actions brought on behalf of victims of human trafficking, from penalties imposed by the courts, and funds received from any other sources including legislative appropriations.

The fund is to be administered by the Florida Department of Law Enforcement. The bill provides the following authorized purposes for the trust fund:

- Educating the public about the recruitment, trafficking, and exploitation of persons through human trafficking;
- Assisting with preventing the recruitment of minors in Florida schools;
- Establishing a survivors' resource center to make legal services, social services, safe harbors, safe houses and language services available to survivors of human trafficking;
- Advertising the National Human Trafficking Resource Center hotline telephone number and the BeFree Textline in diverse venues;
- Assisting in the coordination between law enforcement agencies and service providers;
- Assisting in vacating the convictions of persons who were victims of human trafficking; and
- Distributing compensation to victims of human trafficking, including but not limited to, medical and mental health examinations and treatment, living expenses, lost wages, and repatriation.

The trust fund does not have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2018, if HB 167 takes effect, and provides for a termination date of no later than July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Trust Funds

The creation, recreation and termination of trust funds is governed by provisions in both the Florida Constitution and Florida Statutes. Article III, s. 19(f), Fla. Const. governs the creation of trust funds. It provides that no trust fund of the state or other public body may be created without a three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

The Florida Constitution also specifies that state trust funds must terminate not more than 4 years after the effective date of the act authorizing the initial creation of the trust fund, unless the Legislature by law sets forth a shorter time period. Specified trust funds are exempted from this provision.

Statewide Council on Human Trafficking

The state has created the Statewide Council on Human Trafficking (council) for the purpose of enhancing the development and coordination of state and local law enforcement and social services responses to fight commercial sexual exploitation as a form of human trafficking and to support victims.¹ The council is housed within the Department of Legal Affairs.

The membership of the council is established by statute, with each member serving a 4-year term. The duties of the council include:

- Developing recommendations for comprehensive programs and services for victims of human trafficking, including recommendations for certification criteria for safe houses and safe foster homes.
- Making recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses.
- Hosting an annual statewide policy summit in conjunction with an institution of higher learning in this state.
- Working with the Department of Children and Families to create and maintain an inventory of human trafficking programs and services in each county, including, but not limited to, awareness programs and victim assistance services, and use that information to determine how to maximize existing resources and address unmet needs and emerging trends.
- Developing policy recommendations that advance the duties of the council and further efforts to combat human trafficking in Florida.

Additionally, the council is required to submit a report to the President of the Senate and the Speaker of the House of Representatives summarizing the accomplishments of the council during the preceding fiscal year and making recommendations regarding the development and coordination of state and local law enforcement and social services responses to fight human trafficking and support victims.

Effect of Bill

The bill creates the Trust Fund for Victims of Human Trafficking and Prevention in the Department of Law Enforcement. The Florida Department of Law Enforcement will administer the fund. The trust fund will consist of funds: obtained under s. 787.061, F.S., from civil actions brought on behalf of victims of

¹ See s. 16.617, F.S.
STORAGE NAME: h0169a.CJC
DATE: 11/8/2017

human trafficking, from penalties imposed by the courts, and funds received from any other sources, including legislative appropriations.

The bill provides the following authorized purposes for the trust fund:

- Educating the public about the recruitment, trafficking, and exploitation of persons through human trafficking,
- Assisting with preventing the recruitment of minors for exploitation in Florida schools,
- Establishing a survivors' resource center to make legal services, social services, safe harbors, safe houses and language services available to survivors of human trafficking,
- Advertising the National Human Trafficking Resource Center hotline telephone number and the BeFree Textline in diverse venues,
- Assisting in the coordination between law enforcement agencies and service providers,
- Assisting in vacating the convictions of persons who were victims of human trafficking, and
- Distributing compensation to victims of human trafficking under s. 787.061, F.S., including but not limited to, medical and mental health examinations and treatment, living expenses, lost wages, and repatriation.

The bill provides an effective date of July 1, 2018, if HB 167 takes effect, and provides for a termination date of no later than July 1, 2022.

B. SECTION DIRECTORY:

Section 1: Creates s. 787.0611, F.S., relating to Trust Fund for Victims of Human Trafficking and Prevention.

Section 2: Provides that the bill will take effect on the same day as HB 167 or similar legislation, if such legislation is adopted in the same legislative session, and only if the bill is enacted by three-fifths vote of the membership of each house of the Legislature.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Pursuant to s. 215.20, F.S, a service charge of 8 percent is appropriated from income deposited into the fund. This 8 percent represents the estimated pro rata share of the cost of general government paid from the General Revenue Fund. It is unknown at this time, however, how much income will be generated by the fund.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.