

Tab 1	SB 486 by Stewart (CO-INTRODUCERS) Bracy, Torres, Farmer, Book, Taddeo, Powell, Campbell, Rouson; (Identical to H 00305) Child Care Facilities
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Tab 2	HM 817 by Harrell (CO-INTRODUCERS) Williams; Renewal of Title IV-E Waivers for Child Welfare Services
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Tab 3	SB 1044 by Book (CO-INTRODUCERS) Campbell; (Identical to H 00167) Victims of Human Trafficking
652774	D S RCS CF, Book Delete everything after 02/12 05:41 PM

Tab 4	SB 1046 by Book (CO-INTRODUCERS) Campbell; (Identical to H 00169) Trust Fund for Victims of Human Trafficking and Prevention/Department of Law Enforcement
885260	A S RCS CF, Book Delete L.23 - 44: 02/12 05:41 PM
318234	A S RCS CF, Book Delete L.45 - 51: 02/12 05:41 PM

Tab 5	SB 1280 by Steube; (Identical to H 00985) Involuntary Commitment
592220	A S RCS CF, Steube Delete L.204 - 486: 02/12 05:41 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS

Senator Garcia, Chair
Senator Torres, Vice Chair

MEETING DATE: Monday, February 12, 2018

TIME: 3:30—5:30 p.m.

PLACE: James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

MEMBERS: Senator Garcia, Chair; Senator Torres, Vice Chair; Senators Broxson, Campbell, and Steube

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 486 Stewart (Identical H 305)	Child Care Facilities; Creating the "Child Safety Alarm Act"; requiring vehicles used by child care facilities and large family child care homes to be equipped with a reliable alarm system that prompts the driver to inspect the vehicle for children before exiting the vehicle; requiring the Department of Children and Families to adopt by rule minimum safety standards and maintain a list of approved alarm systems, etc. CF 02/12/2018 Favorable TR RC	Favorable Yeas 5 Nays 0
2	HM 817 Harrell	Renewal of Title IV-E Waivers for Child Welfare Services; Urges Congress to renew Title IV-E waivers for child welfare services. CF 02/12/2018 Not Considered GO RC	Not Considered
3	SB 1044 Book (Similar S 338, Identical H 167, Compare H 169, S 340, S 342, Linked S 1046)	Victims of Human Trafficking; Citing this act as the "Civil Action for Victims of Human Trafficking and Prevention of Human Trafficking Act"; providing a civil cause of action for victims of human trafficking against a trafficker or facilitator; providing that such actions are not subject to a statute of limitations; providing an affirmative defense for public lodging establishments under certain circumstances, etc. CF 02/12/2018 Fav/CS RC	Fav/CS Yeas 5 Nays 0
4	SB 1046 Book (Similar S 342, Identical H 169, Compare H 167, S 338, Linked S 1044)	Trust Fund for Victims of Human Trafficking and Prevention/Department of Law Enforcement; Creating the Trust Fund for Victims of Human Trafficking and Prevention within the Department of Law Enforcement; providing for future review and termination or re-creation of the trust fund, etc. CF 02/12/2018 Fav/CS AP	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Monday, February 12, 2018, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1280 Steube (Identical H 985)	Involuntary Commitment; Requiring the Agency for Persons with Disabilities to provide certain notice of eligibility determinations; revising provisions relating to court appointment of certain qualified experts to evaluate a defendant's mental condition; revising provisions governing acceptable recommended training for a defendant determined incompetent to proceed; requiring the court to hold a competency hearing within a specified timeframe when a defendant is competent to proceed; providing for the court to retain jurisdiction over certain defendants found nonrestorable to competency, etc. CF 02/12/2018 Fav/CS AHS AP	Fav/CS Yeas 5 Nays 0
6	Update on the Pilot for Substance Exposed Newborns in Chapter 2017-151, Laws of Florida	Discussed	
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 486

INTRODUCER: Senator Stewart and others

SUBJECT: Child Care Facilities

DATE: February 9, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	<u>Favorable</u>
2.	_____	_____	<u>TR</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 486 creates the “Child Safety Alarm Act” and requires that on or after January 1, 2019, vehicles used by child care facilities and large family child care homes to transport children must be equipped with an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area.

The bill requires the Department of Children and Families (DCF or department) to adopt by rule minimum safety standards for reliable alarm systems and maintain a list of alarm manufacturers and alarm systems that are approved to be installed in vehicles.

The bill is expected to have a significant fiscal impact on private entities and has an effective date of July 1, 2018.

II. Present Situation:

Death by hyperthermia or vehicular heat stroke deaths have become much more prevalent since Federal law required that children ride in the backseat due to the danger of front passenger seat airbags.¹ The national average number of these deaths is 39 per year.² Thirty-one percent of hyperthermia deaths involve children under the age of one.³ Between 1998 and 2015, Florida has the second highest number of child deaths from vehicular heat stroke.⁴

¹ See Kids and Cars.org, Fact Sheet, available at: <http://www.kidsandcars.org/files/2013/06/National-Stats-Chart-2017.jpg> (last visited February 7, 2018); see also Gene Weingarten, *Fatal Distraction: Forgetting a Child in the Backseat of a Car is a Horrifying Mistake. Is it a Crime?*, THE WASHINGTON POST, Mar. 8, 2009, available at:

<http://www.washingtonpost.com/wp-dyn/content/article/2009/02/27/AR2009022701549.html> (last visited February 7, 2018).

² *Id.*

³ *Id.*

⁴ California Department of Meteorology and Climate Science, Heatstroke Deaths of Children in Vehicles by State, available at: <http://noheatstroke.org/state.htm> (last visited February 7, 2018).

Technology Based Prevention

Automobile Manufacturers

The auto industry has been aware of the problem for years. General Motors (GM) tried over 10 years ago to find a solution, but found the results were unreliable. At the 2002 New York Auto Show, GM unveiled a system that would be able to detect the heartbeat of a child left in a car and then measure the vehicle's temperature. If it was becoming dangerously hot, it would sound the horn to alert a parent or passersby. GM later reported that the system was abandoned after it was found "not reliable enough to put into production."⁵

Ford was among the other automakers who also expressed interest in developing such a system, but a decade later, the technology isn't available on any automobile as a factory standard feature or option. Auto safety groups have called for manufacturers to do more, but for several reasons including cost, technology, liability and privacy issues, there is still no foolproof way of preventing overheating deaths or warning of the possibility before they happen.⁶

One industry expert believes it shouldn't cost more than a few dollars per vehicle, because of the sophisticated computers already on cars. The Center for Automotive Research reported that cost might not be as much a problem as the possibility of errors.⁷

In 2016, GM announced it would introduce a new safety system to remind drivers to check for children in the rear seats, and that it could eventually develop features to detect forgotten children.⁸ The National Highway Traffic Safety Administration (NHTSA) said it has no plans to require automakers to add in-vehicle technology that would alert those who leave young children behind in hot cars.⁹

Aftermarket Systems

There are numerous aftermarket warning systems that alert a parent if they've left a child in a safety seat or shopping cart or somewhere else. But federal regulators have questioned their efficacy.

A preliminary assessment performed on technology devices aimed at helping to prevent a child from being unintentionally left in a hot car concluded that they are not reliable and limited in their effectiveness, according to a new study by NHTSA and the Children's Hospital of Philadelphia.¹⁰

⁵ Paul Eisenstein, *Death in Hot Cars: Why Can't the Automakers Prevent the Danger?* July 14, 2014, available at: <http://www.nbcnews.com/storyline/hot-cars-and-kids/death-hot-cars-why-cant-automakers-prevent-danger-n152911> (last visited February 7, 2018).

⁶ *Id.*

⁷ *Id.*

⁸ David Shepardson, *GM has a way to help prevent drivers from forgetting children in the back seat*, Business Insider, January 12, 2016, available at: <http://www.businessinsider.com/r-gm-unveils-technology-to-help-avoid-child-heatstroke-deaths-2016-1>. (last visited February 7, 2018).

⁹ *Id.*

¹⁰ Consumer Reports, *Warning systems to detect children left in hot cars found unreliable, study finds*, available at

The study found several limitations in these products after conducting tests, including inconsistencies in arming sensitivity, variations in warning signal distance, potential interference from other electronic devices, children inadvertently disarming the device by slumping over or sleeping out of position, and limitations in the products' susceptibility to misuse or other common scenarios, such as an apple juice spill. Many of the products tested require a lot of setup work by caregivers and parents, potentially giving them a false sense of security. What's more, since the devices are restraint-based, they wouldn't address the 20 to 40 percent of kids who are killed in hot cars when they enter a vehicle without adult permission.¹¹

Licensing Standards for Child Care Facilities and Large Family Child Care Homes

The department establishes licensing standards that each licensed child care facility in the state must meet.¹² A child care facility is defined in Florida law as “any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.”¹³

A large family child care home is defined as an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.¹⁴

The department currently oversees 6,072 licensed child care entities including child care facilities, large family child care homes and family day care homes.¹⁵ In addition, there are homes that are only registered by the agency, facilities that are exempt from licensure due to a religious affiliation¹⁶ and homes currently licensed by five counties in the state.¹⁷ Of these homes, 1,490 child care facilities and large family child care homes regulated by the department reported that they transport children.¹⁸

Statutory licensing standards for child care facilities are extensive and reference transportation and vehicles, including the requirement that minimum standards include accountability for children being transported.¹⁹ The Florida Administrative Code provides requirements for licensed child care facilities and large family child care homes to follow in relation to vehicles

<https://www.consumerreports.org/cro/news/2012/08/warning-systems-to-detect-children-left-in-hot-cars-found-unreliable-study-finds/index.htm>. (last visited February 7, 2018).

¹¹ Ryan Jaslow, *Gov't study: Devices that alert parents they left a child in a car deemed unreliable*, CBS News, July 31, 2012, available at <https://www.cbsnews.com/news/govt-study-devices-that-alert-parents-they-left-a-child-in-car-deemed-unreliable/> (last visited February 8, 2018).

¹² See s. 402.305, F.S.

¹³ See s. 402.302(2), F.S.

¹⁴ See s. 402.302(11), F.S.

¹⁵ Florida Department of Children and Families, *DCF Quick Facts*, 7 (Quarter 1, Fiscal Year 2017-2018), available at: <http://www.dcf.state.fl.us/general-information/quick-facts/cc/> (last visited February 7, 2018).

¹⁶ See s. 402.316, F.S.

¹⁷ See s. 402.306, F.S. Those five counties are Broward, Hillsborough, Palm Beach, Pinellas and Sarasota.

¹⁸ Florida Department of Children and Families, 2018 Agency Legislative Bill Analysis, SB 486. On file with the Senate Committee on Children, Families and Elder Affairs.

¹⁹ See s. 402.305, F.S.

that are owned, operated, or regularly used by the facility or home, as well as vehicles that provide transportation through a contract or agreement with an outside entity.²⁰

Providers are required to maintain a driver's log for all children being transported. This log must include the child's name, date, time of departure, time of arrival, signature of driver, and signature of second staff member to verify the driver's log and that all children have left the vehicle. Upon arrival at the destination, the driver of the vehicle must mark each child off the log as the child departs the vehicle, conduct a physical inspection and visual sweep of the vehicle, and sign, date, and record the driver's log immediately to verify all children were accounted for and that the sweep was conducted. Upon arrival at the destination, a second staff member must also conduct a physical inspection and visual sweep of the vehicle and sign, date, and record the driver's log to verify all children were accounted for and that the driver's log is complete.²¹

Current standards for child care facilities and large family child care homes do not address alarm systems in vehicles, however, Palm Beach County and Broward County have requirements similar to the one proposed in the bill.²²

III. Effect of Proposed Changes:

Section 1. Provides a short title for the bill — the “Child Safety Alarm Act.”

Section 2. Amends s. 402.305, F.S., relating to licensing standards for child care facilities, to require that on or after January 1, 2019, vehicles used by child care facilities and large family child care homes to transport children must be equipped with an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area.

The bill requires the department to adopt by rule minimum safety standards for reliable alarm systems and maintain a list of alarm manufacturers and alarm systems that are approved to be installed in vehicles.

Section 3. Provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²⁰ See 65C-22.001(6) and 65C-20.13(8), F.A.C.

²¹ *Id.*

²² Florida Department of Children and Families, 2018 Agency Legislative Bill Analysis, SB 486. On file with the Senate Committee on Children, Families and Elder Affairs.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The department reported approximately 1,490 child care providers offering a transportation service to the department. These programs would be required to purchase, at a minimum, one of the alarm systems required by this bill.

The fiscal impact on individual providers will vary based on unit cost, installation costs, and possible future warranty fees. The unit and installation costs vary from \$65 to \$289.95.²³

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 402.305 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

²³ Florida Department of Children and Families, 2018 Agency Legislative Bill Analysis, SB 486. On file with the Senate Committee on Children, Families and Elder Affairs.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Stewart

13-00488A-18

2018486__

1 A bill to be entitled
 2 An act relating to child care facilities; providing a
 3 short title; amending s. 402.305, F.S.; requiring
 4 vehicles used by child care facilities and large
 5 family child care homes to be equipped with a reliable
 6 alarm system that prompts the driver to inspect the
 7 vehicle for children before exiting the vehicle;
 8 requiring the Department of Children and Families to
 9 adopt by rule minimum safety standards and maintain a
 10 list of approved alarm systems; providing an effective
 11 date.
 12

13 Be It Enacted by the Legislature of the State of Florida:
 14

15 Section 1. This act may be cited as the "Child Safety Alarm
 16 Act."

17 Section 2. Subsection (10) of section 402.305, Florida
 18 Statutes, is amended to read:

19 402.305 Licensing standards; child care facilities.—

20 (10) TRANSPORTATION SAFETY.—

21 (a) Minimum standards shall include requirements for child
 22 restraints or seat belts in vehicles used by child care
 23 facilities and large family child care homes to transport
 24 children, requirements for annual inspections of the vehicles,
 25 limitations on the number of children in the vehicles, and
 26 accountability for children being transported.

27 (b)1. On or after January 1, 2019, such vehicles must be
 28 equipped with a reliable alarm system approved by the department
 29 which prompts the driver to inspect the vehicle for children

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

13-00488A-18

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30 before exiting the vehicle.

31 2. The department shall adopt by rule minimum safety
 32 standards for reliable alarm systems and maintain a list of
 33 alarm manufacturers and alarm systems which meet those standards
 34 and are approved to be installed in such vehicles.

35 Section 3. This act shall take effect July 1, 2018.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4015

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.12.18
Meeting Date

486
Bill Number (if applicable)

Topic Child Care Facilities

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street
Street

Phone 510-9922

Tallahassee FL 32301
City State Zip

Email Barney@BarneyBishop.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-2-18

Meeting Date

486

Bill Number (if applicable)

Topic Child Care Facilities

Amendment Barcode (if applicable)

Name DAWN STEWARD

Job Title _____

Address 2130 Blossom Lane

Phone 407-645-0273

Winter Park FL 32789

Email stu2130@aol.com

Street
City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: HM 817

INTRODUCER: Representatives Harrell and Williams

SUBJECT: Renewal of Title IV-E Waivers for Child Welfare Services

DATE: February 9, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Pre-meeting
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____

I. Summary:

HM 817 is a memorial to the U.S. Congress requesting legislation under which Florida’s existing Title IV-E waiver for child welfare services could be renewed in lieu of a return to traditional federal Title IV-E funding. The memorial presents the rationale for continuing the existing Title IV-E waiver beyond September 30, 2019.

HM 817 also directs that copies of the memorial be provided to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress. Legislative memorials are not subject to the Governor’s veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

II. Present Situation:

Title IV-E Funding for Child Welfare

Congress appropriates funds to states through a variety of funding streams for services to children who have suffered maltreatment. One of these funding streams is Title IV-E of the Social Security Act. Title IV-E provides federal reimbursement to states for a portion of the cost of foster care, adoption assistance, and (in states electing to provide this kind of support) kinship guardianship assistance on behalf of each child who meets federal eligibility criteria. Title IV-E also authorizes funding to support services to youth who “age out” of foster care, or are expected to age out without placement in a permanent family. While Title IV-E funding is an entitlement, eligibility is limited to those children who:

- Are from a home with very low income (less than 50 percent of federal poverty level in most states);
- Have been determined by a judge to need to be in care;

- Are living in a licensed family foster home or a “child care institution;” and
- Are under 18 years old, unless the state has included older youth in its Title IV-E plan.

A Congressional Research Service analysis estimates that less than half of the children in foster care met Title IV-E foster care eligibility criteria in 2015.¹

Eligible Title IV-E expenditures include:

- Foster care maintenance payments for the child’s room and board;
- Caseworker time to perform required activities on behalf of eligible children in foster care or children at imminent risk of entering foster care. These activities include finding a foster care placement for a child and planning services necessary to ensure the child does not need to enter care, is reunited with his or her parents, has a new permanent home, or is otherwise prepared to leave foster care;
- Program-related data system development and operation, training, and recruitment of foster care providers; and
- Other program administration costs.

The federal government pays a share of these costs ranging from 50-83 percent, depending on the nature of the expenditure. When determining foster care maintenance payments, an additional consideration is the state’s per capita income.²

Title IV-E Waivers

First authorized by Congress in 1994, the goal of permitting waivers of specific Title IV-E requirements is to allow states to demonstrate alternative and innovative practices that achieve federal child welfare policy goals in a manner that is cost neutral to the federal Treasury. Each project has a specific approval period which is typically five years, must be determined to cost the federal government no more in Title IV-E support than it would without the waiver project, and must be independently evaluated.³

Currently 26 states, including Florida, have approved child welfare demonstration projects commonly referred to as IV-E waivers. Under the terms and conditions of their specific waiver agreement, each of these jurisdictions is permitted to use Title IV-E foster care funds to provide services or assistance to children and their families, even if those children or those services or assistance would not normally be considered eligible.

Title IV-E waiver projects vary significantly in geographic and program scope. Some operate on a statewide basis, others are limited to specific regions or counties in the state. The interventions may focus on different age groups of children and different service needs or circumstances such as children:

- Entering care for the first time;

¹ Emelie Stoltzfus, *Child Welfare: An Overview of Federal Programs and their Current Funding*, CONGRESSIONAL RESEARCH SERVICE, January 10, 2017, p. 13-15, available at: <https://fas.org/sgp/crs/misc/R43458.pdf> (last accessed February 7, 2018).

² *Id.*

³ *Id.*

- At risk of entering care;
- Transitioning from group care to home; and
- With substance-abusing parents.⁴

A smaller number of projects address other issues, such as:

- Preventing or reducing the use of group care for children in foster care;
- Addressing behavioral health needs of children;
- Addressing needs of caregivers with substance use disorders; and
- Reducing placement instability for children in foster care.⁵

Florida's Title IV-E Waivers

Florida's original Title IV-E waiver was effective on October 1, 2006, and was in effect for five years. Key features of the waiver were:

- A capped allocation of funds, similar to a block grant, distributed to community-based care lead agencies for service provision;
- Flexibility to use funds for a broader array of services beyond out-of-home care; and
- Ability to serve children who did not meet Title IV-E criteria.⁶

The federal government extended Florida's original waiver to 2014, then approved a renewal retroactively beginning October 1, 2013. The renewal is authorized until September 30, 2018. The renewal waiver's terms and conditions include the following goals:

- Improving child and family outcomes through flexible use of Title IV-E funds;
- Providing a broader array of community-based services and increasing the number of children eligible for services; and
- Reducing administrative costs associated with the provision of child welfare services by removing current restrictions on Title IV-E eligibility and on the types of services that may be paid for using Title IV-E funds.⁷

Like the original waiver, the renewal waiver also involves a capped allocation of funds, flexibility to use funds for a wider array of services, and expanded eligibility for children.⁸

Under current law, the U.S. Department of Health and Human Services is not authorized to grant any new child welfare waivers, and no state may operate a waiver project after September 30,

⁴ U.S. Department of Health and Human Services, Administration of Children and Families, Children Bureau, *Summary of Child Welfare Waiver Demonstration by Jurisdictions*, June 2016, available at: http://www.acf.hhs.gov/sites/default/files/cb/waiver_summary_table_active.pdf. (last visited February 7, 2018).

⁵ James Bell and Associates, *Summary of the Title IV-E Child Welfare Waiver Demonstrations, prepared for Children's Bureau, ACYF, ACF, HHS*, August 2016, available at: http://www.acf.hhs.gov/sites/default/files/cw_waiver_summary2016.pdf. (last visited February 7, 2018).

⁶ Amy C. Vargo et al., *Final Evaluation Report, IV-E Waiver Demonstration Evaluation, SFY 11-12*, March 15, 2012, available at: <http://www.centerforchildwelfare.org/kb/LegislativeMandatedRpts/IV-EWaiverFinalReport3-28-12.pdf>. (last visited February 7, 2018).

⁷ Personal communication from JooYeun Chang, Associate Commissioner with the Children's Bureau, to Esther Jacobo, Interim Secretary of the Department of Children and Families, available at: <http://www.centerforchildwelfare.org/kb/GenIVE/WaiverTErms2013-2018.pdf>. (last visited February 7, 2018).

⁸ *Id.*

2019.⁹ Therefore, Florida will revert to more restrictive Title IV-E federal funding requirements beginning in 2018, or in 2019 if the waiver is renewed for an additional year.

Federal Family First Prevention Services Act

The Family First Prevention Services Act was a bipartisan bill that would reform many of the federal child welfare financing mechanisms to help better support families. The bill aimed to prevent their children from entering foster care by allowing federal reimbursement for services to families and children.¹⁰ The bill also contained provisions designed to improve the well-being of children already in foster by incentivizing states to reduce placement of children in group care.

The provisions in the Act were included in the “Bipartisan Budget Act of 2018” that was enacted by Congress and signed into law by the President on February 9, 2018. This would appear to indicate that waiver extensions are unnecessary or will be considered by Congress.

III. Effect of Proposed Changes:

The memorial requests that Congress amend federal law to allow for the extension of the existing Title IV-E waiver beyond September 30, 2019. An extension on the existing waiver program would give Florida the flexibility to continue alternative funding models and preserve the expanded array of services and supports that have been developed statewide. In the absence of an extension for the existing waiver, maintaining current service levels may require additional appropriations of state funds.

HM 817 also directs that copies of the memorial be provided to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor’s veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁹ §1130(a)(2) and (d)(2) of the Social Security Act.

¹⁰ See H.R. 5456/S. 3065. H.R. 5456 by Representative Buchanan (R-FL) was introduced in the House of Representatives on June 10, 2016 and its companion was introduced in the Senate on June 16, 2016 by Senators Hatch (R-UT) and Wyden (D-OR). The bills were reintroduced in 2017.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

HM 817

2018

House Memorial

A memorial to the Congress of the United States,
 urging Congress to allow renewal of Title IV-E waivers
 for child welfare services.

WHEREAS, one of the most important roles of government is
 ensuring the safety and well-being of society's most vulnerable
 members, including children, and

WHEREAS, children enter the child welfare system for many
 reasons, such as parental substance abuse, domestic violence,
 mental illness, and generational poverty, and the complexity of
 cases is growing due to the interplay of these factors, and

WHEREAS, preventing child abuse, abandonment, and neglect
 saves children from trauma and avoids costs for more intensive
 treatment services, juvenile justice interventions, public
 benefits expenditures, and other social services, and

WHEREAS, with the federal funding flexibility provided by
 Florida's Title IV-E waiver for child welfare services,
 professionals working closely with children and families can
 tailor services to best meet individual needs, regardless of the
 level of involvement in the child welfare system, thus making
 the most effective and efficient use of funding, and

WHEREAS, Florida has been a national leader in innovative
 child welfare service provision through a community-based system
 of care and flexible funding streams, providing communities with

HM 817

2018

the responsibility, authority, and resources to care for their
 own children, and

WHEREAS, while the federal Child and Family Services Review
 found that Florida exceeds national standards with respect to
 certain indicators and systemic factors, the state still faces
 challenges in meeting other requirements and would benefit from
 continued flexibility in federal funding to most effectively
 meet these challenges, and

WHEREAS, Florida's Title IV-E waiver will expire September
 30, 2018, and federal law requires all waiver operations to
 terminate by September 30, 2019, such that Florida will soon
 revert to more restrictive funding limitations unless Congress
 takes action, and

WHEREAS, widespread support exists nationally to transform
 the current Title IV-E funding approach to emphasize prevention
 and greater provision of a wider array of services tailored to
 meet individual families' needs so that children may be safe
 while avoiding the trauma of placement outside the home when
 possible, which is what Florida's waiver currently allows, and

WHEREAS, meeting traditional Title IV-E obligations will
 force significant changes to Florida's child welfare system,
 requiring professionals to spend time revising policies and
 processes instead of working to meet the needs of children and
 families, NOW, THEREFORE,

HM 817

2018

51 Be It Resolved by the Legislature of the State of Florida:

52

53 That the Legislature of the State of Florida requests the
54 Congress of the United States to amend federal law to allow the
55 Secretary of the Department of Health and Human Services to
56 renew existing Title IV-E waivers to extend beyond September 30,
57 2019, giving Florida the flexibility to continue providing an
58 expanded array of community-based programs and support to
59 children who are in or who are at risk of entering out-of-home
60 placement and their families.

61 BE IT FURTHER RESOLVED that copies of this memorial be
62 dispatched to the President of the United States, to the
63 President of the United States Senate, to the Speaker of the
64 United States House of Representatives, and to each member of
65 the Florida delegation to the United States Congress.

THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.12.18

Meeting Date

817

Bill Number (if applicable)

Topic Renewal of Title IV-E Waivers

Name Barney Bishop

Amendment Barcode (if applicable)

Job Title CEO

Address 204 South Monroe Street

Street

Phone 510-9922

Tallahassee

FL

32301

City

State

Zip

Email Barney@BarneyBishop.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/18

Meeting Date

HM 817

Bill Number (if applicable)

Topic Title IV-E

Amendment Barcode (if applicable)

Name Greg Poard

Job Title _____

Address 9166 Sunrise

Phone _____

Street

Largo

City

Fl.

State

33773

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Saving Families 7 @ Gmail.com

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 1044

INTRODUCER: Senator Book

SUBJECT: Victims of Human Trafficking

DATE: February 13, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Delia</u>	<u>Hendon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1044 creates an additional civil cause of action for victims of human trafficking. The bill allows victims who prevail in any such action to recover economic and noneconomic damages, penalties, punitive damages, reasonable attorney fees, reasonable investigative expenses, and costs. It requires the court impose civil penalties, the proceeds of which are to be distributed to the Trust Fund for Victims of Human Trafficking and Prevention, created in SB 1046, and to local law enforcement agencies involved in the apprehension of defendants in related criminal matters.

The bill also specifies that the standard of proof for this civil action is by the preponderance of the evidence, and provides an affirmative defense for operators of public lodging establishments.

The bill will likely have an indeterminate impact both on hotels in the state and on the state court system.

The bill has an effective date of October 1, 2018.

II. Present Situation:

Human Trafficking

Human trafficking is a form of modern-day slavery. Victims of human trafficking are young children, men, and women, who are often subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor. There is an estimated 20.9 million adults and children in

the world who are in some sort of forced labor or sexual exploitation. Of that number, an estimated 26 percent of them are children, and in 2010, it was estimated that as many as 300,000 children in the United States were at risk for exploitation each year.¹

Section 787.06, F.S., is Florida's human trafficking statute and defines "human trafficking" as the "transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining of another person for the purpose of exploitation of that person." The statute contains a variety of provisions prohibiting persons from knowingly engaging in human trafficking by using labor or services or through commercial sexual activity.²

Civil Cause of Action

Victims of human trafficking have a civil cause of action against a person who:

- With criminal intent, has:
 - Received any proceeds derived, directly or indirectly, from a pattern of criminal activity; or
 - Through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.
- Through a pattern of criminal activity or through the collection of an unlawful debt, has acquired or maintained, directly or indirectly, any interest in or control of any enterprise or real property.
- Was employed by or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of criminal activity or the collection of an unlawful debt.
- Has conspired or endeavored to violate any of the actions listed above.³

The civil cause of action allows for threefold the actual damages sustained. The victim is entitled to minimum damages of \$200 and reasonable attorney's fees and court costs. Section 772.104(3), F.S., prohibits punitive damages from being awarded. The standard of proof for the civil cause of action is clear and convincing evidence.⁴

The statute of limitations for the civil cause of action is 5 years after the conduct constituting a violation of one of the above stated provisions. The statute of limitations is suspended during prosecution for the criminal activity or criminal conduct, which is the basis for the civil action and for two years after its conclusion.⁵

¹ U.S. Department of Justice, Office of Justice Programs, *OJP Fact Sheet, Fast Facts*, (December 2011) available at http://ojp.gov/newsroom/factsheets/ojpfs_humantrafficking.html (last visited February 8, 2018). Polaris, *Human Trafficking: The Facts*, 2016, available at <https://polarisproject.org/facts> (last visited February 8, 2018).

² See ss. 787.06(3) and (4), F.S.

³ Section 772.103, F.S.

⁴ Section 772.104, F.S.

⁵ Section 772.17, F.S.

III. Effect of Proposed Changes:

Section 1 provides that this act may be cited as the “Civil Action for Victims of Human Trafficking and Prevention of Human Trafficking Act.”

Section 2 creates s. 787.061, F.S., which provides an additional civil cause of action for victims of human trafficking to bring against the trafficker or facilitator of human trafficking who victimized them and allows the victims to recover damages. The Legislature finds that, to achieve the state’s goals relating to human trafficking set forth in s. 787.06(1)(d), F.S., it is necessary to provide a civil cause of action for the recovery of compensatory and punitive damages.

The bill defines the following terms:

- “Facilitator” means a person who knowingly, or in willful blindness, assists or provides goods or services to a trafficker, which assist or enable the trafficker to carry out human trafficking. The term does not include a person who facilitates human trafficking as a result of force, threat, or coercion.
- “Human trafficking” has the same meaning as provided in s. 787.06, F.S.
- “Trafficker” means any person who knowingly engages in human trafficking, attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking.
- “Trust fund” refers to the Trust Fund for Victims of Human Trafficking and Prevention proposed in SB 1046.
- “Venture” means any group of two or more individuals associated in fact, whether or not a legal entity.
- “Victim of human trafficking” means a person subjected to coercion, as defined in s. 787.06, F.S., for the purpose of being used in human trafficking, a child under 18 years of age subjected to human trafficking, or an individual subjected to human trafficking as defined by federal law.
- “Willful blindness” occurs when a person has knowledge of information that would raise suspicions in a reasonable person and he or she deliberately refrains from obtaining confirmation of or acting on the information because he or she wants to remain in ignorance, such that knowledge of the fact avoided can reasonably and fairly be imputed to the person who avoided confirming it.

The bill allows a victim to bring a civil action against the trafficker or facilitator of human trafficking who victimized the victim. An action may be brought in any court of competent jurisdiction and the standard of proof is preponderance of the evidence. The court has specific authority to consolidate civil actions for the same trafficker or facilitator for the purpose of case resolution and aggregate jurisdiction.

A victim who prevails in any such action is entitled to recover economic and noneconomic damages, penalties, punitive damages, reasonable attorney fees, reasonable investigative expenses, and costs. The bill requires the noneconomic damages be calculated as in a tort action.

The bill specifies that economic damages for services or labor coerced from the victim of human trafficking include:

- Past and future medical and mental health expenses;
- Repatriation expenses, when a victim elects repatriation; and
- All other reasonable costs and expenses incurred by the victim in the past or estimated to be incurred by the victim in the future as a result of the human trafficking.

The bill specifies that if the victim's parent or legal guardian knowingly, or through willful blindness, participated in the human trafficking, he or she is not entitled to damages or distributions from any successful suit under this section. The bill also states that remedies under this section are in addition to and cumulative with other legal and administrative remedies available to victims of human trafficking.

If a victim prevails in an action, the bill imposes a civil penalty against the defendant of \$50,000. This penalty is in addition to, and not in lieu of, any other damage award. The civil penalty cannot be disclosed to the jury. The proceeds from the civil penalty must be deposited into the trust fund.

The bill also imposes a civil penalty against the defendant in favor of the law enforcement agencies for \$50,000, if one or more law enforcement agencies rescued the victim or located the property upon which the abuse or exploitation occurred. The bill specifies that the award of the penalty to the law enforcement agencies is to fund future efforts to combat human trafficking. The court must equitably distribute the civil penalty among the law enforcement agencies.

The bill requires that any punitive damages awarded be equally divided between the victim and the trust fund.

The bill provides a statute of limitations as defined in ss. 95.11(7) and 95.11(9) and as described in Section 4.

The bill also creates an affirmative defense to an owner or operator of a public lodging establishment when an action is brought against them based on a claim of vicarious liability⁶. In actions alleging a violation against the owner or operator of a public lodging establishment based on vicarious liability, the owner or operator may avoid liability by proving, by a preponderance of the evidence, it:

- Required management employees and employees of the establishment reasonably expected to routinely interact with guests to complete an educational program designed to effectively train such employees in the identification, prevention, and reporting of suspected human trafficking within 30 days of hiring or by July 1, 2019, whichever occurs later.
- Had in place an employee protocol or code of conduct to detect and report suspected human trafficking; and
- Ensured that any employees alleged in the action to have been facilitators of, or otherwise participants in, human trafficking, complied with the recommendations and practices suggested or required in the training, protocols, or policies.

⁶ According to Black's Law Dictionary, 11th Edition, "vicarious liability" is "the imposition of liability on one person for the actionable conduct of another, based solely on the relationship between the two persons; indirect or imputed legal responsibility for the acts of another; for example, the liability of an employer for the acts of an employee, or, a principal for the torts or [actions] of an agent."

Section 3 amends s. 772.104, F.S., by adding subsection (4), which states that s. 772.104, the section of the Florida Statutes that currently provides a civil cause of action for human trafficking victims, does not apply to a cause of action that may be brought under the newly created s. 787.061, F.S. The effect of this change is to prevent recovery for the same cause of action under both statutes.

Section 4 amends s. 95.11, F.S., to add civil suits involving human trafficking to a list of other civil actions that have either a 7 or 4 year statute of limitations, depending on the circumstances of the victim. The bill also requires that civil actions brought under the newly created s. 786.061 involving a victim under 16 years of age have no statute of limitations.

Section 5 provides an effective date of October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There will likely be a negative, indeterminate impact on hotels and restaurants who need to develop an educational program and provide training to employees on recognizing and combating human trafficking. The bill could result in additional lawsuits and damages paid by hotels and restaurants.

C. Government Sector Impact:

There may be an indeterminate impact on the state court system from the creation of a new civil cause of action.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The term ‘willful blindness’ as used and defined in the newly created s. 787.061, F.S., is not a traditional legal term and is vague to a degree which may require extensive litigation to resolve.

The two potential \$50,000 civil penalties may give a disproportionate amount of leverage to force a potential defendant with little to no culpability into settlements.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 772.104, 95.11. This bill creates section 787.061 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on February 12, 2018:

- Provides a statute of limitations in actions alleging sexual abuse of 7 years from the date the victim reaches age 18.
- Provides an alternative statute of limitations of 4 years after the victim leaves the dependency of the alleged abuser or 4 years from the time the victim discovers both the injury and the causal relationship between injury and the abuse, whichever occurs later.
- Provides an indefinite statute of limitations in cases alleging sexual abuse of a victim under 16 years old.
- Revises the amount of a mandatory civil penalty levied against a defendant from \$100,000 down to \$50,000.
- Requires that the method for calculating economic damages awarded to a successful plaintiff be equal to all reasonable costs and expenses incurred by the victim in the past or estimated to be incurred by the victim in the future as a result of the trafficking.
- Eliminates the use of the fair market value of services or labor performed by the victim as a method for calculating economic damages.
- Modifies an employee training program, which serves as the basis for an affirmative defense for hotel operators, to require employee training in prevention of human trafficking.
- Eliminates the requirement that hotel operators prove they took reasonable steps to ensure any employees alleged to have been facilitators in trafficking complied with training or protocols to prevent human trafficking.

- Provides a new effective date of October 1, 2018.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



652774

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/12/2018	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Civil Cause of Action for Victims of Human Trafficking Act."

Section 2. Section 787.061, Florida Statutes, is created to read:

787.061 Civil actions by victims of human trafficking.—

(1) FINDINGS.—The Legislature finds that, to achieve the



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11 intent of the Legislature relating to human trafficking
12 expressed in s. 787.06(1)(d), it is necessary to provide a civil
13 cause of action for the recovery of compensatory and punitive
14 damages and costs.

15 (2) DEFINITIONS.—As used in this section, the term:

16 (a) "Facilitator" means a person who knowingly, or in
17 willful blindness, assists or provides goods or services to a
18 trafficker which assist or enable the trafficker to carry out
19 human trafficking. The term does not include a person who
20 facilitates human trafficking as a result of force, threat, or
21 coercion.

22 (b) "Human trafficking" has the same meaning as provided in
23 s. 787.06.

24 (c) "Trafficker" means any person who knowingly engages in
25 human trafficking, attempts to engage in human trafficking, or
26 benefits financially by receiving anything of value from
27 participation in a venture that has subjected a person to human
28 trafficking.

29 (d) "Trust fund" means the Trust Fund for Victims of Human
30 Trafficking and Prevention created in s. 787.0611.

31 (e) "Venture" means any group of two or more individuals
32 associated in fact, whether or not a legal entity.

33 (f) "Victim of human trafficking" means a person subjected
34 to coercion, as defined in s. 787.06, or by any other means, for
35 the purpose of being used in human trafficking; a child under 18
36 years of age subjected to human trafficking; or an individual
37 subjected to human trafficking as defined by federal law.

38 (g) "Willful blindness" exists when a person has knowledge
39 of information that would raise suspicions in a reasonable



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40 person and he or she deliberately refrains from obtaining
41 confirmation of or acting on the information because he or she
42 wants to remain in ignorance, such that knowledge of the facts
43 avoided can reasonably and fairly be imputed to the person who
44 avoided confirming it.

45 (3) CIVIL CAUSE OF ACTION.—

46 (a) A victim of human trafficking has a civil cause of
47 action against the trafficker or facilitator who victimized her
48 or him and may recover damages as provided in this section.

49 (b) The action may be brought in any court of competent
50 jurisdiction, and the standard of proof is a preponderance of
51 the evidence.

52 (c) A victim who prevails in any such action is entitled to
53 recover economic and noneconomic damages, penalties, punitive
54 damages, reasonable attorney fees, reasonable investigative
55 expenses, and costs.

56 1. Economic damages include, but are not limited to, past
57 and future medical and mental health expenses; repatriation
58 expenses, when a victim elects repatriation; and all other
59 reasonable costs and expenses incurred by the victim in the past
60 or estimated to be incurred by the victim in the future as a
61 result of the human trafficking.

62 2. Noneconomic damages are nonfinancial losses that would
63 not have occurred but for the victimization, and include pain
64 and suffering, inconvenience, physical impairment, mental
65 anguish, disfigurement, loss of capacity for enjoyment of life,
66 and other nonfinancial losses.

67 (d) The remedies provided in this section are in addition
68 to and cumulative with other legal and administrative remedies



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69 available to victims of human trafficking, except that a victim
70 may not recover under both this section and s. 772.104(2). If a
71 parent or legal guardian knowingly or through willful blindness
72 trafficked the victim, facilitated such trafficking, or
73 otherwise participated in the human trafficking of the victim,
74 such parent or legal guardian is not entitled to damages or
75 distributions under this section.

76 (e) If a victim prevails in an action under this section,
77 in addition to any other award imposed, the court shall assess a
78 civil penalty against the defendant in the amount of \$50,000.
79 This penalty is in addition to and not in lieu of any other
80 damage award. The civil penalty must be assessed by the court
81 and may not be disclosed to the jury. Proceeds from this civil
82 penalty shall be deposited into the trust fund.

83 (f) If one or more law enforcement agencies rescued the
84 victim or located the property where the abuse or exploitation
85 of a victim or victims occurred, the court must impose a civil
86 penalty against the defendant in the amount of \$50,000 and award
87 the penalty to the law enforcement agencies to fund future
88 efforts to combat human trafficking. The court must equitably
89 distribute this civil penalty among the law enforcement
90 agencies.

91 (g) The court shall have specific authority to consolidate
92 civil actions for the same trafficker or facilitator for the
93 purpose of case resolution and aggregate jurisdiction.

94 (h) Notwithstanding any other law to the contrary, the
95 amount of punitive damages awarded under this section shall be
96 equally divided between the victim and the trust fund.

97 (4) STATUTE OF LIMITATIONS.—The statute of limitations as



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98 specified in ss. 95.11(7) and 95.11(9) is applicable to actions
99 brought under this section.

100 (5) AFFIRMATIVE DEFENSE.—In any action brought under this
101 section against the owner or operator of a public lodging
102 establishment based on a claim of vicarious liability, it is an
103 affirmative defense to damages recoverable under such claim if
104 the owner or operator proves by the preponderance of evidence
105 that:

106 (a) It required management employees and employees of the
107 establishment reasonably expected to routinely interact with
108 guests to complete an educational program designed to
109 effectively train such employees in the identification,
110 prevention, and reporting of suspected human trafficking within
111 30 days after hiring or by January 1, 2019, whichever occurs
112 later;

113 (b) It had in place an effective employee protocol or
114 employee code of conduct to prevent, detect, and report
115 suspected human trafficking; and

116 (c) Any employee alleged in the action to have been
117 facilitators of, or otherwise participants in, human
118 trafficking, complied with the recommendations and practices
119 suggested or required in the training, protocols, or policies
120 required in this subsection.

121 Section 3. Subsection (4) is added to section 772.104,
122 Florida Statutes, to read:

123 772.104 Civil cause of action.—

124 (4) This section does not apply to a cause of action that
125 may be brought under s. 787.061.

126 Section 4. Subsections (7) and (9) of section 95.11,



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127 Florida Statutes, are amended to read:

128 95.11 Limitations other than for the recovery of real
129 property.—Actions other than for recovery of real property shall
130 be commenced as follows:

131 (7) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action founded
132 on alleged abuse, as defined in s. 39.01, s. 415.102, or s.
133 984.03, ~~or~~ incest, as defined in s. 826.04, or human
134 trafficking, as defined in s. 787.06, may be commenced at any
135 time within 7 years after the age of majority, or within 4 years
136 after the injured person leaves the dependency of the abuser, or
137 within 4 years from the time of discovery by the injured party
138 of both the injury and the causal relationship between the
139 injury and the abuse, whichever occurs later.

140 (9) SEXUAL BATTERY OFFENSES ON VICTIMS UNDER AGE 16.—An
141 action related to an act constituting a violation of s. 794.011
142 or brought pursuant to s. 787.061 involving a victim who was
143 under the age of 16 at the time of the act may be commenced at
144 any time. This subsection applies to any such action other than
145 one which would have been time barred on or before July 1, 2010.

146 Section 5. This act shall take effect October 1, 2018.

147
148 ===== T I T L E A M E N D M E N T =====

149 And the title is amended as follows:

150 Delete everything before the enacting clause
151 and insert:

152 A bill to be entitled
153 An act relating to victims of human trafficking;
154 providing a short title; creating s. 787.061, F.S.;

155 providing legislative findings; defining terms;



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156 providing a civil cause of action for victims of human
157 trafficking against a trafficker or facilitator;
158 providing procedures and requirements for bringing a
159 claim; providing for damages, penalties, punitive
160 damages, attorney fees, expenses, and costs; requiring
161 a court to impose civil penalties in certain
162 circumstances; providing for the deposit or
163 distribution of civil penalties; requiring the equal
164 distribution of punitive damages between victims and
165 the trust fund; providing that such actions are
166 subject to specified statute of limitations; providing
167 an affirmative defense for owners or operators of
168 public lodging establishments under certain
169 circumstances; amending s. 772.104, F.S.; specifying
170 that certain provisions concerning civil actions for
171 criminal practices do not apply to actions that may be
172 brought under s. 787.061, F.S.; amending s. 95.11,
173 F.S.; conforming provisions to changes made by the
174 act; providing an effective date.

By Senator Book

32-01237-18

20181044__

A bill to be entitled

An act relating to victims of human trafficking; providing a short title; creating s. 787.061, F.S.; providing legislative findings; providing definitions; providing a civil cause of action for victims of human trafficking against a trafficker or facilitator; providing procedures and requirements for bringing a claim; providing for damages, punitive damages, and costs; requiring a court to impose civil penalties in certain circumstances; providing for distribution of civil penalties; providing for the distribution of punitive damages; providing that such actions are not subject to a statute of limitations; providing an affirmative defense for public lodging establishments under certain circumstances; amending s. 772.104, F.S.; specifying that certain provisions concerning civil actions for criminal practices do not apply to actions that may be brought under s. 787.061, F.S.; providing an effective date.

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

Section 1. This act may be cited as the "Civil Action for Victims of Human Trafficking and Prevention of Human Trafficking Act."

Section 2. Section 787.061, Florida Statutes, is created to read:

787.061 Civil actions by victims of human trafficking.-

(1) FINDINGS.-The Legislature finds that, to achieve the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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goals of the state relating to human trafficking in s. 787.06(1)(d), it is necessary to provide a civil cause of action for the recovery of compensatory and punitive damages and costs.

(2) DEFINITIONS.-As used in this section, the term:

(a) "Facilitator" means a person who knowingly, or in willful blindness, assists or provides goods or services to a trafficker which assist or enable the trafficker to carry out human trafficking. The term does not include a person who facilitates human trafficking as a result of force, threat, or coercion.

(b) "Human trafficking" has the same meaning as provided in s. 787.06.

(c) "Trafficker" means any person who knowingly engages in human trafficking, attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking.

(d) "Trust fund" means the Trust Fund for Victims of Human Trafficking and Prevention created in s. 787.0611.

(e) "Venture" means any group of two or more individuals associated in fact, whether or not a legal entity.

(f) "Victim of human trafficking" means a person subjected to coercion, as defined in s. 787.06, for the purpose of being used in human trafficking, a child under 18 years of age subjected to human trafficking, or an individual subjected to human trafficking as defined by federal law.

(g) "Willful blindness" exists when a person has knowledge of information that would raise suspicions in a reasonable person and he or she deliberately refrains from obtaining

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 confirmation of or acting on the information because he or she
 60 wants to remain in ignorance, such that knowledge of the facts
 61 avoided can reasonably and fairly be imputed to the person who
 62 avoided confirming it.

63 (3) CIVIL CAUSE OF ACTION.—

64 (a) A victim of human trafficking has a civil cause of
 65 action against the trafficker or facilitator who victimized her
 66 or him and may recover damages as provided in this section.

67 (b) The action may be brought in any court of competent
 68 jurisdiction, and the standard of proof is a preponderance of
 69 the evidence.

70 (c) A victim who prevails in any such action is entitled to
 71 recover economic and noneconomic damages, penalties, punitive
 72 damages, reasonable attorney fees, reasonable investigative
 73 expenses, and costs.

74 1. The measure of economic damages for services or labor
 75 coerced from the victim of human trafficking is the greater of
 76 the fair market value of the labor or services provided or the
 77 amount realized by the trafficker. For purposes of this
 78 subparagraph, the terms "services" and "labor" have the same
 79 meanings as provided in s. 787.06.

80 2. The measure of economic damages for every day that the
 81 human trafficking was ongoing shall be calculated as a daily
 82 amount of the compensation payable to a person under s.
 83 961.06(1)(a).

84 3. Economic damages also include past and future medical
 85 and mental health expenses; repatriation expenses, when a victim
 86 elects repatriation; and all other reasonable costs and expenses
 87 incurred by the victim in the past or estimated to be incurred

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88 by the victim in the future as a result of the human
 89 trafficking.

90 4. Noneconomic damages are nonfinancial losses that would
 91 not have occurred but for the victimization, and include pain
 92 and suffering, inconvenience, physical impairment, mental
 93 anguish, disfigurement, loss of capacity for enjoyment of life,
 94 and other nonfinancial losses.

95 (d) The remedies provided in this section are in addition
 96 to and cumulative with other legal and administrative remedies
 97 available to victims of human trafficking, except that a victim
 98 may not recover under both this section and s. 772.104(2). If a
 99 parent or legal guardian knowingly or through willful blindness
 100 trafficked the victim, facilitated such trafficking, or
 101 otherwise participated in the human trafficking of the victim,
 102 such parent or legal guardian is not entitled to damages or
 103 distributions under this section.

104 (e) If a victim prevails in an action under this section,
 105 in addition to any other award imposed, the court shall assess a
 106 civil penalty against the defendant in the amount of \$100,000.
 107 This penalty is in addition to and not in lieu of any other
 108 damage award. The civil penalty must be assessed by the court
 109 and may not be disclosed to the jury. Proceeds from this civil
 110 penalty shall be deposited into the trust fund.

111 (f) If one or more law enforcement agencies rescued the
 112 victim or located the property where the abuse or exploitation
 113 of a victim or victims occurred, the court must impose a civil
 114 penalty against the defendant in the amount of \$50,000 and award
 115 the penalty to the law enforcement agencies to fund future
 116 efforts to combat human trafficking. The court must equitably

32-01237-18

20181044__

117 distribute this civil penalty among the law enforcement
 118 agencies.

119 (g) The court shall have specific authority to consolidate
 120 civil actions for the same trafficker or facilitator for the
 121 purpose of case resolution and aggregate jurisdiction.

122 (h) Notwithstanding any other law to the contrary, the
 123 amount of punitive damages awarded under this section shall be
 124 equally divided between the victim and the trust fund.

125 (4) STATUTE OF LIMITATIONS.—There is no statute of
 126 limitations for actions brought under this section.

127 (5) AFFIRMATIVE DEFENSE.—In any action brought under this
 128 section against the owner or operator of a public lodging
 129 establishment based on a claim of vicarious liability, it is an
 130 affirmative defense against such claim if the owner or operator
 131 proves by a preponderance of evidence that it:

132 (a) Required employees of the establishment reasonably
 133 expected to routinely interact with guests to complete an
 134 educational program designed to effectively train such employees
 135 in the identification and reporting of suspected human
 136 trafficking within 30 days of hiring or by July 1, 2019,
 137 whichever occurs later;

138 (b) Had in place an employee protocol or employee code of
 139 conduct to detect and report suspected human trafficking; and

140 (c) Took reasonable steps, before the first incident giving
 141 rise to such action, to ensure that any employees alleged in the
 142 action to have been facilitators of, or otherwise participants
 143 in, human trafficking, complied with the recommendations and
 144 practices suggested or required in the training, protocols, or
 145 policies required in this subsection.

Page 5 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-01237-18

20181044__

146 Section 3. Subsection (4) is added to section 772.104,
 147 Florida Statutes, to read:

148 772.104 Civil cause of action.—

149 (4) This section does not apply to a cause of action that
 150 may be brought under s. 787.061.

151 Section 4. This act shall take effect July 1, 2018.

Page 6 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

1044
Bill Number (if applicable)

Topic SS 1044

Amendment Barcode (if applicable) _____

Name Lisey Fosold

Job Title Survivor

Address 3239 Breton Woods Ter

Phone 401-913-8577

Street

Deltona
City

FL
State

32725
Zip

Email freedomproject1@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self & other survivors & victims

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-12-18

Meeting Date

1044

Bill Number (if applicable)

Sen. Boik Amendment

Amendment Barcode (if applicable)

Topic Victims of Human Trafficking

Name Christina Spudeas

Job Title Executive Director

Address 1401 N. University Drive, Suite 408

Street

Coral Springs

City

FL

State

33071

Zip

Phone 954-796-0860

Email Christina.Spudeas@floridaschildrenfirst.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida's Children First

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak at a meeting. Those who do speak may be asked to limit their remarks so that as many as possible may be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-12-18 Meeting Date

Topic Human Trafficking

Name Barbara DeBane

Job Title Ms

Address 625 E Bernard St

Jalohomes City

FL State 32308 Zip

Phone 2574280

Email barbara.d@valon.com

Speaking: [] For [X] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing FCNOW

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

1044 Bill Number (if applicable)

Unknown Amendment Barcode (if applicable)

663566

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak at a meeting. Those who do speak may be asked to limit their remarks so that as many as possible may be heard.

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APPEARANCE RECORD

02-12-2018

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

SB 1044

Bill Number (if applicable)

663566

Amendment Barcode (if applicable)

Topic Civil Action for Victims of Human Trafficking

Name Professor Terry Coonan, JD

Job Title Executive Director, FSU Human Rights Center

Address 426 W. Jefferson Street
Tallahassee FL 32301

Phone (850) 644-4550

Email tcoonan@fsu.edu

Speaking: For Against Information
Original bill *Amendment*

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FSU H

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-12-18
Meeting Date

1094
Bill Number (if applicable)
652724
Amendment Barcode (if applicable)

Topic TRUST FUND VICTIMS HUMAN TRAFFICKING

Name BILL BUNKLEY

Job Title PRESIDENT

Address PO BOX 341644
Street

Phone 813.264.2977

TAMPA FL 33694
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA ETHICS AND RELIGIOUS LIBERTY COMMISSION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/18

Meeting Date

1044

H.B. 167

Bill Number (if applicable)

amendment

Amendment Barcode (if applicable)

Topic Human Trafficking - Amendment

Name Joan

Job Title Retired Language Arts HS Teacher

Address 4068 Mc Laughlin Dr

Phone (850) 228-4834

Tallahassee FL 32309

City

State

Zip

Email joaniefowinkle@eastline.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The People

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/18

Meeting Date

1044

Bill Number (if applicable)

652774

Amendment Barcode (if applicable)

Topic

Anti Human Trafficking

Name

Dale Swope

Job Title

Address

1234 5th Ave

Street

Phone

813-477-4000

City

Ybor City, Florida

State

Zip

Email

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

Representing

Florida Justice Assn.

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/12/18
Meeting Date

1044
Bill Number (if applicable)
052774
Amendment Barcode (if applicable)

Topic Human Trafficking

Name Lynn

Job Title _____

Address _____
Street

Phone _____

_____ City _____ State _____ Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-13-18 Meeting Date

1044 Bill Number (if applicable)

652774 Amendment Barcode (if applicable)

Topic Human Trafficking

Name Connie Rose

Job Title Survivor Advocate/Pres. & Founder

Address 2906 N. Elmora Ave Street

Phone 727 515 3619

Tampa FL 33609 City State Zip

Email connie@connie RoseConsulting.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing Connie Rose Consulting & Victims 2 Survivors

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-12-18

Meeting Date

1044

Bill Number (if applicable)

Sen. Book Amen

Amendment Barcode (if applicable)

Topic Victims of Human Trafficking

Name Christina Spudeas

Job Title Executive Director

Address 1401 N. University Drive, Suite 408

Street

Phone 954-796-0860

Coral Springs

FL

33071

City

State

Zip

Email Christina.Spudeas@floridaschildrenfirst.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida's Children First

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

2-12-18

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1044

Meeting Date

Bill Number (if applicable)

652774

Topic

HUMAN TRAFFICKING

Amendment Barcode (if applicable)

Name

NATASHA NACCIMENTO

Job Title

EXECUTIVE DIRECTOR / REDEFINING REFUGEE

Address

18948 N. DALE MARY HWY #101

Phone

813.778.4912

Street

LUTZ, FL 33548

City

State

Zip

Email

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

Representing

REDEFINING REFUGEE

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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2-13-18
Meeting Date

1044
Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Connie Rose

Job Title Survivor Advocate / Prey Founder

Address 2906 N. Elmore Ave
Street

Phone 727-515-3619

Tampa FL 33602
City State Zip

Email Connie@connie
Rose Consulting
com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Connie Rose Consulting Victim & Survivor

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/18
Meeting/Date

1044
Bill Number (if applicable)

Topic SB 1044

Amendment Barcode (if applicable)

Name Jan Edward

Job Title CEO Paving the Way

Address 226 537 Loyola Circle

Phone 386 527 2452

Orlando FL 32828

City State Zip

Email jan@pawingtheway.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Paving the Way

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/18

Meeting Date

2044

Bill Number (if applicable)

Topic SB 1044

Amendment Barcode (if applicable)

Name Savannah Parvu

Job Title Survivor Advocate / Leader

Address PO BOX 1053

Phone (352) 702-8496

Umatilla FL 32784

City

State

Zip

Email Savannah@savannahparvu.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing self & other survivors

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/18
Meeting Date

SB 1044
Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Robin Hassler Thompson

Job Title _____

Address 3703 Bobbin Brookway
Street

Phone 850-907-0693

Tallahassee FL 32312
City State Zip

Email robinhthompson@comcast.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing anti-human trafficking advocate

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

2-12-18

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1044

Meeting Date

Bill Number (if applicable)

Topic HUMAN TRAFFICKING

Amendment Barcode (if applicable)

Name RICHARD SLAWSON

Job Title BOARD OF DIRECTORS OF FCF

Address 737 COTE AZUR DR

Phone 561-775-4875

Street

PALM BEACH GARDENS, FL 33410

Email

City

State

Zip

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing FLORIDA'S CHILDREN FIRST

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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APPEARANCE RECORD

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2-12-18

Meeting Date

1044

Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Barbara DeVane

Job Title Ms

Address 625 E. Brevard St

Phone 850-251-4380

Tallahassee

Email barbaradevane1@yahoo.com

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/12/18

Meeting Date

1044

Bill Number (if applicable)

Topic Anti Human Trafficking

Amendment Barcode (if applicable)

Name Dale Swope

Job Title

Address 1234 5th Ave.

Phone 813 477 4000

Street

Ybor City Fl.

33605 Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Justice Assn.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-12-18

Meeting Date

1044

Bill Number (if applicable)

Topic VICTIMS OF HUMAN TRAFFICKING

Amendment Barcode (if applicable)

Name BILL BUNKLEY

Job Title PRESIDENT

Address PO Box 341644

Phone 813-264-2977

Street

TAMPA

FL

33694

City

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA ETHICS AND RELIGIOUS LIBERTY COMMISSION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/18

Meeting Date

1044

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Amber Kelly

Job Title _____

Address 4853 S. Orange Avenue, Suite C

Phone (407) 418-0250

Street

Orlando

City

FL

State

32806

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Family Action

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-12-2018

Meeting Date

1044

Bill Number (if applicable)

Topic Victims of Human Trafficking

Amendment Barcode (if applicable)

Name Erin Choy

Job Title Immediate Past Chair

Address 404 E. Sixth Avenue

Phone 5616354168

Street

Tallahassee

FL

32303

Email erin.choy@gmail.com

City

State

Zip

Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against (The Chair will read this information into the record.)

Representing Junior Leagues of Florida

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/18
Meeting Date

1044
Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Nathalie Phelps

Job Title Tennis Professional

Address 7841 Mackean rd.
Street

Phone 850-264-2595

Tallahassee FL 32312
City State Zip

Email nphelps@liberty.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Federation of Republican Women

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-12-18

Meeting Date

SB 1044

Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Sandra L. Lipner

Job Title _____

Address 6713 Tamy Lee Trail

Phone 850-907-0984

Street

Tallahassee FL 32309

Email slip500@aol.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Tallahassee Capt. Natl. Council Jewish Women

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.12.18

1044

Meeting Date

Bill Number (if applicable)

Topic Victims of Human Trafficking

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street

Phone 510-9922

Street

Tallahassee

FL

32301

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/18

Meeting Date

SB1044

Bill Number (if applicable)

Topic VICTIMS of human trafficking

Amendment Barcode (if applicable)

Name Leor Tal (pronounced ~~Lee-or~~ Lee-or Tall)

Job Title _____

Address 2636 MISSION ROAD APT 57
Street

Phone 352-348-1076

Tallahassee
City

FL
State

32304
Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Tallahassee NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/12/18
Meeting Date

SB 1044
Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Lisa Haba

Job Title Attorney - The Haba Law Firm

Address 1220 Commerce Park Dr, Ste 207

Phone 407-494-8269

Longwood FL 32779
City State Zip

Email lisahaba@habalaw.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Greater Orl. Human Trafficking Task Force + Haba Law Firm

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/18
Meeting Date

1044
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

Address 9166 Sunrise Dr.

Phone _____

Street

Largo

City

Fl.

State

33773

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Saving Families 7@Gmail.com

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

10/4/14
Bill Number (if applicable)

Topic Human trafficking

Amendment Barcode (if applicable) _____

Name Tina Kadolph

Job Title SURVIVOR

Address 375 Ruth Jennings DR

Phone 386-848-3646

Debary
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing self & other survivors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-12-18

1074

Meeting Date

Bill Number (if applicable)

Topic

HUMAN TRAFFICKING

Amendment Barcode (if applicable)

Name

NATASHA MASCIMENTO

Job Title

EXECUTIVE DIRECTOR / REDEFINING REFUGEE

Address

18948 N. LALE MAORY HWY #101

Phone

813-778-4910

Street

LUTZ, FL

State

33548

Zip

Email

Speaking:

For Against Information

Waive Speaking:

In Support Against
(The Chair will read this information into the record.)

Representing

REDEFINING REFUGEE

Appearing at request of Chair:

Yes No

Lobbyist registered with Legislature:

Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/18
Meeting Date

SB 1044
Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Executive Director

Address 579 E. Call St.
Street

Phone 850-321-9386

Tallahassee FL 32301
City State Zip

Email fcfep@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Center for Fiscal & Economic Policy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 1046

INTRODUCER: Senator Book

SUBJECT: Trust Fund for Victims of Human Trafficking and Prevention/Department of Law Enforcement

DATE: February 13, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Hendon	CF	Fav/CS
2.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1046 creates the Trust Fund for Victims of Human Trafficking and Prevention within the Florida Department of Law Enforcement (FDLE). The trust fund consists 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 Florida Constitution requires a bill creating a new trust fund to pass by a three-fifths vote of the membership of each chamber of the Legislature. State trust funds must terminate not more than four years after the initial creation of the fund unless the Legislature sets a shorter time.

The bill provides that it shall take effect on the same date that SB 1044 or similar legislation takes effect, if such legislation is adopted in the same session and becomes law. The effective date of CS/SB 1044 is October 1, 2018.

II. Present Situation:

Human Trafficking

Human trafficking is a form of modern-day slavery. Victims of human trafficking are young children, men, and women, who are often subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor. There is an estimated 20.9 million adults and children in the world who are in some sort of forced labor or sexual exploitation. Of that number, an

estimated 26 percent of them are children, and in 2010, it was estimated that as many as 300,000 children in the United States were at risk for exploitation each year.¹

Section 787.06, F.S., is Florida's human trafficking statute and defines "human trafficking" as the "transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining of another person for the purpose of exploitation of that person." The statute contains a variety of provisions prohibiting persons from knowingly engaging in human trafficking by using labor or services or through commercial sexual activity.²

SB 1044 Human Trafficking

SB 1044, which is linked to SB 1046, creates a civil cause of action for victims of human trafficking to bring against the trafficker³ or facilitator⁴ of human trafficking. The bill allows a victim to bring a civil action against the trafficker or facilitator of human trafficking who victimized the victim.

A victim who prevails in any such action is entitled to recover economic and noneconomic damages, penalties, punitive damages, reasonable attorney fees, reasonable investigative expenses, and costs.

If a victim prevails in an action, the court must award a civil penalty against the defendant of \$100,000. This penalty is in addition to, and not in lieu of, any other damage award. The civil penalty cannot be disclosed to the jury. The proceeds from the civil penalty must be deposited into the trust fund.

If a victim recovers punitive damage in an action, the court must equally distribute the punitive damages award between the victim and the trust fund.

III. Effect of Proposed Changes:

Section 1 of the bill creates the Trust Fund for Victims of Human Trafficking and Prevention within FDLE. The bill requires that the trust fund must consist of funds obtained under s. 787.061, F.S., from civil actions brought on behalf of victims, from penalties imposed by the courts, and funds received from any other source, including legislative appropriations. The bill also requires that FDLE administer the trust fund.

The purposes of the trust fund include, but are not limited to:

- Educating the public about the recruitment, trafficking, and exploitation of persons in connection with human trafficking;

¹ U.S. Department of Justice, Office of Justice Programs, *OJP Fact Sheet, Fast Facts*, (December 2011) available at http://ojp.gov/newsroom/factsheets/ojpbs_humantrafficking.html (last visited February 8, 2018). Polaris, *Human Trafficking: The Facts*, 2016, available at <https://polarisproject.org/facts> (last visited February 8, 2018).

² See ss. 787.06(3) and (4), F.S.

³ SB 1044 defines a "trafficker" as any person who knowingly engages in human trafficking, attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking.

⁴ SB 1044 defines a "facilitator" as a person who knowingly, or in willful blindness, assists or provides goods or services to a trafficker, which assist or enable the trafficker to carry out human trafficking.

- Assisting in the prevention of the recruitment of minors in Florida schools for exploitation;
- Establishing a survivors' resource center to make available to survivors of human trafficking legal services, social services, safe harbors, safe houses, and language services;
- Advertising the National Human Trafficking Resource Center hotline number and the BeFree Textline in diverse venues;
- Assisting in the coordination between law enforcement and service providers;
- Assisting in vacating any convictions of minors who were victims of human trafficking, whose offenses were the result of force, duress, or coercion, and
- Providing medical and mental health examinations and treatment, living expenses, lost wages, and repatriation services to human trafficking victims.

The bill provides FDLE with the ability to contract entities having appropriate expertise and experience to manage and provide services outlined in the trust fund.

In accordance with section 19(f)(2), Art. III, of the Florida Constitution, the trust fund must, unless terminated sooner, be terminated on July 1, 2022. Before its scheduled termination, the trust fund must be reviewed as provided in s. 215.3206(1) and (2), F.S.

Section 2 provides that the bill shall take effect on the same date that SB 1044 or similar legislation takes effect, if such legislation is adopted in the same session and becomes law. The effective date of CS/SB 1044 is October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires FDLE to administer the trust fund and utilize the funds available for a variety of purposes. FDLE anticipates that implementing the bill will require up to 9 FTE and \$778,352. Of that total, they expect to have recurring expenditures of \$744,557.⁵ The bill also provides FDLE with the ability to contract with external providers for victim services, which may offset some of the department's anticipated costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

FDLE's agency bill analysis states that post-conviction compensation to victims falls outside of the department's current defined mission and normal scope of operations. FDLE suggests that the Department of Legal Affairs may be a more appropriate entity to administer the trust fund.⁶

VIII. Statutes Affected:

This bill creates section 787.0611 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on February 12, 2018:

- Eliminates the requirement that funds must only be used for medical and mental health examinations and treatment, living expenses, lost wages, and repatriation services for human trafficking victims.
- Requires that funds be used either directly to aid victims and/or for activities and programs related to victim assistance, education, repatriation, and other related purposes.
- Provides FDLE with the ability to contract entities having appropriate expertise and experience to manage and provide services outlined in the trust fund.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁵ FDLE, 2018 Legislative Bill Analysis, January 14, 2018. (On file with Children, Families, and Elder Affairs Committee staff).

⁶ *Supra* at note 5.



885260

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/12/2018	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Book) recommended the following:

Senate Amendment

Delete lines 23 - 44

and insert:

(3) The department shall administer the trust fund.

(4) The purposes of the fund include, but are not limited

to:

(a) Educating the public about the recruitment, trafficking, and exploitation of persons through human trafficking.



885260

11 (b) Assisting in the prevention of recruitment of minors
12 for exploitation in schools in this state.

13 (c) Establishing a survivors' resource center to make
14 legal services, social services, safe harbors, safe houses, and
15 language services available to survivors of human trafficking.

16 (d) Advertising the National Human Trafficking Resource
17 Center hotline telephone number and the BeFree Textline in
18 diverse venues.

19 (e) Assisting in the coordination between law enforcement
20 agencies and service providers.

21 (f) Assisting in vacating the convictions of victims of
22 human trafficking, whose offenses were the result of the force,
23 duress, or coercion of a human trafficker.

24 (g) Funding medical and mental health examinations and
25 treatment, living expenses, lost wages, and repatriation of
26 human trafficking victims.

27 (4) In accordance with s. 19(f)(2), Art. III of the State
28 Constitution, the trust fund shall, unless terminated sooner, be
29 terminated on July 1, 2022. Before its scheduled termination,
30 the trust fund shall be reviewed as provided in s. 215.3206(1)
31 and (2).

32



318234

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/12/2018	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Book) recommended the following:

Senate Amendment

Delete lines 45 - 51
and insert:

(c) Subject to the availability of funds and subject to legislative appropriation, the department may contract with entities having appropriate expertise and experience to manage and provide services outlined in this subsection.

(4) In accordance with s. 19(f)(2), Art. III of the State Constitution, the trust fund shall, unless terminated sooner, be



318234

11 terminated on July 1, 2022. Before its scheduled termination,
12 the trust fund shall be reviewed as provided in s. 215.3206(1)
13 and (2).

14 Section 2. This act shall take effect on the same date that
15 SB 1044 or similar legislation takes effect, if such legislation

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.12.18 Meeting Date

1046 Bill Number (if applicable)

Topic Trust Fund for Victims of Human Trafficking

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street

Phone 510-9922

Street

Tallahassee

FL

32301

City

State

Zip

Email Barney@BarneyBishop.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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2/12/18
Meeting Date

1046
Bill Number (if applicable)

Topic _____ Amendment Barcode (if applicable) _____

Name Amber Kelly

Job Title _____

Address 4853 S Orange Avenue, Ste. C Phone (407) 418-0250
Street
Orlando FL 32806
City State Zip
Email _____

Speaking: For Against Information Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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2-12-18

Meeting Date

1046

Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Barbara DeVane

Job Title MS

Address 625 E. Bernard St

Phone 850-251-4280

Street

Tallahassee

FL

State

32308

Zip

Email barbadevane@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-12-2018

1046

Meeting Date

Bill Number (if applicable)

Topic Trust Fund for Victims of Human Trafficking and Prevention/Department of Law Enforcement

Amendment Barcode (if applicable)

Name Erin Choy

Job Title Immediate Past Chair

Address 404 E. Sixth Avenue

Phone 5616354168

Street

Tallahassee

FL

32303

Email erin.choy@gmail.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Junior Leagues of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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APPEARANCE RECORD

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2/12/18

Meeting Date

SB 1046

Bill Number (if applicable)

Topic Trust fund-human trafficking

Amendment Barcode (if applicable)

Name Leor Tall (pronounced Lee-OR Tall)

Job Title _____

Address 2636 Mission road Apt 57 D

Phone 352-348-1076

Street

Tallahassee

FL

32304

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Tallahassee NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 1280

INTRODUCER: Senator Steube

SUBJECT: Involuntary Commitment

DATE: February 13, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Hendon	CF	Fav/CS
2.			AHS	
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1280 provides that the Agency for Persons with Disabilities (APD), rather than the courts, will make initial determinations as to the eligibility of individuals to receive services from the agency. The bill also revises the composition and qualifications of examining committee experts in involuntary admission/commitment cases. The bill implements new timeframes for courts in such cases, requires added consideration of, and notice to the individual’s guardian or guardian advocate. The bill integrates the processes of involuntary admission under ch. 393, F.S., and involuntary commitment under ch. 916, F.S.

The bill will likely have an indeterminate fiscal impact on both APD and the state court system.

The bill is part of APD’s legislative package, and provides an effective date of July 1, 2018.

II. Present Situation:

Agency for Person with Disabilities

APD is responsible for providing services to persons with developmental disabilities. A developmental disability is defined as a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before

the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.¹

Individuals who meet Medicaid eligibility requirements may choose to receive services in the community through the state's Medicaid Home and Community-Based Services (HCBS) waiver for individuals with developmental disabilities administered by APD or in an Intermediate Care Facility for the Developmentally Disabled (ICF/DD).²

The HCBS waiver offers 27 supports and services to assist individuals to live in their community. Such services are not covered under the regular Medicaid program. Examples of services provided include residential habilitation, behavioral services, companion, adult day training, employment services, and physical therapy.³ Services provided through the HCBS waiver enable children and adults to live in the community in their own home, a family home, or in a licensed residential setting, thereby avoiding institutionalization.⁴

While the majority of individuals served by APD live in the community, a small number live in Intermediate Care Facilities for the Developmentally Disabled (ICF/DD). ICF/DD's are defined in s. 393.063(22), F.S., as a residential facility licensed and certified by the Agency for Health Care Administration pursuant to part VIII of ch. 400. ICF/DD's are considered institutional placements and provide intermediate nursing care.

Guardianship

Guardianship is a concept whereby a "guardian" acts for another, called a "ward," whom the law regards as incapable of managing his or her own affairs due to age or incapacity. Guardianships are generally disfavored due to the loss of individual civil rights, and a guardian may be appointed only if the court finds there is no sufficient alternative to guardianship.

There are two main forms of guardianship: guardianship over the person or guardianship over the property, which may be limited or plenary.⁵ For adults, a guardianship may be established when a person has demonstrated that he or she is unable to manage his or her own affairs. If the adult is competent, this can be accomplished voluntarily. However, in situations where an individual's mental competence is in question, an involuntary guardianship may be established through the adjudication of incompetence which is based on the determination of a court appointed examination committee.⁶

Florida courts have long recognized the relationship between a guardian and his or her ward as a classic fiduciary relationship.⁷ A fiduciary relationship exists between two persons when one of them is under a duty to act for or to give advice for the benefit of another upon matters within the

¹ s. 393.063(9), F.S.

² Agency for Persons with Disabilities, Quarterly Report on Agency Services to Floridians with Developmental Disabilities and Their Costs: Third Quarter Fiscal Year 2016-17, May 2017.

³ *Id.*

⁴ *Id.*

⁵ Section 744.102(9)(a) and (b), F.S.

⁶ Sections 744.102(12), 744.3201, 744.341, F.S.

⁷ *Lawrence v. Norris*, 563 So. 2d 195, 197 (Fla. 1st DCA 1990). Section 744.361(1), F.S.

scope of that relationship.⁸ The most basic duty of a fiduciary is the duty of loyalty: a fiduciary must refrain from self-dealing, must not take unfair advantage of the ward, must act in the best interest of the ward, and must disclose material facts.⁹ In addition to the duty of loyalty, a fiduciary also owes a duty of care to carry out its responsibilities in an informed and considered manner.

Involuntary Commitment and Admission

There are two processes by which individuals may be involuntarily committed to receive APD services: civil involuntary admission and an involuntary commitment through the criminal justice system. APD must provide services to clients admitted through either of these methods.

Involuntary Admission to Residential Services

When the court receives a petition for involuntary admission, courts have jurisdiction to conduct a hearing and enter an order that a person with a developmental disability requiring involuntary admission to residential services receive care, treatment, habilitation, and rehabilitation services provided by the agency.¹⁰ Upon filing of a petition, the agency and an examining committee must examine the person and provide a written report for the court. The examining committee must be comprised of at least three disinterested experts in the diagnosis, evaluation, and treatment of persons who have intellectual disabilities.¹¹ The report must explicitly document the extent to which the individual meets the criteria for involuntary admission.¹²

The individual must be represented by counsel at all stages of the judicial proceeding and, if the person is indigent and cannot afford counsel, a public defender must be appointed at least 20 days before the scheduled hearing.¹³ The person must be physically present throughout the entire proceeding; however, if the person's attorney believes that the person's presence at the hearing is not in their best interest, their presence may be waived by the court once the court has seen the individual and the hearing has commenced.¹⁴

The court that enters the initial order for involuntary admission to residential services has continuing jurisdiction and must ensure the person is receiving adequate care, treatment, habilitation, and rehabilitation services.¹⁵ The committing court may order a conditional release of the person based on an approved plan for providing community-based training. If at any time it is determined by the court that the person on conditional release no longer requires supervision or services, the court shall terminate its jurisdiction and discharge the person.¹⁶

⁸ *Doe v. Evans*, 814 So. 2d 370, 374 (Fla. 2002).

⁹ *Capital Bank v. MVP, Inc.* 644 So. 2d 515, 520 (Fla. 3d DCA 1994).

¹⁰ s. 393.11(1), F.S.

¹¹ *Id.*

¹² s. 393.11(4),(5), F.S.

¹³ s. 393.11(6), F.S.

¹⁴ s. 393.11(7), F.S.

¹⁵ s. 393.11(11), F.S.

¹⁶ *Id.*

At any time and without notice, a person involuntarily admitted into residential services, or the person's parent or guardian, is entitled to file a petition for a writ of habeas corpus to question the cause, legality, and appropriateness of the involuntary admission.¹⁷

Involuntary Commitment: Mental Health Treatment for Criminal Defendants

Chapter 916, F.S., governs the state forensic system, a network of state facilities and community services for persons with mental health issues involved with the criminal justice system. The forensic system serves defendants deemed incompetent to proceed or not guilty by reason of insanity. A defendant is deemed incompetent to proceed if he or she does not have sufficient present ability to consult with his or her lawyer with a reasonable degree of rational understanding or if the defendant lacks both a rational and factual understanding of the proceedings against him or her.¹⁸

If a defendant is suspected of being incompetent, the court, defense counsel, or the State may file a motion to have the defendant's cognitive state assessed.¹⁹ If the motion is granted, court-appointed experts will evaluate the defendant's cognitive state. The defendant's competency is then determined by the judge in a subsequent hearing.²⁰ If the defendant is found to be competent, the criminal proceeding resumes.²¹ If the defendant is found to be incompetent to proceed, the proceeding may not resume unless competency is restored.²² Competency restoration services teach defendants about the legal process, their charges, potential legal outcomes they might face, and their legal rights so as to prepare them to participate meaningfully in their own defense.²³

To assess a defendant's competency, the court must appoint a panel of at least three experts:

- At least one, or at the request of any party, two experts to evaluate whether the defendant meets the definition of intellectual disability or autism, and if so, whether the defendant is competent to proceed;
- An APD-selected psychologist with experience in evaluating intellectual disabilities or autism to evaluate whether the defendant meets the definition of intellectual disability or autism, and if so, whether the defendant is competent to proceed; and
- A social services professional with experience working with intellectually disabled or autistic individuals to provide a social and developmental history of the defendant.²⁴

If appropriate, the court will involuntarily commit these individuals to APD for competency training.²⁵ While individuals who are alleged to have committed violent crimes or otherwise prevent a public safety risk will receive forensic services in secure settings, in other circumstances, the court may order the conditional release of a defendant found incompetent to

¹⁷ s. 393.11(13), F.S.

¹⁸ S. 916.12(1), F.S.

¹⁹ Rule 3.210, Fla.R.Crim.P.

²⁰ *Id.*

²¹ Rule 3.212, Fla.R.Crim.P.

²² *Id.*

²³ OPPAGA, *Juvenile and Adult Incompetent to Proceed Cases and Costs*, Report. No. 13-04, Feb. 2013, p. 1., available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1304rpt.pdf> (last visited February 7, 2018).

²⁴ s. 916.301, F.S.

²⁵ s. 916.302, F.S.

proceed due to intellectual disability or autism based on an approved plan for providing community-based training.²⁶ At any time a defendant is deemed competent or no longer meets the requirements for commitment, the administrator of the facility must report this to the court so a hearing may be held to determine if the defendant should be released from APD's custody.²⁷

Unlike involuntary admission to APD services under s. 393.11, F.S., involuntary commitment for purposes of competency restoration is not of indefinite duration. If a defendant remains incompetent after two years despite APD competency training, and there is reason to believe that he or she will not gain competency in the foreseeable future, the charges against the defendant must be dismissed.²⁸

Implementation of 2016 Legislation

Following a change in the law in 2016²⁹ requiring APD and the court to conduct annual hearings for all APD clients involuntarily admitted, APD conducted an audit of their client base and discovered approximately 150 to 200 clients who had been involuntarily admitted decades ago but no longer need or require court supervision because they have court-appointed guardians.³⁰ These clients are currently receiving services from APD despite having guardians who maintain decision-making authority on their behalf.

APD also found approximately three clients who may not have met the eligibility criteria for APD services at the time they were involuntarily admitted but to whom APD must provide services. For example, during FY 16-17, APD spent approximately \$100,000 in services on these three clients who have been involuntarily committed to APD but do not meet the eligibility requirements for APD services.³¹

Circuit courts around the state reportedly are having difficulty finding qualified individuals to serve as experts on the examining committees.³² To promote efficiency in the court-appointed expert witness services, the Florida Supreme Court issued an administrative order directing the courts to initially only appoint one expert in adult competency proceedings despite the fact that such proceedings under ch. 916, F.S., require at least three expert evaluations of an individual with intellectual disabilities or autism.³³ If a party disagrees with the findings of the expert, then the order allows up to two additional experts to be appointed pursuant to statute.³⁴

²⁶ s. 916.304, F.S.

²⁷ s. 916.302(2)(a), F.S.

²⁸ s. 916.303(1), F.S. The state may refile charges if the defendant gains competency in the future.

²⁹ Ch. 16-140, Laws of Fla., resolving a constitutional right to due process lacking in the original law.

³⁰ Agency for Persons with Disabilities, Agency Analysis of 2018 HB 985, p. 2.

³¹ *Id.*

³² *Supra* at note 30.

³³ In Re: Court Appointed Expert Witness Services in Florida's Trial Courts, Fla. Admin. Order No. AOSC 17-12 (Feb. 6, 2017), available at: <http://www.floridasupremecourt.org/clerk/adminorders/2017/AOSC17-12.pdf> (last visited February 7, 2018). *See generally*, Joint Workgroup of the Trial Court Budget Commission and the Commission on Trial Court Performance, *Expert Witnesses in Florida's Trial Courts: Recommendations from the Joint Workgroup of the Trial Court Budget Commission and the Commission on Trial Court Performance and Accountability* (Nov. 2016), available at: <http://www.flcourts.org/core/fileparse.php/574/urlt/ReportExpertWitnessesInFloridasTrialCourts.pdf> (last visited February 7, 2018).

³⁴ *Id.*

III. Effect of Proposed Changes:

Section 1 amends s. 393.11, F.S., specifying that court-appointed expert committees must file a petition for involuntary admission to residential services unless the petition is filed pursuant to the involuntary commitment statute for criminal defendants. In the case of criminal defendants, APD, the state attorney's office, or a defense attorney can petition the court for involuntary commitment of the defendant.

The bill also revises the composition of court-appointed examining committees to have two members rather than three, and removing the requirement that the committee consist of one psychiatrist and one individual with at least a master's in social work, vocational rehabilitation, or special education. Rather, the bill requires that all members of the examining committee be either psychiatrists, psychologists, or any combination of the two, as long as they have expertise in diagnosing, evaluating and treating individuals with intellectual disabilities and/or autism. The bill also adds counsel for the agency, and, in cases of involuntary commitment under ch. 916, F.S., counsel for the state attorney's office, to the list of individuals who can challenge the qualifications of the experts on the committee.

The bill requires the court holding an involuntary admission hearing to pay reasonable fees to members of an examining committee for their evaluation and testimony. The reasonableness of the fees paid must be determined by the court. Additionally, the bill eliminates the requirement that fees paid to members of an examining committee be paid from the general revenue fund of the county in which the person who has the intellectual disability or autism resided when the petition for hearing was originally filed.

The bill requires each member of the committee to prepare a written report and provide expert testimony stating whether, because of the person's intellectual disability/autism, they lack capacity to consent to a voluntary application for APD services. The report must also state if the individual does not have a guardian or guardian advocate to consent to services on their behalf and that they lack basic survival and self-care skills and need to be placed in a residential setting. The report and testimony must also assess whether the individual presents a danger to others, and needs a secure placement. Each member of the committee must file a copy of their report with the court at least 10 working days before the date of the hearing, and the report must be served on the petitioner, the individual, and their guardian or guardian advocate.

The bill modifies petitions to involuntary admissions to residential services, requiring the petitioner to state whether the individual has a guardian or guardian advocate. The petition must also specify whether a secure or non-secure residential facility is the least restrictive and most appropriate setting.

The bill requires courts to give notice of a petition for involuntary admission to APD, and gives APD the authority to determine if the person is eligible for agency services. Following the eligibility determination exam, APD is required to provide a written report to the guardian or guardian advocate for the individual if one exists. If APD determines the individual is ineligible for services, the agency must provide written notice to the person or his or her attorney, and provide the individual the right to appeal the decision under the Medicaid fair hearing process pursuant to s. 393.125, F.S. APD must give notice of this right to the person and his or her

attorney, and the involuntary admission proceeding must be stayed pending the outcome of any appellate hearing.

The bill further requires the court to hold a hearing six months prior to any involuntarily admitted minor reaching age 18 to evaluate whether continued involuntary admission is appropriate. The court must also review an individualized support plan when considering whether to order further services, and hold an annual hearing within 30 days of receiving APD's evaluation of the appropriateness of involuntary admission. In an annual hearing on the matter, the court must consider whether the individual has been appointed a guardian or guardian advocate since the initial order and whether the individual is still eligible for APD services.

The bill allows for testimony via audio or video at the hearing on the petition for involuntary admission. The bill also allows for recording of the hearing and eliminates the requirement for a court reporter. The bill requires the court, when ordering involuntary admission, to state whether the recommended placement must be secure or non-secure, and requires the order to state that the individual does not have a guardian or guardian advocate to consent to services on their behalf. The bill adds the individual's guardian or guardian advocate to the list of persons the court must provide with a copy of the written order following the hearing.

The bill eliminates the requirement that APD provide copies of examinations and evaluations to the court and the individual or his or her counsel. Instead, APD may recommend special provisions for residential services and adequate supervision of the individual to ensure that he or she is placed in the least restrictive and most appropriate setting. The bill provides examples of these special provisions, and the court has discretion to order any of the provisions.

Section 2 amends s. 916.301, F.S., to remove the requirement that the court appoint at least two experts to determine a developmentally disabled or autistic person's competency to proceed to trial. The bill further eliminates the requirement that APD annually provide the court with a list of qualified experts, and instead requires the agency to select the expert who will determine whether the defendant has an intellectual disability or autism. Instead, the bill only requires one expert to review the individual, provided that expert is a psychiatrist or psychologist with expertise in the diagnosis, evaluation, and treatment of persons with intellectual disabilities. The bill requires that the court appoint an additional expert, or direct the agency to do so, at the request of any party.

Section 3 amends s. 916.3012, F.S., to require that when the experts determine a defendant is incompetent to proceed, they specifically report on what training is appropriate for the defendant to obtain competency and whether that training should occur in the community or in a forensic facility. The bill eliminates the requirement that the report state whether such training is available in the community.

Section 4 amends s. 916.302, F.S., to mandate that a competency hearing be held within 30 days after a court receives notification that a defendant is competent to proceed or otherwise no longer meets the requirements for continued commitment. If the defendant is being held in a forensic facility, they must then be discharged and transported to the court's jurisdiction for the hearing. If recommended by the expert committee, the court may order maintenance competency training to occur in the jail while the defendant awaits trial.

Section 5 amends s. 916.3025, F.S., to require a court have jurisdiction over involuntary admission petitions when the defendant has been deemed non-restorable to competency.

Section 6 amends s. 916.303, F.S., to state that if criminal charges have been dismissed, a defendant may still be eligible for involuntary admission to APD if he or she lacks sufficient capacity to request residential services and does not have a guardian or guardian advocate who can request these services on his or her behalf.

The bill revises the procedures for applying for involuntary admission for a defendant and allows APD, the state attorney, or the defendant's attorney to file a petition for involuntary admission in lieu of a petitioning commission.

Section 7 amends s. 916.304, F.S., to prohibit extensions of a defendant's placement in community-based training beyond two years. If the defendant remains incompetent after two years of competency training, then the provisions of s. 916.303, F.S., involving dismissal of charges and petitions for involuntary admissions shall apply.

Section 8 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There will likely be an impact on private facilities that house individuals receiving services from APD, if the agency decides fewer individuals need treatment than the courts. This impact is indeterminate.

C. Government Sector Impact:

Local Government:

The bill will likely have a positive impact on counties because the state court system will now pay for experts rather than the county for certain involuntary commitment proceedings.

State Government:

The agency anticipates avoiding costs associated with clients who are admitted to residential services who do not currently meet eligibility criteria.

The bill will likely have an indeterminate impact on the courts by revising deadlines for holding hearings related to agency clients and changing the eligibility requirements for experts at hearings.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 393.11, 916.301, 916.3012, 916.302, 916.3025, 916.303, and 916.304.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on February 12, 2018:

- Requires the court holding an involuntary admission hearing to pay reasonable fees to members of an examining committee for their evaluation and testimony. The reasonableness of the fees paid must be determined by the court.
- Eliminates the requirement that fees paid to members of an examining committee be paid from the general revenue fund of the county in which the person who has the intellectual disability or autism resided when the petition for hearing was originally filed.
- Requires the court holding an involuntary commitment hearing for a criminal defendant to order the agency to select the expert to evaluate whether the defendant meets the definition of intellectual disability or autism pursuant to statute.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/12/2018	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete lines 204 - 486

and insert:

(g) The court ~~Members of the examining committee~~ shall pay what it determines to be receive a reasonable fee for the evaluation and testimony given by members of the examining committee ~~to be determined by the court. The fees shall be paid from the general revenue fund of the county in which the person who has the intellectual disability or autism resided when the~~



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11 ~~petition was filed.~~

12 (6) COUNSEL; GUARDIAN AD LITEM.—

13 (a) The person who has the intellectual disability or
14 autism must be represented by counsel at all stages of the
15 judicial proceeding, including annual hearings under subsection
16 (15) which require a court to determine the continued need for a
17 person's involuntary placement resulting from an involuntary
18 admission to residential services. If the person is indigent and
19 cannot afford counsel, the court shall appoint a public defender
20 at least 20 working days before the scheduled hearing. The
21 person's counsel shall have full access to the records of the
22 service provider and the agency. In all cases, the attorney
23 shall represent the rights and legal interests of the person,
24 regardless of who initiates the proceedings or pays the attorney
25 fee.

26 (b) If the attorney, during the course of his or her
27 representation, reasonably believes that the person who has the
28 intellectual disability or autism cannot adequately act in his
29 or her own interest, the attorney may seek the appointment of a
30 guardian ad litem. A prior finding of incapacity ~~incompetency~~ is
31 not required before a guardian ad litem is appointed pursuant to
32 this section.

33 (7) HEARING.—

34 (a) The hearing for involuntary admission shall be
35 conducted, and the order shall be entered, in the county in
36 which the petition is filed. The hearing shall be conducted in a
37 physical setting not likely to be injurious to the person's
38 condition. When a petition for involuntary admission to
39 residential services is considered at a hearing, the court must



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40 consider whether there is an alternative to involuntary
41 commitment under this section that will sufficiently address the
42 person's need for residential services. The court shall use the
43 least restrictive means available to assist a person who is
44 subject to a petition for involuntary admission to residential
45 services. The court shall determine if the person has a guardian
46 or guardian advocate and the scope of the authorized powers of
47 the guardian or guardian advocate to make decisions regarding
48 the residence, medical treatment, or other services necessary to
49 sufficiently address the needs of the person.

50 (b) A hearing on the petition must be held as soon as
51 practicable after the petition is filed, but reasonable delay
52 for the purpose of investigation, discovery, or procuring
53 counsel or witnesses shall be granted.

54 (c) The court may appoint a general or special magistrate
55 to preside. Except as otherwise specified, the magistrate's
56 proceeding shall be governed by the Florida Rules of Civil
57 Procedure.

58 (d) The person who has the intellectual disability or
59 autism must be ~~physically~~ present, either in person or by
60 contemporaneous video communication technology, throughout the
61 entire initial proceeding on the petition for involuntary
62 admission to residential services. In accordance with Rule
63 1.451, Florida Rules of Civil Procedure, the court may authorize
64 testimony at the hearing by contemporaneous audio or video
65 communication technology upon agreement of the parties or for
66 good cause shown by written request of one party and by giving
67 reasonable notice to all other parties. If the person's attorney
68 believes that the person's presence at the hearing is not in his



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69 or her best interest, the person's presence may be waived once
70 the court has seen the person and the hearing has commenced.

71 (e) The person has the right to present evidence and to
72 cross-examine all witnesses and other evidence alleging the
73 appropriateness of the person's admission to residential
74 services care. Other relevant and material evidence regarding
75 the appropriateness of the person's admission to residential
76 services; the most appropriate, least restrictive residential
77 placement; and the appropriate care, treatment, and habilitation
78 of the person, including written or oral reports, may be
79 introduced at the hearing by any interested person.

80 (f) The petitioning commission may be represented by
81 counsel at the hearing. The petitioning commission shall have
82 the right to call witnesses, present evidence, cross-examine
83 witnesses, and present argument on behalf of the petitioning
84 commission.

85 (g) All evidence shall be presented according to chapter
86 90. The burden of proof shall be on the party alleging the
87 appropriateness of the person's admission to residential
88 services. The burden of proof shall be by clear and convincing
89 evidence.

90 (h) All stages of each proceeding shall be recorded
91 ~~stenographically reported~~.

92 (8) ORDER.—

93 (a) In all cases, the court shall issue written findings of
94 fact and conclusions of law to support its decision. The order
95 must state the basis for the findings of fact.

96 (b) An order of involuntary admission to residential
97 services may not be entered unless the court finds that:



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98 1. The person is intellectually disabled or autistic;
99 2. Placement in a residential setting is the least
100 restrictive and most appropriate alternative to meet the
101 person's needs and the order specifies whether the recommended
102 placement must be secure or nonsecure; and

103 3. Because of the person's degree of intellectual
104 disability or autism, the person:

105 a. Lacks sufficient capacity to give express and informed
106 consent to a voluntary application for services pursuant to s.
107 393.065, does not have a guardian or guardian advocate to
108 consent to services on his or her behalf, and lacks basic
109 survival and self-care skills to such a degree that close
110 supervision and habilitation in a residential setting is
111 necessary and, if not provided, would result in a real and
112 present threat of substantial harm to the person's well-being;
113 or

114 b. Is likely to physically injure others if allowed to
115 remain at liberty.

116 (c) If the evidence presented to the court is not
117 sufficient to warrant involuntary admission to residential
118 services, but the court feels that residential services would be
119 beneficial, the court may recommend that the person seek
120 voluntary admission.

121 (d) If an order of involuntary admission to residential
122 services provided by the agency is entered by the court, a copy
123 of the written order shall be served upon the person and his or
124 her guardian or guardian advocate if one has been appointed, the
125 person's counsel, the agency, and the state attorney and the
126 person's defense counsel, if applicable. The order of



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127 involuntary admission sent to the agency shall also be
128 accompanied by a copy of the examining committee's report and
129 other reports contained in the court file.

130 (e) The court may also order special provisions for
131 residential services and adequate supervision of the person,
132 when recommended by the agency, in order to ensure that the
133 person is placed and maintained in the least restrictive, most
134 appropriate setting. Special provisions may include auxiliary
135 services that the agency provides to reduce risk and that the
136 person must comply with to maintain community safety. Upon
137 ~~receiving the order, the agency shall, within 45 days, provide~~
138 ~~the court with a copy of the person's family or individual~~
139 ~~support plan and copies of all examinations and evaluations,~~
140 ~~outlining the treatment and rehabilitative programs. The agency~~
141 ~~shall document that the person has been placed in the most~~
142 ~~appropriate, least restrictive and cost-beneficial residential~~
143 ~~setting. A copy of the family or individual support plan and~~
144 ~~other examinations and evaluations shall be served upon the~~
145 ~~person and the person's counsel at the same time the documents~~
146 ~~are filed with the court.~~

147 (9) EFFECT OF THE ORDER OF INVOLUNTARY ADMISSION TO
148 RESIDENTIAL SERVICES.—

149 (a) An order authorizing an admission to residential
150 services ~~care~~ may not be considered an adjudication of mental
151 incapacity ~~incompetency~~. A person is not presumed incapacitated
152 ~~incompetent~~ solely by reason of the person's involuntary
153 admission to residential services. A person may not be denied
154 the full exercise of all legal rights guaranteed to citizens of
155 this state and of the United States.



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156 (b) Any minor involuntarily admitted to residential
157 services shall be evaluated pursuant to subsection (15) and,
158 within the 6 months before ~~upon~~ reaching majority, be given a
159 hearing to determine the continued appropriateness of his or her
160 involuntary admission.

161 (10) CAPACITY ~~COMPETENCY~~.—

162 (a) The issue of capacity ~~competency~~ is separate and
163 distinct from a determination of the appropriateness of
164 involuntary admission to residential services due to
165 intellectual disability or autism.

166 (b) The issue of the capacity ~~competency~~ of a person who
167 has an intellectual disability or autism for purposes of
168 assigning guardianship shall be determined in a separate
169 proceeding according to the procedures and requirements of
170 chapter 744.

171 (11) COMPETENCY.—The issue of the competency of a person
172 who has an intellectual disability or autism for purposes of
173 determining whether the person is competent to proceed in a
174 criminal trial shall be determined in accordance with chapter
175 916.

176 (12) ~~(11)~~ CONTINUING JURISDICTION.—The court that ~~which~~
177 issues the initial order for involuntary admission to
178 residential services under this section has continuing
179 jurisdiction to enter further orders to ensure that the person
180 is receiving adequate care, treatment, habilitation, and
181 rehabilitation, as recommended in the person's individualized
182 support plan ~~including psychotropic medication and behavioral~~
183 ~~programming~~. Upon request, the court may transfer the continuing
184 jurisdiction to the court where a client resides if it is



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185 different from where the original involuntary admission order
186 was issued. A person may not be released from an order for
187 involuntary admission to residential services except by the
188 order of the court.

189 (13)~~(12)~~ APPEAL.—

190 (a) Any party to the proceeding who is affected by an order
191 of the court, including the agency, may appeal to the
192 appropriate district court of appeal within the time and in the
193 manner prescribed by the Florida Rules of Appellate Procedure.

194 (b) The filing of an appeal by the person who has an
195 intellectual disability or autism stays admission of the person
196 into residential services ~~care~~. The stay remains in effect
197 during the pendency of all review proceedings in Florida courts
198 until a mandate issues.

199 (14)~~(13)~~ HABEAS CORPUS.—At any time and without notice, any
200 person involuntarily admitted into residential services ~~care~~, or
201 the person's parent or legal guardian in his or her behalf, is
202 entitled to file a petition for a writ of habeas corpus to
203 question the cause, legality, and appropriateness of the
204 person's involuntary admission. Each person, or the person's
205 parent or legal guardian, shall receive specific written notice
206 of the right to petition for a writ of habeas corpus at the time
207 of his or her involuntary placement.

208 (15)~~(14)~~ REVIEW OF CONTINUED INVOLUNTARY ADMISSION TO
209 RESIDENTIAL SERVICES.—

210 (a) If a person is involuntarily admitted to residential
211 services provided by the agency, the agency shall employ or, if
212 necessary, contract with a qualified evaluator to conduct a
213 review annually, unless otherwise ordered, to determine the



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214 propriety of the person's continued involuntary admission to
215 residential services based on the criteria in paragraph (8) (b).
216 The review shall include an assessment of the most appropriate
217 and least restrictive type of residential placement for the
218 person. If the person was committed under the criteria in sub-
219 subparagraph (8) (b) 3.a., the review must also address whether
220 the person has had a guardian or guardian advocate appointed
221 since the commitment.

222 (b) A placement resulting from an involuntary admission to
223 residential services must be reviewed by the court at a hearing
224 annually, unless a shorter review period is ordered at a
225 previous hearing. The agency shall provide to the court the
226 completed review ~~reviews~~ by the qualified evaluator. The ~~review~~
227 ~~and~~ hearing must occur within 30 days after the court receives
228 the review and determines ~~determine~~ whether the person continues
229 to be eligible for agency services and meets ~~meet~~ the criteria
230 in paragraph (8) (b) and, if so, whether the person still
231 requires involuntary placement in a residential setting and
232 whether the person is receiving adequate care, treatment,
233 habilitation, and rehabilitation in the residential setting.

234 (c) The agency shall provide a copy of the review and
235 reasonable notice of the hearing to the appropriate state
236 attorney, if applicable, the person, the person's attorney, and
237 the person's guardian or guardian advocate, if appointed.

238 (d) For purposes of this section, the term "qualified
239 evaluator" means a psychiatrist licensed under chapter 458 or
240 chapter 459, or a psychologist licensed under chapter 490, who
241 has demonstrated to the court an expertise in the diagnosis,
242 evaluation, and treatment of persons who have an intellectual



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243 disability or autism disabilities.

244 Section 2. Section 916.301, Florida Statutes, is amended to
245 read:

246 916.301 Appointment of experts.—

247 (1) All evaluations ordered by the court under this part
248 must be conducted by a qualified expert ~~experts~~ who meets the
249 requirements for a qualified evaluator as defined in s. 393.11
250 ~~have expertise in evaluating persons who have an intellectual~~
251 ~~disability or autism. The agency shall maintain and provide the~~
252 ~~courts annually with a list of available professionals who are~~
253 ~~appropriately licensed and qualified to perform evaluations of~~
254 ~~defendants alleged to be incompetent to proceed due to~~
255 ~~intellectual disability or autism. The courts may use~~
256 ~~professionals from this list when appointing experts and~~
257 ~~ordering evaluations under this part.~~

258 (2) For a competency evaluation when ~~If~~ a defendant's
259 suspected mental condition is intellectual disability or autism,
260 the court shall order the agency to select an expert to evaluate
261 whether the defendant meets the definition of intellectual
262 disability or autism and, if so, whether the defendant is
263 incompetent to proceed due to intellectual disability or autism.
264 ~~appoint the following:~~

265 ~~(a) At least one, or~~ At the request of any party, the court
266 may appoint an additional expert or direct the agency to select
267 an additional expert ~~two experts~~ to evaluate whether the
268 defendant meets the definition of intellectual disability or
269 autism and, if so, whether the defendant is competent to
270 proceed; ~~and~~

271 ~~(b) A psychologist selected by the agency who is licensed~~



272 ~~or authorized by law to practice in this state, with experience~~
273 ~~in evaluating persons suspected of having an intellectual~~
274 ~~disability or autism, and a social service professional, with~~
275 ~~experience in working with persons who have an intellectual~~
276 ~~disability or autism.~~

277 ~~1. The psychologist shall evaluate whether the defendant~~
278 ~~meets the definition of intellectual disability or autism and,~~
279 ~~if so, whether the defendant is incompetent to proceed due to~~
280 ~~intellectual disability or autism.~~

281 ~~2. The social service professional shall provide a social~~
282 ~~and developmental history of the defendant.~~

283 (3) The experts may examine the defendant in jail, in
284 another appropriate local facility, in a facility of the
285 Department of Corrections, or on an outpatient basis.

286 (4) Experts appointed by the court, including experts
287 selected by the agency, to evaluate the mental condition of a
288 defendant in a criminal case shall be allowed reasonable fees,
289 as determined and paid by the court, for services rendered as
290 evaluators and as witnesses, ~~which shall be paid by the court.~~
291 State employees shall be paid

293 ===== T I T L E A M E N D M E N T =====

294 And the title is amended as follows:

295 Delete line 10

296 and insert:

297 involuntary admission; requiring the court to pay
298 reasonable fees for the evaluation and testimony by
299 members of the examining committee; deleting a
300 provision requiring such fees to be paid from each



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301 county's general revenue fund; providing for
302 participation of

By Senator Steube

23-00872B-18

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1 A bill to be entitled
 2 An act relating to involuntary commitment; amending s.
 3 393.11, F.S.; revising the composition of the
 4 petitioning commission; requiring the Agency for
 5 Persons with Disabilities to provide certain notice of
 6 eligibility determinations; requiring the court to
 7 conduct annual hearings on the continued need for
 8 involuntary placement in residential services;
 9 revising duties of the court in hearings for
 10 involuntary admission; providing for participation of
 11 a guardian or guardian advocate in placement
 12 determinations; amending s. 916.301, F.S.; revising
 13 provisions relating to court appointment of certain
 14 qualified experts to evaluate a defendant's mental
 15 condition; amending s. 916.3012, F.S.; revising
 16 provisions governing acceptable recommended training
 17 for a defendant determined incompetent to proceed;
 18 amending s. 916.302, F.S.; requiring the court to hold
 19 a competency hearing within a specified timeframe when
 20 a defendant is competent to proceed; providing for
 21 referral of dually diagnosed defendants to the
 22 Department of Children and Families or the agency for
 23 placement in a facility; providing for transferring a
 24 defendant between the department and the agency under
 25 certain circumstances; amending s. 916.3025, F.S.;
 26 providing for the court to retain jurisdiction over
 27 certain defendants found nonrestorable to competency;
 28 amending s. 916.303, F.S.; revising provisions
 29 governing the dismissal of charges against a defendant

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 found to be incompetent to proceed and who does not
 31 have a guardian or guardian advocate; amending s.
 32 916.304, F.S.; providing a limitation on conditional
 33 release for community-based competency training for a
 34 defendant who is incompetent to proceed; providing an
 35 effective date.
 36
 37 Be It Enacted by the Legislature of the State of Florida:
 38
 39 Section 1. Section 393.11, Florida Statutes, is amended to
 40 read:
 41 393.11 Involuntary admission to residential services.—
 42 (1) JURISDICTION.—If a person has an intellectual
 43 disability or autism and requires involuntary admission to
 44 residential services provided by the agency, the circuit court
 45 of the county in which the person resides has jurisdiction to
 46 conduct a hearing and enter an order involuntarily admitting the
 47 person in order for the person to receive the care, treatment,
 48 habilitation, and rehabilitation that the person needs. For the
 49 purpose of identifying intellectual disability or autism,
 50 diagnostic capability shall be established by the agency. Except
 51 as otherwise specified, the proceedings under this section are
 52 governed by the Florida Rules of Civil Procedure.
 53 (2) PETITION.—
 54 (a) A petition for involuntary admission to residential
 55 services shall ~~may~~ be executed by a petitioning commission
 56 unless the petition is filed pursuant to s. 916.303.
 57 (b) The petitioning commission shall consist of three
 58 persons. One of these persons shall be a physician licensed and

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59 practicing under chapter 458 or chapter 459 or a psychologist
60 licensed under chapter 490.

61 (c) The petition shall be verified and must:

62 1. State the name, age, and present address of the
63 commissioners and their relationship to the person who has an
64 intellectual disability or autism;

65 2. State the name, age, county of residence, and present
66 address of the person who has an intellectual disability or
67 autism;

68 3. Allege that the commission believes that the person
69 needs involuntary residential services and specify the factual
70 information on which the belief is based;

71 4. Allege that the person lacks sufficient capacity to give
72 express and informed consent to a voluntary application for
73 services pursuant to s. 393.065, does not have a guardian or
74 guardian advocate to consent to services on his or her behalf,
75 and lacks the basic survival and self-care skills to provide for
76 the person's well-being, or the person is likely to physically
77 injure others if allowed to remain at liberty; and

78 5. State whether a secure or nonsecure ~~which~~ residential
79 setting is the least restrictive and most appropriate
80 alternative and specify the factual information on which the
81 belief is based.

82 (d) The petition must be filed in the circuit court of the
83 county in which the person who has the intellectual disability
84 or autism resides.

85 (3) NOTICE.—

86 (a) Notice of the filing of the petition shall be given to
87 the individual and his or her legal guardian. The notice shall

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88 be given both verbally and in writing in the language of the
89 client, or in other modes of communication of the client, and in
90 English. Notice shall also be given to the agency and such other
91 persons as the court may direct. The petition for involuntary
92 admission to residential services shall be served with the
93 notice.

94 (b) If a motion or petition has been filed pursuant to s.
95 916.303 to dismiss criminal charges against a defendant who has
96 an intellectual disability or autism, and a petition is filed to
97 involuntarily admit the defendant to residential services under
98 this section, the notice of the filing of the petition must also
99 be given to the defendant's attorney, the state attorney of the
100 circuit from which the defendant was committed, and the agency.

101 (c) The notice must state that a hearing shall be set to
102 inquire into the need of the person who has an intellectual
103 disability or autism for involuntary residential services. The
104 notice must also state the date of the hearing on the petition.

105 (d) The notice must state that the individual who has an
106 intellectual disability or autism has the right to be
107 represented by counsel of his or her own choice and that, if the
108 person cannot afford an attorney, the court shall appoint one.

109 (4) AGENCY PARTICIPATION.—

110 (a) Upon receiving the petition, the court shall
111 immediately order the agency to examine the person being
112 considered for involuntary admission to residential services to
113 determine if the person is eligible for agency services.

114 (b) Following examination, the agency shall file a written
115 report with the court at least 10 working days before the date
116 of the hearing. The report must be served on the petitioner, the

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117 person who has the intellectual disability or autism and his or
 118 her guardian or guardian advocate if one has been appointed, and
 119 the person's attorney at the time the report is filed with the
 120 court.

121 (c) The report must contain the findings of the agency's
 122 evaluation, any recommendations deemed appropriate, and a
 123 determination of whether the person is eligible for services
 124 under this chapter. If the agency determines the person is not
 125 eligible for agency services, the agency shall provide written
 126 notification of its eligibility determination to the person or
 127 his or her attorney, and the person shall have a right to appeal
 128 that determination under the Medicaid fair hearing process in s.
 129 393.125. The agency must also notify the person or his or her
 130 attorney that the person may appeal the agency determination
 131 under the procedures in s. 393.125. In such circumstance, the
 132 proceeding for the petition of involuntary admission to
 133 residential services under this section shall be stayed pending
 134 the outcome of any appellate proceeding.

135 (5) EXAMINING COMMITTEE.—

136 (a) If the agency examination determines the person is
 137 eligible for agency services ~~Upon receiving the petition,~~ the
 138 court shall immediately appoint an examining committee to
 139 examine the person being considered for involuntary admission to
 140 residential services provided by the agency.

141 (b) The court shall appoint at least two, but no more than
 142 three, qualified experts who must be disinterested in the
 143 outcome of the proceeding and who meet the requirements for a
 144 qualified evaluator as defined in paragraph (15)(d) ~~three~~
 145 ~~disinterested experts who have demonstrated to the court an~~

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146 ~~expertise in the diagnosis, evaluation, and treatment of persons~~
 147 ~~who have intellectual disabilities or autism. The committee must~~
 148 ~~include at least one licensed and qualified physician, one~~
 149 ~~licensed and qualified psychologist, and one qualified~~
 150 ~~professional who, at a minimum, has a master's degree in social~~
 151 ~~work, special education, or vocational rehabilitation~~
 152 ~~counseling,~~ to examine the person and to testify at the hearing
 153 on the involuntary admission to residential services.

154 (c) Counsel for the person who is being considered for
 155 involuntary admission to residential services, ~~and~~ counsel for
 156 the petition commission, counsel from the state attorney in
 157 cases arising out of chapter 916, and counsel for the agency has
 158 the right to challenge the qualifications of those appointed to
 159 the examining committee.

160 (d) Members of the committee may not be employees of the
 161 agency or be associated with each other in practice or in
 162 employer-employee relationships. Members of the committee may
 163 not have served as members of the petitioning commission.
 164 Members of the committee may not be employees of the members of
 165 the petitioning commission or be associated in practice with
 166 members of the commission.

167 (e) Each member of the committee shall prepare a written
 168 report for the court. Each ~~The~~ report must explicitly document
 169 the extent that the person meets the criteria for involuntary
 170 admission. Each ~~The~~ report, and expert testimony, must include,
 171 but not be limited to:

172 ~~1. The degree of the person's intellectual disability or~~
 173 ~~autism and whether, using diagnostic capabilities established by~~
 174 ~~the agency, the person is eligible for agency services;~~

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175 ~~1.2-~~ Whether, because of the person's degree of
 176 intellectual disability or autism, the person:
 177 a. Lacks sufficient capacity to give express and informed
 178 consent to a voluntary application for services pursuant to s.
 179 393.065, does not have a guardian or guardian advocate to
 180 consent to services on his or her behalf, and lacks basic
 181 survival and self-care skills to such a degree that close
 182 supervision and habilitation in a residential setting is
 183 necessary and, if not provided, would result in a threat of
 184 substantial harm to the person's well-being; or
 185 b. Is likely to physically injure others if allowed to
 186 remain at liberty.
 187 ~~2.3-~~ The purpose to be served by residential services.
 188 ~~care.~~
 189 3.4- A recommendation on the type of residential placement
 190 which would be the most appropriate and least restrictive for
 191 the person, including an assessment of the need for secure
 192 placement if, in the opinion of the examining committee members,
 193 the person presents a danger to others. ~~and~~
 194 ~~4.5-~~ The appropriate care, habilitation, and treatment for
 195 the person with the intellectual disability or autism which is
 196 within the agency's responsibilities under this chapter.
 197 (f) ~~Each~~ The committee member shall file the report with
 198 the court at least 10 working days before the date of the
 199 hearing. The report must be served on the petitioner, the person
 200 who has the intellectual disability or autism and his or her
 201 guardian or guardian advocate if one has been appointed, the
 202 person's attorney at the time the report is filed with the
 203 court, and the agency.

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204 (g) Members of the examining committee shall receive a
 205 reasonable fee to be determined by the court. The fees shall be
 206 paid from the general revenue fund of the county in which the
 207 person who has the intellectual disability or autism resided
 208 when the petition was filed.
 209 (6) COUNSEL; GUARDIAN AD LITEM.—
 210 (a) The person who has the intellectual disability or
 211 autism must be represented by counsel at all stages of the
 212 judicial proceeding, including annual hearings under subsection
 213 (15) which require a court to determine the continued need for a
 214 person's involuntary placement resulting from an involuntary
 215 admission to residential services. If the person is indigent and
 216 cannot afford counsel, the court shall appoint a public defender
 217 at least 20 working days before the scheduled hearing. The
 218 person's counsel shall have full access to the records of the
 219 service provider and the agency. In all cases, the attorney
 220 shall represent the rights and legal interests of the person,
 221 regardless of who initiates the proceedings or pays the attorney
 222 fee.
 223 (b) If the attorney, during the course of his or her
 224 representation, reasonably believes that the person who has the
 225 intellectual disability or autism cannot adequately act in his
 226 or her own interest, the attorney may seek the appointment of a
 227 guardian ad litem. A prior finding of ~~incapacity~~ ~~incompetency~~ is
 228 not required before a guardian ad litem is appointed pursuant to
 229 this section.
 230 (7) HEARING.—
 231 (a) The hearing for involuntary admission shall be
 232 conducted, and the order shall be entered, in the county in

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 233 which the petition is filed. The hearing shall be conducted in a
 234 physical setting not likely to be injurious to the person's
 235 condition. When a petition for involuntary admission to
 236 residential services is considered at a hearing, the court must
 237 consider whether there is an alternative to involuntary
 238 commitment under this section that will sufficiently address the
 239 person's need for residential services. The court shall use the
 240 least restrictive means available to assist a person who is
 241 subject to a petition for involuntary admission to residential
 242 services. The court shall determine if the person has a guardian
 243 or guardian advocate and the scope of the authorized powers of
 244 the guardian or guardian advocate to make decisions regarding
 245 the residence, medical treatment, or other services necessary to
 246 sufficiently address the needs of the person.

247 (b) A hearing on the petition must be held as soon as
 248 practicable after the petition is filed, but reasonable delay
 249 for the purpose of investigation, discovery, or procuring
 250 counsel or witnesses shall be granted.

251 (c) The court may appoint a general or special magistrate
 252 to preside. Except as otherwise specified, the magistrate's
 253 proceeding shall be governed by the Florida Rules of Civil
 254 Procedure.

255 (d) The person who has the intellectual disability or
 256 autism must be ~~physically~~ present, either in person or by
 257 contemporaneous video communication technology, throughout the
 258 entire initial proceeding on the petition for involuntary
 259 admission to residential services. In accordance with Rule
 260 1.451, Florida Rules of Civil Procedure, the court may authorize
 261 testimony at the hearing by contemporaneous audio or video

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 262 communication technology upon agreement of the parties or for
 263 good cause shown by written request of one party and by giving
 264 reasonable notice to all other parties. If the person's attorney
 265 believes that the person's presence at the hearing is not in his
 266 or her best interest, the person's presence may be waived once
 267 the court has seen the person and the hearing has commenced.

268 (e) The person has the right to present evidence and to
 269 cross-examine all witnesses and other evidence alleging the
 270 appropriateness of the person's admission to residential
 271 services ~~care~~. Other relevant and material evidence regarding
 272 the appropriateness of the person's admission to residential
 273 services; the most appropriate, least restrictive residential
 274 placement; and the appropriate care, treatment, and habilitation
 275 of the person, including written or oral reports, may be
 276 introduced at the hearing by any interested person.

277 (f) The petitioning commission may be represented by
 278 counsel at the hearing. The petitioning commission shall have
 279 the right to call witnesses, present evidence, cross-examine
 280 witnesses, and present argument on behalf of the petitioning
 281 commission.

282 (g) All evidence shall be presented according to chapter
 283 90. The burden of proof shall be on the party alleging the
 284 appropriateness of the person's admission to residential
 285 services. The burden of proof shall be by clear and convincing
 286 evidence.

287 (h) All stages of each proceeding shall be recorded
 288 ~~stenographically reported~~.

289 (8) ORDER.—

290 (a) In all cases, the court shall issue written findings of

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291 fact and conclusions of law to support its decision. The order
292 must state the basis for the findings of fact.

293 (b) An order of involuntary admission to residential
294 services may not be entered unless the court finds that:

295 1. The person is intellectually disabled or autistic;
296 2. Placement in a residential setting is the least
297 restrictive and most appropriate alternative to meet the
298 person's needs and the order specifies whether the recommended
299 placement must be secure or nonsecure; and

300 3. Because of the person's degree of intellectual
301 disability or autism, the person:

302 a. Lacks sufficient capacity to give express and informed
303 consent to a voluntary application for services pursuant to s.
304 393.065, does not have a guardian or guardian advocate to
305 consent to services on his or her behalf, and lacks basic
306 survival and self-care skills to such a degree that close
307 supervision and habilitation in a residential setting is
308 necessary and, if not provided, would result in a real and
309 present threat of substantial harm to the person's well-being;
310 or

311 b. Is likely to physically injure others if allowed to
312 remain at liberty.

313 (c) If the evidence presented to the court is not
314 sufficient to warrant involuntary admission to residential
315 services, but the court feels that residential services would be
316 beneficial, the court may recommend that the person seek
317 voluntary admission.

318 (d) If an order of involuntary admission to residential
319 services provided by the agency is entered by the court, a copy

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320 of the written order shall be served upon the person and his or
321 her guardian or guardian advocate if one has been appointed, the
322 person's counsel, the agency, and the state attorney and the
323 person's defense counsel, if applicable. The order of
324 involuntary admission sent to the agency shall also be
325 accompanied by a copy of the examining committee's report and
326 other reports contained in the court file.

327 (e) The court may also order special provisions for
328 residential services and adequate supervision of the person,
329 when recommended by the agency, in order to ensure that the
330 person is placed and maintained in the least restrictive, most
331 appropriate setting. Special provisions may include auxiliary
332 services that the agency provides to reduce risk and that the
333 person must comply with to maintain community safety. ~~Upon~~
334 receiving the order, the agency shall, within 45 days, provide
335 the court with a copy of the person's family or individual
336 support plan and copies of all examinations and evaluations,
337 outlining the treatment and rehabilitative programs. The agency
338 shall document that the person has been placed in the most
339 appropriate, least restrictive and cost-beneficial residential
340 setting. A copy of the family or individual support plan and
341 other examinations and evaluations shall be served upon the
342 person and the person's counsel at the same time the documents
343 are filed with the court.

344 (9) EFFECT OF THE ORDER OF INVOLUNTARY ADMISSION TO
345 RESIDENTIAL SERVICES.—

346 (a) An order authorizing an admission to residential
347 services ~~care~~ may not be considered an adjudication of mental
348 incapacity ~~incompetency~~. A person is not presumed incapacitated

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349 ~~incompetent~~ solely by reason of the person's involuntary
350 admission to residential services. A person may not be denied
351 the full exercise of all legal rights guaranteed to citizens of
352 this state and of the United States.

353 (b) Any minor involuntarily admitted to residential
354 services shall be evaluated pursuant to subsection (15) and,
355 within the 6 months before ~~upon~~ reaching majority, be given a
356 hearing to determine the continued appropriateness of his or her
357 involuntary admission.

358 (10) CAPACITY COMPETENCY.—

359 (a) The issue of capacity ~~competency~~ is separate and
360 distinct from a determination of the appropriateness of
361 involuntary admission to residential services due to
362 intellectual disability or autism.

363 (b) The issue of the capacity ~~competency~~ of a person who
364 has an intellectual disability or autism for purposes of
365 assigning guardianship shall be determined in a separate
366 proceeding according to the procedures and requirements of
367 chapter 744.

368 (11) COMPETENCY.—The issue of the competency of a person
369 who has an intellectual disability or autism for purposes of
370 determining whether the person is competent to proceed in a
371 criminal trial shall be determined in accordance with chapter
372 916.

373 (12) ~~(11)~~ CONTINUING JURISDICTION.—The court that ~~which~~
374 issues the initial order for involuntary admission to
375 residential services under this section has continuing
376 jurisdiction to enter further orders to ensure that the person
377 is receiving adequate care, treatment, habilitation, and

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378 rehabilitation, as recommended in the person's individualized
379 support plan ~~including psychotropic medication and behavioral~~
380 ~~programming~~. Upon request, the court may transfer the continuing
381 jurisdiction to the court where a client resides if it is
382 different from where the original involuntary admission order
383 was issued. A person may not be released from an order for
384 involuntary admission to residential services except by the
385 order of the court.

386 (13) ~~(12)~~ APPEAL.—

387 (a) Any party to the proceeding who is affected by an order
388 of the court, including the agency, may appeal to the
389 appropriate district court of appeal within the time and in the
390 manner prescribed by the Florida Rules of Appellate Procedure.

391 (b) The filing of an appeal by the person who has an
392 intellectual disability or autism stays admission of the person
393 into residential services ~~care~~. The stay remains in effect
394 during the pendency of all review proceedings in Florida courts
395 until a mandate issues.

396 (14) ~~(13)~~ HABEAS CORPUS.—At any time and without notice, any
397 person involuntarily admitted into residential services ~~care~~, or
398 the person's parent or legal guardian in his or her behalf, is
399 entitled to file a petition for a writ of habeas corpus to
400 question the cause, legality, and appropriateness of the
401 person's involuntary admission. Each person, or the person's
402 parent or legal guardian, shall receive specific written notice
403 of the right to petition for a writ of habeas corpus at the time
404 of his or her involuntary placement.

405 (15) ~~(14)~~ REVIEW OF CONTINUED INVOLUNTARY ADMISSION TO
406 RESIDENTIAL SERVICES.—

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407 (a) If a person is involuntarily admitted to residential
 408 services provided by the agency, the agency shall employ or, if
 409 necessary, contract with a qualified evaluator to conduct a
 410 review annually, unless otherwise ordered, to determine the
 411 propriety of the person's continued involuntary admission to
 412 residential services based on the criteria in paragraph (8)(b).
 413 The review shall include an assessment of the most appropriate
 414 and least restrictive type of residential placement for the
 415 person. If the person was committed under the criteria in sub-
 416 paragraph (8)(b)3.a., the review must also address whether
 417 the person has had a guardian or guardian advocate appointed
 418 since the commitment.

419 (b) A placement resulting from an involuntary admission to
 420 residential services must be reviewed by the court at a hearing
 421 annually, unless a shorter review period is ordered at a
 422 previous hearing. The agency shall provide to the court the
 423 completed review ~~reviews~~ by the qualified evaluator. The ~~review~~
 424 ~~and hearing must occur within 30 days after the court receives~~
 425 the review and determines ~~determine~~ whether the person continues
 426 to be eligible for agency services and meets ~~meet~~ the criteria
 427 in paragraph (8)(b) and, if so, whether the person still
 428 requires involuntary placement in a residential setting and
 429 whether the person is receiving adequate care, treatment,
 430 habilitation, and rehabilitation in the residential setting.

431 (c) The agency shall provide a copy of the review and
 432 reasonable notice of the hearing to the appropriate state
 433 attorney, if applicable, the person, the person's attorney, and
 434 the person's guardian or guardian advocate, if appointed.

435 (d) For purposes of this section, the term "qualified

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436 evaluator" means a psychiatrist licensed under chapter 458 or
 437 chapter 459, or a psychologist licensed under chapter 490, who
 438 has demonstrated to the court an expertise in the diagnosis,
 439 evaluation, and treatment of persons who have an intellectual
 440 disability or autism ~~disabilities~~.

441 Section 2. Section 916.301, Florida Statutes, is amended to
 442 read:

443 916.301 Appointment of experts.—

444 (1) All evaluations ordered by the court under this part
 445 must be conducted by a qualified expert ~~experts~~ who meets the
 446 requirements for a qualified evaluator as defined in s. 393.11
 447 have expertise in evaluating persons who have an intellectual
 448 disability or autism. The agency shall maintain and provide the
 449 courts annually with a list of available professionals who are
 450 appropriately licensed and qualified to perform evaluations of
 451 defendants alleged to be incompetent to proceed due to
 452 intellectual disability or autism. The courts may use
 453 professionals from this list when appointing experts and
 454 ordering evaluations under this part.

455 (2) If a defendant's suspected mental condition is
 456 intellectual disability or autism, the court shall appoint the
 457 agency to select an expert to evaluate whether the defendant
 458 meets the definition of intellectual disability or autism and,
 459 if so, whether the defendant is competent to proceed due to
 460 intellectual disability or autism. following:

461 ~~(a) At least one, or~~ At the request of any party, the court
 462 may appoint an additional expert or direct the agency to select
 463 an additional expert ~~two experts~~ to evaluate whether the
 464 defendant meets the definition of intellectual disability or

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465 autism and, if so, whether the defendant is competent to
466 proceed; and

467 ~~(b) A psychologist selected by the agency who is licensed~~
468 ~~or authorized by law to practice in this state, with experience~~
469 ~~in evaluating persons suspected of having an intellectual~~
470 ~~disability or autism, and a social service professional, with~~
471 ~~experience in working with persons who have an intellectual~~
472 ~~disability or autism.~~

473 ~~1. The psychologist shall evaluate whether the defendant~~
474 ~~meets the definition of intellectual disability or autism and,~~
475 ~~if so, whether the defendant is incompetent to proceed due to~~
476 ~~intellectual disability or autism.~~

477 ~~2. The social service professional shall provide a social~~
478 ~~and developmental history of the defendant.~~

479 (3) The experts may examine the defendant in jail, in
480 another appropriate local facility, in a facility of the
481 Department of Corrections, or on an outpatient basis.

482 (4) Experts appointed by the court, including experts
483 selected by the agency, to evaluate the mental condition of a
484 defendant in a criminal case shall be allowed reasonable fees
485 for services rendered as evaluators and as witnesses, which
486 shall be paid by the court. State employees shall be paid
487 expenses pursuant to s. 112.061. The fees shall be taxed as
488 costs in the case. In order for the experts to be paid for the
489 services rendered, the reports and testimony must explicitly
490 address each of the factors and follow the procedures set out in
491 this chapter and in the Florida Rules of Criminal Procedure.

492 Section 3. Subsection (4) of section 916.3012, Florida
493 Statutes, is amended to read:

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494 916.3012 Mental competence to proceed.-

495 (4) If the experts find that the defendant is incompetent
496 to proceed, the experts shall report on any recommended training
497 for the defendant to attain competence to proceed. In
498 considering the issues relating to training, the examining
499 experts shall specifically report on:

500 (a) The intellectual disability or autism causing the
501 incompetence; ~~r~~

502 (b) The training appropriate for the intellectual
503 disability or autism of the defendant and whether that training
504 should occur in the community or in a forensic facility. ~~an~~
505 ~~explanation of each of the possible training alternatives in~~
506 ~~order of choices;~~

507 ~~(c) The availability of acceptable training and, if~~
508 ~~training is available in the community, the expert shall so~~
509 ~~state in the report; and~~

510 ~~(c)(d)~~ The likelihood of the defendant's attaining
511 competence under the training recommended, an assessment of the
512 probable duration of the training required to restore
513 competence, and the probability that the defendant will attain
514 competence to proceed in the foreseeable future.

515 Section 4. Subsection (3) of section 916.302, Florida
516 Statutes, is amended, and paragraphs (e) and (f) are added to
517 subsection (2) of that section, to read:

518 916.302 Involuntary commitment of defendant determined to
519 be incompetent to proceed.-

520 (2) ADMISSION TO A FACILITY.-

521 (e) A competency hearing shall be held within 30 days after
522 the court receives notification that the defendant is competent

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523 to proceed or no longer meets the criteria for continued
 524 commitment. The defendant must be discharged from the forensic
 525 facility and transported to the committing court's jurisdiction
 526 for the hearing.

527 (f) If recommended by the expert, the court may order
 528 maintenance competency training to occur in the jail while the
 529 defendant awaits trial.

530 (3) PLACEMENT OF DUALY DIAGNOSED DEFENDANTS.—

531 (a) If a defendant has both an intellectual disability or
 532 autism and a mental illness, evaluations must address which
 533 condition is primarily affecting the defendant's competency to
 534 proceed. Referral of the defendant shall ~~should~~ be made to the
 535 department or the agency for placement in an appropriate
 536 facility a civil or forensic facility most appropriate to
 537 address the symptoms that are the cause of the defendant's
 538 incompetence.

539 (b) Transfer between the department and the agency ~~from one~~
 540 ~~civil or forensic facility to another civil or forensic facility~~
 541 may occur when, in the department's and agency's judgment, it is
 542 in the defendant's best treatment or training interests. The
 543 department and agency shall submit an evaluation and
 544 justification for the transfer to the court. The court may
 545 consult with an outside expert if necessary. Transfer requires
 546 ~~will require~~ an amended order from the committing court.

547 Section 5. Subsection (3) of section 916.3025, Florida
 548 Statutes, is amended to read:

549 916.3025 Jurisdiction of committing court.—

550 (3) The committing court shall consider a petition to
 551 involuntarily admit a defendant who has been deemed

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552 nonrestorable to competency by the court ~~whose charges have been~~
 553 ~~dismissed~~ to residential services provided by the agency and,
 554 when applicable, to continue secure placement of such person as
 555 provided in s. 916.303. The committing court shall retain
 556 jurisdiction over such person so long as he or she remains in
 557 secure placement or is on conditional release as provided in s.
 558 916.304. However, upon request, the court may transfer
 559 continuing jurisdiction to the court in the circuit where the
 560 defendant resides. The defendant may not be released from an
 561 order for secure placement except by order of the court.

562 Section 6. Subsections (2) and (3) of section 916.303,
 563 Florida Statutes, are amended to read:

564 916.303 Determination of incompetency; dismissal of
 565 charges.—

566 (2) If the charges are dismissed and ~~if~~ the defendant is
 567 considered to lack sufficient capacity to give express and
 568 informed consent to a voluntary application for services, does
 569 not have a guardian or guardian advocate to consent to services
 570 on his or her behalf, and lacks the basic survival and self-care
 571 skills to provide for his or her well-being, or the defendant is
 572 likely to physically injure himself or herself or others if
 573 allowed to remain at liberty, the agency, the state attorney, or
 574 the defendant's attorney may file a petition in ~~shall apply to~~
 575 the committing court to involuntarily admit the defendant to
 576 residential services pursuant to s. 393.11 in lieu of a petition
 577 for involuntary admission to residential services executed by a
 578 petitioning commission.

579 ~~(3) If the defendant is considered to need involuntary~~
 580 ~~residential services for reasons described in subsection (2)~~

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581 and, further, there is a substantial likelihood that the
 582 defendant will injure another person or continues to present a
 583 danger of escape, and all available less restrictive
 584 alternatives, including services in community residential
 585 facilities or other community settings, which would offer an
 586 opportunity for improvement of the condition have been judged to
 587 be inappropriate, the agency, the state attorney, or the
 588 defendant's counsel may request the committing court to continue
 589 the defendant's placement in a secure facility pursuant to this
 590 part. Any placement so continued must be reviewed by the court
 591 at least annually at a hearing. The annual review and hearing
 592 must determine whether the defendant continues to meet the
 593 criteria described in this subsection and, if so, whether the
 594 defendant still requires involuntary placement in a secure
 595 facility and whether the defendant is receiving adequate care,
 596 treatment, habilitation, and rehabilitation, including
 597 psychotropic medication and behavioral programming. Notice of
 598 the annual review and review hearing shall be given to the state
 599 attorney and the defendant's attorney. A defendant's placement
 600 in a secure facility may not exceed the maximum sentence for the
 601 crime for which the defendant was charged.

602 Section 7. Subsection (1) of section 916.304, Florida
 603 Statutes, is amended to read:

604 916.304 Conditional release.—

605 (1) Except for an inmate currently serving a prison
 606 sentence, the committing court may order a conditional release
 607 of any defendant who has been found to be incompetent to proceed
 608 due to intellectual disability or autism, based on an approved
 609 plan for providing community-based competency training. The

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610 conditional release for community-based competency training may
 611 not exceed 2 years. If the defendant remains incompetent after
 612 receiving competency training for 2 years, the provisions of s.
 613 916.303 apply ~~The committing criminal court may order a~~
 614 ~~conditional release of any defendant to a civil facility in lieu~~
 615 ~~of an involuntary commitment to a forensic facility pursuant to~~
 616 ~~s. 916.302.~~

617 (a) Upon a recommendation that community-based competency
 618 training for the defendant is appropriate, a written plan for
 619 community-based competency training, including recommendations
 620 from qualified professionals, may be filed with the court, with
 621 copies to all parties. Such a plan may also be submitted by the
 622 defendant and filed with the court, with copies to all parties.
 623 If the agency has determined the defendant is eligible for
 624 agency services, the plan must include+

625 (a) special provisions for the defendant to receive
 626 residential services ~~care~~ and adequate supervision ~~of the~~
 627 ~~defendant~~, including recommended location of placement.

628 (b) Recommendations for auxiliary services such as
 629 vocational training, psychological training, educational
 630 services, leisure services, and special medical care.

631 (b) In its order of conditional release, the court shall
 632 specify the conditions of release based upon the release plan
 633 and shall direct the appropriate agencies or persons to submit
 634 periodic reports to the courts regarding the defendant's
 635 compliance with the conditions of the release and progress in
 636 training, with copies to all parties. A defendant who the agency
 637 has determined is ineligible for agency services may be ordered
 638 to receive community-based competency training by the agency,

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639 but may not be ordered to receive any residential services and
640 supervision by the agency.

641 Section 8. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/18

Meeting Date

1280

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name CALER HAWKES

Job Title LAD AGENCY FOR PERSONS W/ DISABILITIES

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AGENCY FOR PERSONS WITH DISABILITIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.12.18

Meeting Date

1280

Bill Number (if applicable)

Topic Involuntary Commitment

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street

Phone 510-9922

Street

Tallahassee

FL

32301

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

SHARED FAMILY CARE RESIDENTIAL PROGRAM

Program:

The Shared Family Care Residential Program is a pilot through Family Support Services of North Florida. The program is designed to allow homeless or potentially homeless families with substance exposed newborn(s) to reside with the mother (parents) while sharing a home with approved community members in a nurturing traditional setting and receive intensive wrap around services. The program is committed to providing exhaustive therapeutic and substance abuse treatment in-home to participants, with the ultimate goal of reducing trauma by avoiding the separation of the child and parent(s) through the judicial system. Within the supports of the program, there is the natural and professional development of community supports and connections with the intent that the family will maintain recovery.

The program supports a team approach with the following structure:

- **Project Healthy Home (PHH):** In-home Treatment model comprised of a Substance Abuse Counselor, Co-occurring Therapist, and a case manager through Gateway Community Services.
- **Family Assessment Support Team (FAST):** Intensive in-home therapeutic wrap around services comprised of a Certified Child Welfare Counselor and a paired therapist.
- **Peer Specialist:** In collaboration with Gateway Community Services, the peer specialist is a professional recovery support that offers lived-experience to the participants.
- **Host Family:** Provides a calm and consistent home for services to be rendered. Host families will have access to a host family support group and respite care as needed.
- **Shared Family Care Project Coordinator:** An employee with Family Support Services of North Florida who provides regular in-home support to both host and participant families to ensure a continued cohesive relationship.

Current status:

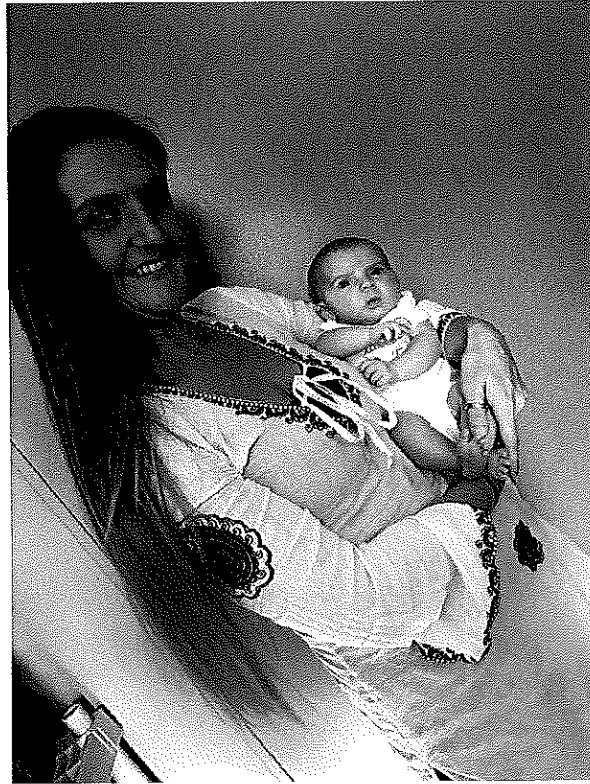
- Host homes: 10
- Referred Participants: 14
 - 2 accepted and are actively involved

Sustainability:

Through renewed funding, this Pilot will continue to focus on serving this dynamic population with an innovative approach. As the Pilot progresses Family Support Services of North Florida continues their commitment in pioneering a solution focused program aimed at improving the outcomes and lives of not only the mother, but also the family unit.



SHARED FAMILY CARE RESIDENTIAL PROGRAM



The above family was brought to the attention of the Department of Children and Families (DCF) due to concerns of a substance exposed newborn, ongoing parental substance misuse, and active homelessness. The child was born on 12/23/2017 exposed to Suboxone that was not actively prescribed to the mother. Due to the immediate concerns of historical and active drug use, a prior out of state removal through the Dependency system, and for the newborn's safety the Department took immediate action.

Though cases as such often result in the removal of the child and case management through the Dependency system, the Department was able to proceed with a less intrusive and less traumatic service provision – The Shared Family Care Residential Program (SFC). Through the participation of this Program the mother has been afforded the opportunity to receive intensive therapeutic in-home services non-judicially. Currently the mother is completely engaged in both in-home case management and substance abuse treatment services while residing with one of the SFC host families. As the mother continues to make appropriate behavioral changes, with a focus on sobriety, the SFC will soon look to transition the mother into a stable and sustainable housing option with continued case management services.


Family Support Services
OF NORTH FLORIDA INC.



CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Senate Committee on Children, Families, and Elder Affairs

Judge:

Started: 1/22/2018 3:30:59 PM

Ends: 1/22/2018 5:20:04 PM Length: 01:49:06

3:31:07 PM Meeting Called to Order
3:31:10 PM Roll Call
3:31:20 PM Quorum Present
3:31:46 PM Tab 4 SB 1418
3:31:49 PM Sen Rouson
3:34:35 PM AM 909590 adopted
3:34:45 PM Questions
3:34:49 PM Sen Broxson
3:36:39 PM Alisa Lapolt
3:36:48 PM Lauren Jackson , Broward County, waives in support
3:36:54 PM Barney Bishop, Florida Smart Justice Alliance, in favor
3:36:56 PM Kelly Mallette, Substance Abuse Services, speaks in favor
3:39:25 PM Beth Labasky, Informed Families of Florida, waives in support
3:39:56 PM Jill Gran, Florida Behavioral , waives in support
3:40:50 PM Melanie Woofer, Florida Community Mental Health , waives in support
3:41:03 PM Sen Rouson waives close
3:41:17 PM CS SB 1418 Roll Call
3:41:27 PM CS SB 1418 recorded favorably
3:41:36 PM Tab 2 SB 1022
3:41:40 PM Sen Steube
3:42:40 PM AM 181004
3:43:15 PM AM 181004 adopted
3:43:47 PM Sen Broxson
3:43:49 PM
3:43:54 PM
3:43:57 PM
3:47:56 PM Vice Chair Torres question
3:49:29 PM Michelle Smith, Florida Bar, speaks in support
3:52:37 PM Sen Broxson
3:52:41 PM Michelle Smith
3:54:15 PM Sen Torres
3:55:23 PM Members on Debate
3:55:31 PM Sen Stuebe waives close
3:55:38 PM SB 1022 Roll call
3:55:49 PM SB 1022 recorded favorably
3:56:00 PM Tab 1 SB 774
3:56:04 PM Sen Bean
3:58:36 PM AM 234782
3:59:46 PM AM adopted
4:00:01 PM AM 632020 withdrawn
4:00:19 PM AM 39300 withdrawn
4:01:16 PM AM 82720 adopted

4:01:30 PM Marilu Allwelt, waives in support
4:01:36 PM Sabrina Abboud, The Children's Campaign, waives in support
4:02:14 PM Candice Brower, Regional Counsel, speaks in support
4:05:07 PM Jeffrey Deen, Regional Counsel 5th District, speaks in opposition
4:14:53 PM Joshua Sanders, father, speaking in opposition
4:17:20 PM Sen Torres
4:17:23 PM Sen Campbell
4:19:15 PM Christina Spudeas, Florida Children First, waives in opposition
4:19:35 PM
4:19:53 PM Tom Powell, attorney, speaks in opposition
4:24:46 PM Alan Armrbromowitz, Director GAL, Speaks in favor
4:27:24 PM Barney Bishop, Florida Smart Justice Alliance, waives in favor
4:27:46 PM Madonna Finney, Adoption Attorney, speaks to inform
4:29:44 PM Debate
4:29:48 PM Sen Broxson
4:30:28 PM Sen Campbell
4:32:01 PM Sen Torres
4:32:05 PM Sen Steube
4:34:00 PM Sen Bean close
4:35:34 PM Roll Call CS SB 774
4:35:51 PM CS SB 774 recorded favorably
4:36:27 PM Tab 5 SB 1448
4:36:36 PM Sen Broxson
4:37:59 PM Doreen Barker, AARP, waives in support
4:38:08 PM Roll Call SB 1448
4:38:18 PM SB 1448 recorded favorably
4:43:52 PM Members of Youth Sunshine Speak regarding SB 590
4:44:11 PM Tab 3 SB 1232 Sen Baxley
4:44:15 PM Sen Baxley
4:45:31 PM AM 682894
4:45:35 PM Sen Baxley
4:45:51 PM Question
4:45:54 PM AM 68294 adopted
4:45:59 PM AM 868328
4:46:34 PM AM 868328 adopted
4:48:24 PM Jeri Culley from Department of Children and Families speaks to inform
4:48:34 PM Sen Torres question
4:48:56 PM Sen Baxley closes
4:49:16 PM Roll Call CS SB 1232
4:49:33 PM CS SB 1242 recorded favorably
4:50:33 PM Secretary of Elder Affairs Jeff Bragg Presentation
4:55:14 PM Sen Broxson
4:58:55 PM Discussion
5:07:16 PM Jack McRay, AARP presentation
5:19:54 PM Meeting adjourned