



265286

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/11/2014	.	
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The Committee on Appropriations (Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 409.1754, Florida Statutes, is created
to read:

409.1754 Sexually exploited children; screening and
assessment; training; case management; task forces.—

(1) SCREENING AND ASSESSMENT.—

(a) The department shall develop or adopt one or more



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11 initial screening and assessment instruments to identify,
12 determine the needs of, plan services for, and identify
13 appropriate placement for sexually exploited children. The
14 department shall consult state and local agencies,
15 organizations, and individuals involved in the identification
16 and care of sexually exploited children in developing or
17 adopting the initial screening and assessment instruments. The
18 initial screening and assessment instruments must include
19 assessment of appropriate placement, including whether placement
20 in a safe house or safe foster home is appropriate, and must
21 consider, at a minimum, the following factors:

- 22 1. The risk of the sexually exploited child running away.
- 23 2. The risk of the sexually exploited child recruiting
24 other children into the commercial sex trade.
- 25 3. The level of the sexually exploited child's attachment
26 to his or her exploiter.
- 27 4. The level and type of trauma that the sexually exploited
28 child has endured.
- 29 5. The nature of the sexually exploited child's
30 interactions with law enforcement.
- 31 6. The length of time that the child was sexually
32 exploited.
- 33 7. The extent of any substance abuse by the sexually
34 exploited child.
- 35 8. The existing community and familial resources and
36 supports available to the child.

37 (b) The initial screening and assessment instruments shall
38 be validated with the target population and used by the
39 department, juvenile assessment centers pursuant to s. 985.135,



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40 and community-based care lead agencies.

41 (c) The department shall establish rules specifying the
42 initial screening and assessment instruments to be used, the
43 requirements for their use, and the reporting of data collected
44 through them.

45 (d) The department, the Department of Juvenile Justice, and
46 community-based care lead agencies are not precluded from using
47 additional assessment instruments in the course of serving
48 sexually exploited children.

49 (2) TRAINING; CASE MANAGEMENT; TASK FORCES.-

50 (a)1. The department and community-based care lead agencies
51 shall ensure that cases in which a child is alleged, suspected,
52 or known to have been sexually exploited are assigned to child
53 protective investigators, case managers, and victim advocates
54 who have specialized intensive training in handling cases
55 involving a sexually exploited child. The department and lead
56 agencies shall ensure that child protective investigators, case
57 managers, and victim advocates receive such training before
58 accepting a case involving a sexually exploited child. The
59 department shall develop and prescribe the core elements of the
60 training curriculum.

61 2. The Department of Juvenile Justice shall ensure that
62 juvenile probation staff or contractors administering the
63 detention risk assessment instrument pursuant to s. 985.14
64 receive specialized intensive training in identifying and
65 serving sexually exploited children.

66 (b) The department and community-based care lead agencies
67 shall conduct regular multidisciplinary staffings relating to
68 services provided for sexually exploited children to ensure that



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69 all parties possess relevant information and that services are
70 coordinated across systems. The department or community-based
71 care lead agency, as appropriate, shall coordinate these
72 staffings and invite individuals involved in the child's care,
73 including, but not limited to, the child's guardian ad litem,
74 juvenile justice system staff, school district staff, service
75 providers, and victim advocates.

76 (c)1. Each region of the department and each community-
77 based care lead agency shall jointly assess local service
78 capacity to meet the specialized service needs of sexually
79 exploited children and establish a plan to develop the necessary
80 capacity. Each plan shall be developed in consultation with
81 local law enforcement officials, local school officials, runaway
82 and homeless youth program providers, local probation
83 departments, children's advocacy centers, guardians ad litem,
84 public defenders, state attorneys' offices, safe houses, and
85 child advocates and services providers who work directly with
86 sexually exploited children.

87 2. Each region of the department and each community-based
88 care lead agency shall establish local protocols and procedures
89 for working with sexually exploited children which are
90 responsive to the individual circumstances of each child. The
91 protocols and procedures shall take into account the varying
92 types and levels of trauma endured; whether the sexual
93 exploitation is actively occurring, occurred in the past, or
94 inactive but likely to reoccur; and the differing community
95 resources and degrees of familial support that are available.
96 Child protective investigators and case managers must use the
97 protocols and procedures when working with a sexually exploited



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98 child.

99 (3) LOCAL TRAINING AND COORDINATION.—

100 (a) The local regional director shall provide training to
101 local law enforcement officials who are likely to encounter
102 sexually exploited children in the course of their law
103 enforcement duties. Training shall address the provisions of
104 this section and how to identify and obtain appropriate services
105 for sexually exploited children. The local circuit administrator
106 may contract with an individual or entity approved by the
107 department to conduct such training. Circuits may work
108 cooperatively to provide training, which may be provided on a
109 regional basis. The department shall assist circuits to obtain
110 any available funds for the purposes of conducting law
111 enforcement training from the Office of Juvenile Justice and
112 Delinquency Prevention of the United States Department of
113 Justice.

114 (b) Circuit administrators or their designees, chief
115 probation officers of the Department of Juvenile Justice or
116 their designees, and the chief operating officers of community-
117 based care lead agencies or their designees shall participate in
118 any task force, committee, council, advisory group, coalition,
119 or other entity in their service area which is involved in
120 coordinating responses to address human trafficking or sexual
121 exploitation of children. If such entity does not exist, the
122 circuit administrator for the department shall initiate one.

123 Section 2. Section 409.1678, Florida Statutes, is amended
124 to read:

125 (Substantial rewording of section. See
126 s. 409.1678, F.S., for present text.)



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127 409.1678 Specialized residential options for children who
128 are victims of sexual exploitation.-

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

130 (a) "Safe foster home" means a foster home certified by the
131 department under this section to care for sexually exploited
132 children.

133 (b) "Safe house" means a group residential placement
134 certified by the department under this section to care for
135 sexually exploited children.

136 (c) "Sexually exploited child" means a child who has
137 suffered sexual exploitation as defined in s. 39.01(67)(g) and
138 is ineligible for relief and benefits under the federal
139 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

140 (d) "Victim advocate" means an individual assigned by the
141 department to each sexually exploited child who serves to inform
142 and explain legal and other procedures and to assist in the
143 child's navigation and understanding of all processes,
144 proceedings, treatment options, and resources.

145 (2) CERTIFICATION OF SAFE HOUSES AND SAFE FOSTER HOMES.-

146 (a) Safe houses and safe foster homes shall provide a safe,
147 separate, and therapeutic environment tailored to the needs of
148 sexually exploited children who have endured significant trauma.
149 Safe houses and safe foster homes shall use a model of treatment
150 which includes strength-based and trauma-informed approaches.

151 (b) A safe house or a safe foster home must be certified by
152 the department. A residential facility accepting state funds
153 appropriated to provide services to sexually exploited children
154 or child victims of sex trafficking must be certified by the
155 department as a safe house or a safe foster home. An entity may



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156 not use the designation "safe house" or "safe foster home" and
157 hold itself out as serving sexually exploited children unless
158 such entity is certified under this section.

159 (c) To be certified, a safe house must hold a license as a
160 residential child-caring agency as defined in s. 409.175, and a
161 safe foster home must hold a license as a family foster home as
162 defined in s. 409.175. A safe house or safe foster home must
163 also:

164 1. Use strength-based and trauma-informed approaches to
165 care.

166 2. Serve exclusively one sex.

167 3. Group sexually exploited children by age or maturity
168 level.

169 4. If a safe house, have awake staff members on duty 24
170 hours per day.

171 5. Provide appropriate security through facility design,
172 hardware, technology, staffing, and siting, including, but not
173 limited to, external video monitoring or door exit alarms, a
174 high staff-to-client ratio, or being situated in a remote
175 location isolated from major transportation centers and common
176 trafficking areas. However, such security must allow sexually
177 exploited children to exit the safe house if they choose.

178 6. Meet any other criteria established by department rule,
179 which may include, but are not limited to, personnel
180 qualifications, staffing ratios, and types of services offered.

181 (d) Safe houses and safe foster homes shall provide
182 services tailored to the needs of sexually exploited children
183 and shall conduct a comprehensive assessment of the service
184 needs of each resident. In addition to the services required to



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185 be provided by residential child caring agencies and family
186 foster homes, safe houses and safe foster homes shall provide,
187 arrange for, or coordinate, at a minimum, the following
188 services:

- 189 1. Victim-witness counseling.
- 190 2. Family counseling.
- 191 3. Behavioral health care.
- 192 4. Treatment and intervention for sexual assault.
- 193 5. Education tailored to the child's individual needs,
194 including remedial education if necessary.
- 195 6. Life skills training.
- 196 7. Mentoring by a victim advocate or a survivor of sexual
197 exploitation.
- 198 8. Substance abuse screening and, if necessary, access to
199 treatment.
- 200 9. Planning services for the successful transition of each
201 child back to the community.
- 202 10. Activities structured in a manner that provides
203 sexually exploited children with a full schedule.

204 (e) The community-based care lead agencies shall ensure
205 that foster parents of safe foster homes and staff of safe
206 houses complete intensive training regarding, at a minimum, the
207 needs of sexually exploited children, the effects of trauma and
208 sexual exploitation, and how to address those needs using
209 strength-based and trauma-informed approaches. The department
210 shall specify the contents of this training by rule and may
211 develop or contract for a standard curriculum. The department
212 may establish by rule additional criteria for the certification
213 of safe houses and safe foster homes which shall address the



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214 security, therapeutic, social, health, and educational needs of
215 sexually exploited children.

216 (f) The department shall inspect safe houses and safe
217 foster homes before certification and annually thereafter to
218 ensure compliance with requirements of this section. The
219 department may place a moratorium on referrals and may revoke
220 the certification of a safe house or safe foster home that fails
221 at any time to meet the requirements of, or rules adopted under,
222 this section.

223 (g) The certification period for safe houses and safe
224 foster homes shall run concurrently with the terms of their
225 licenses.

226 (3) HUMAN TRAFFICKING VICTIMS TASK FORCE.—

227 (a) To ensure sexually exploited children in this state are
228 provided specialized, evidence- and practice-informed programs
229 and options that appropriately and effectively address their
230 safety, therapeutic, health, educational, vocational
231 rehabilitative, and emotional needs, the Human Trafficking
232 Victims Task Force is established between the department and the
233 Department of Juvenile Justice. The purpose of the task force is
234 to develop a statewide, coordinated response, including
235 recommendations for a secure safe house pilot program, in order
236 to provide for the safety, welfare, and future success of
237 children who are victims of human trafficking. The task force
238 shall comply with the requirements of s. 20.052, except as
239 otherwise provided in this section.

240 (b) The task force shall be seated by the department and
241 Department of Juvenile Justice with co-chairs designated by each
242 department.



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243 (c) The task force shall hold its initial meeting by
244 October 1, 2014.

245 (d) The task force shall make recommendations for
246 specialized services and treatment of sexually exploited
247 children and identify any gaps in the availability of such
248 services across the state. Recommendations shall include the
249 development of a secure residential safe house pilot program in
250 order to evaluate the therapeutic benefits of establishing such
251 a program within the broader array of residential and community-
252 based services available to meets the needs of sexually
253 exploited children.

254 (e) The department and the Department of Juvenile Justice
255 shall provide administrative support to the task force.

256 (f) The task force shall meet at least monthly and at other
257 times at the call of the co-chairs.

258 (g) Members of the task force shall serve without
259 compensation but are entitled to reimbursement for per diem and
260 travel expenses as provided in s. 112.061.

261 (h) By December 15, 2014, the task force shall submit a
262 report to the Governor, the President of the Senate, and the
263 Speaker of the House of Representatives which states the task
264 force's findings, conclusions, and recommendations as described
265 in paragraph (d).

266 Section 3. Section 39.524, Florida Statutes, is amended to
267 read:

268 39.524 Safe-harbor placement.—

269 (1) Except as provided in s. 39.407 or s. 985.801, a
270 dependent child 6 years of age or older who has been found to be
271 a victim of sexual exploitation as defined in s. 39.01(67)(g)



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272 must be assessed for placement in a safe house or safe foster
273 home as provided in s. 409.1678 using the initial screening and
274 assessment instruments provided in s. 409.1754(1). The
275 ~~assessment shall be conducted by the department or its agent and~~
276 ~~shall incorporate and address current and historical information~~
277 ~~from any law enforcement reports; psychological testing or~~
278 ~~evaluation that has occurred; current and historical information~~
279 ~~from the guardian ad litem, if one has been assigned; current~~
280 ~~and historical information from any current therapist, teacher,~~
281 ~~or other professional who has knowledge of the child and has~~
282 ~~worked with the child; and any other information concerning the~~
283 ~~availability and suitability of safe-house placement.~~ If such
284 placement is determined to be appropriate for the child as a
285 result of this assessment, the child may be placed in a safe
286 house or safe foster home, if one is available. However, the
287 child may be placed in another setting if the other setting is
288 more appropriate to the child's needs and the child's behaviors
289 can be managed in those settings so that the child does not
290 endanger other children served in that setting, or if a safe
291 house or safe foster home is unavailable ~~As used in this~~
292 ~~section, the term "available" as it relates to a placement means~~
293 ~~a placement that is located within the circuit or otherwise~~
294 ~~reasonably accessible.~~

295 (2) The results of the assessment described in s.
296 409.1754(1) subsection (1) and the actions taken as a result of
297 the assessment must be included in the next judicial review of
298 the child. At each subsequent judicial review, the court must be
299 advised in writing of the status of the child's placement, with
300 special reference regarding the stability of the placement and



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301 the permanency planning for the child.

302 (3) (a) By December 1 of each year, the department shall
303 report to the Legislature on the placement of children in safe
304 houses and safe foster homes during the year, including the
305 criteria used to determine the placement of children, the number
306 of children who were evaluated for placement, the number of
307 children who were placed based upon the evaluation, and the
308 number of children who were not placed.

309 (b) The department shall maintain data specifying the
310 number of children who were referred to a safe house or safe
311 foster home for whom placement was unavailable and the counties
312 in which such placement was unavailable. The department shall
313 include this data in its report under this subsection so that
314 the Legislature may consider this information in developing the
315 General Appropriations Act.

316 Section 4. Paragraph (b) of subsection (2) and paragraph
317 (b) of subsection (3) of section 39.401, Florida Statutes, are
318 amended to read:

319 39.401 Taking a child alleged to be dependent into custody;
320 law enforcement officers and authorized agents of the
321 department.—

322 (2) If the law enforcement officer takes the child into
323 custody, that officer shall:

324 (b) Deliver the child to an authorized agent of the
325 department, stating the facts by reason of which the child was
326 taken into custody and sufficient information to establish
327 probable cause that the child is abandoned, abused, or
328 neglected, or otherwise dependent. For such a child for whom
329 there is also probable cause to believe he or she has been



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330 sexually exploited, the law enforcement officer shall deliver
331 the child to the department. ~~The department may place the child~~
332 ~~in an appropriate short-term safe house as provided for in s.~~
333 ~~409.1678 if a short-term safe house is available.~~

334

335 For cases involving allegations of abandonment, abuse, or
336 neglect, or other dependency cases, within 3 days after such
337 release or within 3 days after delivering the child to an
338 authorized agent of the department, the law enforcement officer
339 who took the child into custody shall make a full written report
340 to the department.

341 (3) If the child is taken into custody by, or is delivered
342 to, an authorized agent of the department, the agent shall
343 review the facts supporting the removal with an attorney
344 representing the department. The purpose of the review is to
345 determine whether there is probable cause for the filing of a
346 shelter petition.

347 (b) If the facts are sufficient and the child has not been
348 returned to the custody of the parent or legal custodian, the
349 department shall file the petition and schedule a hearing, and
350 the attorney representing the department shall request that a
351 shelter hearing be held within 24 hours after the removal of the
352 child. While awaiting the shelter hearing, the authorized agent
353 of the department may place the child in licensed shelter care,
354 ~~or in a short-term safe house if the child is a sexually~~
355 ~~exploited child,~~ or may release the child to a parent or legal
356 custodian or responsible adult relative or the adoptive parent
357 of the child's sibling who shall be given priority consideration
358 over a licensed placement, or a responsible adult approved by



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359 the department if this is in the best interests of the child.
360 Placement of a child which is not in a licensed shelter must be
361 preceded by a criminal history records check as required under
362 s. 39.0138. In addition, the department may authorize placement
363 of a housekeeper or homemaker ~~housekeeper/homemaker~~ in the home
364 of a child alleged to be dependent until the parent or legal
365 custodian assumes care of the child.

366 Section 5. Subsection (6) of section 796.07, Florida
367 Statutes, is amended to read:

368 796.07 Prohibiting prostitution and related acts.—

369 (6) A person who violates paragraph (2)(f) shall be
370 assessed a civil penalty of \$5,000 if the violation results in
371 any judicial disposition other than acquittal or dismissal. Of
372 the proceeds from each penalty assessed under this subsection,
373 the first \$500 shall be paid to the circuit court administrator
374 for the sole purpose of paying the administrative costs of
375 treatment-based drug court programs provided under s. 397.334.
376 The remainder of the penalty assessed shall be deposited in the
377 Operations and Maintenance Trust Fund of the Department of
378 Children and Families ~~Family Services~~ for the sole purpose of
379 funding safe houses and ~~short-term~~ safe foster homes ~~houses~~ as
380 provided in s. 409.1678.

381 Section 6. Paragraph (b) of subsection (2) of section
382 985.115, Florida Statutes, is amended to read:

383 985.115 Release or delivery from custody.—

384 (2) Unless otherwise ordered by the court under s. 985.255
385 or s. 985.26, and unless there is a need to hold the child, a
386 person taking a child into custody shall attempt to release the
387 child as follows:



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388 (b) Contingent upon specific appropriation, to a shelter
389 approved by the department or to an authorized agent ~~or short-~~
390 ~~term safe house under s. 39.401(2)(b).~~

391 Section 7. The Office of Program Policy Analysis and
392 Government Accountability shall conduct a study on commercial
393 sexual exploitation of children in Florida. The study shall
394 assess the extent of commercial sexual exploitation of children,
395 including, but not limited to, its prevalence in various regions
396 of the state. The study shall also identify specialized services
397 needed by sexually exploited children and any gaps in the
398 availability of such services by region, including, but not
399 limited to, residential services and specialized therapies. The
400 study shall also analyze the effectiveness of safe houses, safe
401 foster homes, and other residential options for serving sexually
402 exploited children in addressing their safety, therapeutic,
403 health, educational, and emotional needs, including, but not
404 limited to, the nature and appropriateness of subsequent
405 placements, extent of sexual exploitation postplacement, and
406 educational attainment. By July 1, 2017, the Office of Program
407 Policy Analysis and Government Accountability shall report its
408 findings to the Governor, the President of the Senate, and the
409 Speaker of the House of Representatives.

410 Section 8. This act shall take effect July 1, 2014.

411
412 ===== T I T L E A M E N D M E N T =====

413 And the title is amended as follows:

414 Delete everything before the enacting clause
415 and insert:

416 A bill to be entitled



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417 An act relating to human trafficking; creating s.
418 409.1754, F.S.; requiring the Department of Children
419 and Families to develop or adopt initial screening and
420 assessment instruments for sexually exploited
421 children; specifying the process for the department to
422 develop or adopt such screening and assessment
423 instruments; providing factors for placement in a safe
424 house or safe foster home; authorizing specified
425 entities to use additional initial screening and
426 assessment instruments; requiring the staff of the
427 department, community-based care lead agencies, and
428 the Department of Juvenile Justice to receive
429 specified training in handling cases involving a
430 sexually exploited child and the administration of the
431 risk assessment instrument; requiring the Department
432 of Children and Families and lead agencies to hold
433 multidisciplinary staffings under certain
434 circumstances; requiring each region of the department
435 and each lead agency to develop specified plans and
436 protocols in consultation with specified entities;
437 requiring the local regional director to provide
438 specified training to local law enforcement officials;
439 directing the department, the Department of Juvenile
440 Justice, and lead agencies to participate in
441 coalitions, task forces, or similar organizations to
442 coordinate local responses to human trafficking;
443 requiring the circuit administrator of the Department
444 of Children and Families to initiate a task force if
445 one is not active in a local area; amending s.



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446 409.1678, F.S.; defining terms; requiring safe houses
447 and safe foster homes to be certified by the
448 department; providing requirements for certification
449 and operation as a safe house or safe foster home;
450 requiring a lead agency to ensure certain training;
451 requiring the department to specify the contents of
452 such training; authorizing the department to develop
453 or contract for a standard curriculum; authorizing the
454 department to establish additional criteria for the
455 certification of safe houses and safe foster homes;
456 providing duties of the department relating to the
457 certification of safe houses and safe foster homes;
458 establishing the Human Trafficking Victims Task Force
459 in the department and the Department of Juvenile
460 Justice; providing the purpose of the task force;
461 providing for membership and co-chairs of the task
462 force; providing for meetings; providing the duties of
463 the task force; providing for reimbursement of task
464 force members; requiring a report to the Governor and
465 the Legislature by a specified date; amending s.
466 39.524, F.S.; requiring assessment or placement in a
467 safe foster home under certain circumstances;
468 authorizing placement in a setting other than a safe
469 house or safe foster home under certain conditions;
470 conforming provisions to changes made by the act;
471 amending ss. 39.401, 796.07, and 985.115, F.S.;
472 conforming provisions to changes made by the act;
473 requiring the Office of Program Policy Analysis and
474 Government Accountability to conduct a study on



475 commercial exploitation of children in the state and
476 related topics; requiring a report to the Governor and
477 the Legislature by a specified date; providing an
478 effective date.