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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/08/2014	.	
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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 foster home is appropriate, and must consider, at a  
21 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 (b) The initial screening and assessment instruments shall  
36 be validated, if possible, and shall be used by the department,  
37 juvenile assessment centers as provided in s. 985.135, and  
38 community-based care lead agencies.

39 (c) The department shall establish rules specifying the



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40 initial screening and assessment instruments to be used, the  
41 requirements for their use, and the reporting of data collected  
42 through them.

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

47 (2) TRAINING; CASE MANAGEMENT; TASK FORCES.—

48 (a)1. The department and community-based care lead agencies  
49 shall ensure that cases in which a child is alleged, suspected,  
50 or known to have been sexually exploited are assigned to child  
51 protective investigators and case managers who have specialized  
52 intensive training in handling cases involving a sexually  
53 exploited child. The department and lead agencies shall ensure  
54 that child protective investigators and case managers,  
55 respectively, receive this training before accepting any case  
56 involving a sexually exploited child.

57 2. The Department of Juvenile Justice shall ensure that  
58 juvenile probation staff or contractors administering the  
59 detention risk assessment instrument receive specialized  
60 intensive training in identifying and serving sexually exploited  
61 children.

62 (b) The department and community-based care lead agencies  
63 shall conduct regular multidisciplinary staffings for sexually  
64 exploited children to ensure that all relevant information is  
65 known to all parties and that services are coordinated across  
66 systems. The department or community-based care lead agency, as  
67 appropriate, shall coordinate these staffings and invite  
68 individuals involved in the child's care. This may include, but



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69 is not limited to, the child's guardian ad litem, juvenile  
70 justice system staff, school district staff, service providers,  
71 and victim advocates.

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

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

94 (3) LOCAL TRAINING AND COORDINATION.-

95 (a) The local regional director may, to the extent that  
96 funds are available, provide training to local law enforcement  
97 officials who are likely to encounter sexually exploited



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98 children in the course of their law enforcement duties. Training  
99 shall address the provisions of this section and how to identify  
100 and obtain appropriate services for sexually exploited children.  
101 The local circuit administrator may contract with a not-for-  
102 profit agency having experience working with sexually exploited  
103 children to provide the training. Circuits may work  
104 cooperatively to provide training, which may be provided on a  
105 regional basis. The department shall assist circuits to obtain  
106 any available funds for the purposes of conducting law  
107 enforcement training from the Office of Juvenile Justice and  
108 Delinquency Prevention of the United States Department of  
109 Justice.

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

119 Section 2. Section 409.1678, Florida Statutes, is amended  
120 to read:

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

123 409.1678 Specialized residential options for children who  
124 are victims of sexual exploitation.—

125 (1) DEFINITIONS.—As used in this section, the term:

126 (a) "Safe foster home" means a foster home certified by the



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127 department under this section to care for sexually exploited  
128 children.

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

133 (2) CERTIFICATION OF SAFE FOSTER HOMES.—

134 (a) Safe foster homes shall provide a safe, separate, and  
135 therapeutic environment tailored to the needs of sexually  
136 exploited children who have endured significant trauma. Safe  
137 foster homes shall use a model of treatment which includes  
138 strength-based and trauma-informed approaches.

139 (b) The department shall certify safe foster homes. A  
140 residential facility accepting state funds appropriated to  
141 provide services to sexually exploited children or child victims  
142 of sex trafficking must be certified by the department as a safe  
143 foster home. An entity may not use the designation "safe foster  
144 home" and hold itself out as serving sexually exploited children  
145 unless the entity is certified under this section.

146 (c) To be certified, a safe foster home must hold a license  
147 as a family foster home pursuant to s. 409.175. A safe foster  
148 home must also:

149 1. Use trauma-informed and strength-based approaches to  
150 care, to the extent possible and appropriate.

151 2. Serve exclusively one sex.

152 3. Group sexually exploited children by age or maturity  
153 level.

154 4. Care for sexually exploited children in a manner that  
155 separates these children from children with other needs. Safe



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156 foster homes may care for other populations if the children who  
157 have not experienced sexual exploitation do not interact with  
158 children who have experienced sexual exploitation.

159 5. Provide appropriate security through facility design,  
160 hardware, technology, staffing, and siting, including, but not  
161 limited to, external video monitoring or alarmed doors, a high  
162 staff-to-client ratio, or a remote facility location isolated  
163 from major transportation centers and common trafficking areas.  
164 However, such security must allow sexually exploited children to  
165 exit the safe foster home if they choose.

166 6. Meet other criteria established by the department in  
167 rule, which may include, but are not limited to, personnel  
168 qualifications, staffing ratios, and services content.

169 (d) Safe foster homes shall provide services tailored to  
170 the needs of sexually exploited children and shall conduct a  
171 comprehensive assessment of the service needs of each resident.  
172 In addition to the services required to be provided by  
173 residential child-caring agencies and family foster homes, safe  
174 foster homes shall provide, arrange for, or coordinate, at a  
175 minimum, the following services:

- 176 1. Victim-witness counseling;  
177 2. Family counseling;  
178 3. Behavioral health care;  
179 4. Treatment and intervention for sexual assault;  
180 5. Education tailored to the child's individual needs,  
181 including remedial education if necessary;  
182 6. Life skills training;  
183 7. Mentoring by a survivor of sexual exploitation, if  
184 available and appropriate for the child;



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185       8. Substance abuse screening and, if necessary, access to  
186 treatment;

187       9. Planning services for the successful transition of each  
188 child back to the community; and

189       10. Activities in a manner that provides sexually exploited  
190 children with a full schedule.

191       (e) The community-based care lead agencies shall ensure  
192 that foster parents of safe foster homes complete intensive  
193 training regarding, at a minimum, the needs of sexually  
194 exploited children, the effects of trauma and sexual  
195 exploitation, and how to address those needs using strength-  
196 based and trauma-informed approaches. The department shall  
197 specify this training by rule and may develop or contract for a  
198 standard curriculum. The department may establish in rule  
199 additional criteria for the certification of safe foster homes.  
200 Criteria shall address the security, therapeutic, social,  
201 health, and educational needs of sexually exploited children.

202       (f) The department shall inspect safe foster homes before  
203 certification and annually to ensure compliance with  
204 requirements of this section. The department may place a  
205 moratorium on referrals and may revoke the certification of a  
206 safe foster home that fails at any time to meet the requirements  
207 of this section or rules adopted pursuant to this section.

208       (g) The certification period for safe foster homes shall  
209 run concurrently with the terms of their licenses.

210       (3) SERVICES.—

211       (a) This section does not prohibit any provider of services  
212 for sexually exploited children from appropriately billing  
213 Medicaid for services rendered, from contracting with a local





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214 school district for educational services, or from obtaining  
215 federal or local funding for services provided, as long as two  
216 or more funding sources do not pay for the same specific service  
217 that has been provided to a child.

218 (b) The lead agency shall ensure that all children residing  
219 in safe foster homes have a case manager and a case plan,  
220 whether or not the child is a dependent child.

221 (c) The services specified in this section may, to the  
222 extent possible provided by law and with funding authorized, be  
223 available to all sexually exploited children whether the  
224 services are accessed voluntarily, as a condition of probation,  
225 through a diversion program, through a proceeding under chapter  
226 39, or through a referral from a local community-based care or  
227 social service agency.

228 Section 3. Section 39.524, Florida Statutes, is amended to  
229 read:

230 39.524 Safe-harbor placement.—

231 (1) Except as provided in s. 39.407 or s. 985.801, a  
232 dependent child 6 years of age or older who has been found to be  
233 a victim of sexual exploitation as defined in s. 39.01(67)(g)  
234 must be assessed for placement in a safe foster home ~~house~~ as  
235 provided in s. 409.1678 using the initial screening and  
236 assessment instruments provided in s. 409.1754(1). ~~The~~  
237 ~~assessment shall be conducted by the department or its agent and~~  
238 ~~shall incorporate and address current and historical information~~  
239 ~~from any law enforcement reports; psychological testing or~~  
240 ~~evaluation that has occurred; current and historical information~~  
241 ~~from the guardian ad litem, if one has been assigned; current~~  
242 ~~and historical information from any current therapist, teacher,~~



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243 ~~or other professional who has knowledge of the child and has~~  
244 ~~worked with the child; and any other information concerning the~~  
245 ~~availability and suitability of safe house placement. If such~~  
246 placement is determined to be appropriate for the child as a  
247 result of this assessment, the child may be placed in a safe  
248 foster home ~~house~~, if one is available. However, the child may  
249 be placed in another setting if it is more appropriate to his or  
250 her needs and his or her behaviors can be managed in that  
251 setting so that they do not endanger other children being served  
252 in that setting, or if a safe foster home is unavailable ~~As used~~  
253 ~~in this section, the term "available" as it relates to a~~  
254 ~~placement means a placement that is located within the circuit~~  
255 ~~or otherwise reasonably accessible.~~

256 (2) The results of the assessment described in s.  
257 409.1754(1) ~~subsection (1)~~ and the actions taken as a result of  
258 the assessment must be included in the next judicial review of  
259 the child. At each subsequent judicial review, the court must be  
260 advised in writing of the status of the child's placement, with  
261 special reference regarding the stability of the placement and  
262 the permanency planning for the child.

263 (3) (a) By December 1 of each year, the department shall  
264 report to the Legislature on the placement of children in safe  
265 foster homes ~~houses~~ during the year, including the criteria used  
266 to determine the placement of children, the number of children  
267 who were evaluated for placement, the number of children who  
268 were placed based upon the evaluation, and the number of  
269 children who were not placed.

270 (b) The department shall maintain data specifying the  
271 number of children who were referred to a safe foster home ~~house~~



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272 for whom placement was unavailable and the counties in which  
273 such placement was unavailable. The department shall include  
274 this data in its report under this subsection so that the  
275 Legislature may consider this information in developing the  
276 General Appropriations Act.

277 Section 4. Paragraph (b) of subsection (2) of section  
278 39.401, Florida Statutes, is amended to read:

279 39.401 Taking a child alleged to be dependent into custody;  
280 law enforcement officers and authorized agents of the  
281 department.—

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

284 (b) Deliver the child to an authorized agent of the  
285 department, stating the facts by reason of which the child was  
286 taken into custody and sufficient information to establish  
287 probable cause that the child is abandoned, abused, or  
288 neglected, or otherwise dependent. For such a child for whom  
289 there is also probable cause to believe he or she has been  
290 sexually exploited, the law enforcement officer shall deliver  
291 the child to the department. ~~The department may place the child~~  
292 ~~in an appropriate short-term safe house as provided for in s.~~  
293 ~~409.1678 if a short-term safe house is available.~~

294  
295 For cases involving allegations of abandonment, abuse, or  
296 neglect, or other dependency cases, within 3 days after such  
297 release or within 3 days after delivering the child to an  
298 authorized agent of the department, the law enforcement officer  
299 who took the child into custody shall make a full written report  
300 to the department.



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

303 796.07 Prohibiting prostitution and related acts.—

304 (6) A person who violates paragraph (2)(f) shall be  
305 assessed a civil penalty of \$5,000 if the violation results in  
306 any judicial disposition other than acquittal or dismissal. Of  
307 the proceeds from each penalty assessed under this subsection,  
308 the first \$500 shall be paid to the circuit court administrator  
309 for the sole purpose of paying the administrative costs of  
310 treatment-based drug court programs provided under s. 397.334.  
311 The remainder of the penalty assessed shall be deposited in the  
312 Operations and Maintenance Trust Fund of the Department of  
313 Children and Family Services for the sole purpose of funding  
314 safe foster homes ~~houses and short-term safe houses~~ as provided  
315 in s. 409.1678.

316 Section 6. Paragraph (b) of subsection (2) of section  
317 985.115, Florida Statutes, is amended to read:

318 985.115 Release or delivery from custody.—

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

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

326 Section 7. The Office of Program Policy Analysis and  
327 Government Accountability (OPPAGA) shall conduct a study on  
328 commercial sexual exploitation of children in Florida. The study  
329 shall assess the extent of commercial sexual exploitation of



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330 children, including, but not limited to, its prevalence in  
331 various regions of the state. The study shall also identify  
332 specialized services needed by sexually exploited children and  
333 any gaps in the availability of such services by region,  
334 including, but not limited to, residential services and  
335 specialized therapies. The study shall analyze the effectiveness  
336 of safe foster homes and other residential options for serving  
337 sexually exploited children in addressing their safety,  
338 therapeutic, health, educational, and emotional needs,  
339 including, but not limited to, the nature and appropriateness of  
340 subsequent placements, the extent of sexual exploitation  
341 postplacement, and the educational attainment. By July 1, 2017,  
342 OPPAGA shall report its findings to the Governor, the President  
343 of the Senate, and the Speaker of the House of Representatives.

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

345  
346 ===== T I T L E A M E N D M E N T =====

347 And the title is amended as follows:

348 Delete everything before the enacting clause  
349 and insert:

350 A bill to be entitled

351 An act relating to human trafficking; creating s.  
352 409.1754, F.S.; requiring the Department of Children  
353 and Families to develop or adopt initial screening and  
354 assessment instruments for sexually exploited  
355 children; specifying the process for the department to  
356 develop or adopt such screening and assessment  
357 instruments; providing factors for placement in a safe  
358 foster home; authorizing specified entities to use



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359 additional assessment instruments; requiring that the  
360 department and community-based care lead agencies  
361 ensure that certain personnel receive specified  
362 training in handling cases involving a sexually  
363 exploited child; requiring that the Department of  
364 Juvenile Justice ensure that certain juvenile  
365 probation staff or contractors receive training in  
366 identifying and serving sexually exploited children;  
367 requiring the Department of Children and Families and  
368 lead agencies to hold multidisciplinary staffings  
369 under certain conditions; requiring each region of the  
370 department and each lead agency to develop specified  
371 plans and protocols in consultation with specified  
372 entities; requiring the local regional director to  
373 provide specified training to local law enforcement  
374 officials; directing the department, the Department of  
375 Juvenile Justice, and lead agencies to participate in  
376 coalitions, task forces, or similar organizations to  
377 coordinate local responses to human trafficking or the  
378 sexual exploitation of children; requiring the circuit  
379 administrator of the Department of Children and  
380 Families to work to initiate a task force if one is  
381 not active in a local area; amending s. 409.1678,  
382 F.S.; defining terms; authorizing the department to  
383 certify safe foster homes; providing requirements for  
384 certification as safe foster homes; requiring a lead  
385 agency to ensure certain training; requiring the  
386 department to specify the contents of such training;  
387 authorizing the department to develop or contract for



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388 a standard curriculum; authorizing the department to  
389 establish additional criteria for the certification of  
390 safe foster homes; providing duties of the department  
391 relating to the certification of safe foster homes;  
392 providing requirements for services; amending s.  
393 39.524, F.S.; requiring assessment or placement in a  
394 safe foster home under certain circumstances;  
395 authorizing placement in a setting other than a safe  
396 foster home under certain conditions; conforming  
397 provisions to changes made by the act; amending ss.  
398 39.401, 796.07, and 985.115, F.S.; conforming  
399 provisions to changes made by the act; requiring the  
400 Office of Program Policy Analysis and Government  
401 Accountability to conduct a study on commercial  
402 exploitation of children in the state and related  
403 topics; requiring a report to the Governor and the  
404 Legislature by a specified date; providing an  
405 effective date.