



485468

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2014	.	
	.	
	.	
	.	

The Committee on Appropriations (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete lines 195 - 578

and insert:

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



485468

- 10 1. Use strength-based and trauma-informed approaches to
11 care, to the extent possible and appropriate.
- 12 2. Serve exclusively one sex.
- 13 3. Group sexually exploited children by age or maturity
14 level.
- 15 4. Care for sexually exploited children in a manner that
16 separates these children from children with other needs. Safe
17 houses and safe foster homes may care for other populations if
18 the children who have not experienced sexual exploitation do not
19 interact with children who have experienced sexual exploitation.
- 20 5. Have awake staff members on duty 24 hours per day, if a
21 safe house.
- 22 6. Provide appropriate security through facility design,
23 hardware, technology, staffing, and siting, including, but not
24 limited to, external video monitoring or exit door alarms, a
25 high staff-to-client ratio, or being situated in a remote
26 location that is isolated from major transportation centers and
27 common trafficking areas.
- 28 7. Meet other criteria established by department rule,
29 which may include, but are not limited to, personnel
30 qualifications, staffing ratios, and types of services offered.
- 31 (d) Safe houses and safe foster homes shall provide
32 services tailored to the needs of sexually exploited children
33 and shall conduct a comprehensive assessment of the service
34 needs of each resident. In addition to the services required to
35 be provided by residential-child caring agencies and family
36 foster homes, safe houses and safe foster homes shall provide,
37 arrange for, or coordinate, at a minimum, the following
38 services:



485468

- 39 1. Victim-witness counseling.
40 2. Family counseling.
41 3. Behavioral health care.
42 4. Treatment and intervention for sexual assault.
43 5. Education tailored to the child's individual needs,
44 including remedial education if necessary.
45 6. Life skills training.
46 7. Mentoring by a survivor of sexual exploitation if
47 available and appropriate for the child.
48 8. Substance abuse screening and, if necessary, access to
49 treatment.
50 9. Planning services for the successful transition of each
51 child back to the community.
52 10. Activities in a manner that provides sexually exploited
53 children with a full schedule.
54 (e) The community-based care lead agencies shall ensure
55 that foster parents of safe foster homes and staff of safe
56 houses complete intensive training regarding, at a minimum, the
57 needs of sexually exploited children, the effects of trauma and
58 sexual exploitation, and how to address those needs using
59 strength-based and trauma-informed approaches. The department
60 shall specify the contents of this training by rule and may
61 develop or contract for a standard curriculum. The department
62 may establish by rule additional criteria for the certification
63 of safe houses and safe foster homes which must address the
64 security, therapeutic, social, health, and educational needs of
65 sexually exploited children.
66 (f) The department shall annually inspect safe houses and
67 safe foster homes before certification to ensure compliance with



485468

68 the requirements of this section. The department may place a
69 moratorium on referrals and may revoke the certification of a
70 safe house or safe foster home that fails at any time to meet
71 the requirements of, or rules adopted under, this section.

72 (g) The certification period for safe houses and safe
73 foster homes shall run concurrently with the terms of their
74 licenses.

75 (3) SERVICES WITHIN A RESIDENTIAL TREATMENT CENTER OR
76 HOSPITAL.—Residential treatment centers licensed under s.
77 394.875 and hospitals licensed under chapter 395 which provide
78 residential mental health treatment shall provide specialized
79 treatment for sexually exploited children in the custody of the
80 department placed in such facilities pursuant to s. 39.407(6),
81 s. 394.4625, or s. 394.467. For such children, such facilities
82 shall meet the requirements of subparagraphs (2)(c)1. and 3.-7.
83 and paragraph (2)(d). The facilities shall ensure that children
84 are served in single-sex groups and that staff working with such
85 children are adequately trained in the effects of trauma and
86 sexual exploitation, the needs of sexually exploited children,
87 and how to address those needs using strength-based and trauma-
88 informed approaches.

89 (4) PROVISION OF SERVICES; CASE MANAGEMENT.—

90 (a) This section does not prohibit any provider of services
91 for sexually exploited children from appropriately billing
92 Medicaid for services rendered, from contracting with a local
93 school district for educational services, or from obtaining
94 federal or local funding for services provided, as long as two
95 or more funding sources do not pay for the same specific service
96 that has been provided to a child.



485468

97 (b) The lead agency shall ensure that all children residing
98 in safe houses or safe foster homes or served in residential
99 treatment centers or hospitals pursuant to subsection (3) have a
100 case manager and a case plan, whether or not the child is a
101 dependent child.

102 (5) AVAILABILITY OF SERVICES.—The services specified in
103 this section may, to the extent possible provided by law and
104 with authorized funding, be available to all sexually exploited
105 children whether they are accessed voluntarily, as a condition
106 of probation, through a diversion program, through a proceeding
107 under chapter 39, or through a referral from a local community-
108 based care or social service agency.

109 Section 3. Section 39.524, Florida Statutes, is amended to
110 read:

111 39.524 Safe-harbor placement.—

112 (1) Except as provided in s. 39.407 or s. 985.801, a
113 dependent child 6 years of age or older who has been found to be
114 a victim of sexual exploitation as defined in s. 39.01(67)(g)
115 must be assessed for placement in a safe house or safe foster
116 home as provided in s. 409.1678 using the initial screening and
117 assessment instruments provided in s. 409.1754(1). ~~The~~
118 ~~assessment shall be conducted by the department or its agent and~~
119 ~~shall incorporate and address current and historical information~~
120 ~~from any law enforcement reports; psychological testing or~~
121 ~~evaluation that has occurred; current and historical information~~
122 ~~from the guardian ad litem, if one has been assigned; current~~
123 ~~and historical information from any current therapist, teacher,~~
124 ~~or other professional who has knowledge of the child and has~~
125 ~~worked with the child; and any other information concerning the~~



485468

126 ~~availability and suitability of safe house placement.~~ If such
127 placement is determined to be appropriate for the child as a
128 result of this assessment, the child may be placed in a safe
129 house or safe foster home, if one is available. However, the
130 child may be placed in another setting if the other setting is
131 more appropriate to the child's needs or if a safe house or safe
132 foster home in unavailable, as long as the child's behaviors are
133 managed so as not to endanger other children served in that
134 setting ~~As used in this section, the term "available" as it~~
135 ~~relates to a placement means a placement that is located within~~
136 ~~the circuit or otherwise reasonably accessible.~~

137 (2) The results of the assessment described in s.
138 409.1754(1) ~~subsection (1)~~ and the actions taken as a result of
139 the assessment must be included in the next judicial review of
140 the child. At each subsequent judicial review, the court must be
141 advised in writing of the status of the child's placement, with
142 special reference regarding the stability of the placement and
143 the permanency planning for the child.

144 (3) (a) By December 1 of each year, the department shall
145 report to the Legislature on the placement of children in safe
146 houses and safe foster homes during the year, including the
147 criteria used to determine the placement of children, the number
148 of children who were evaluated for placement, the number of
149 children who were placed based upon the evaluation, and the
150 number of children who were not placed.

151 (b) The department shall maintain data specifying the
152 number of children who were referred to a safe house or safe
153 foster home for whom placement was unavailable and the counties
154 in which such placement was unavailable. The department shall



485468

155 include this data in its report under this subsection so that
156 the Legislature may consider this information in developing the
157 General Appropriations Act.

158 Section 4. Paragraph (p) is added to subsection (4) of
159 section 394.495, Florida Statutes, to read:

160 394.495 Child and adolescent mental health system of care;
161 programs and services.-

162 (4) The array of services may include, but is not limited
163 to:

164 (p) Trauma-informed services for children who have suffered
165 sexual exploitation as defined in s. 39.01(67)(g).

166 Section 5. Paragraph (b) of subsection (2) and paragraph
167 (b) of subsection (3) of section 39.401, Florida Statutes, are
168 amended to read:

169 39.401 Taking a child alleged to be dependent into custody;
170 law enforcement officers and authorized agents of the
171 department.-

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

174 (b) Deliver the child to an authorized agent of the
175 department, stating the facts by reason of which the child was
176 taken into custody and sufficient information to establish
177 probable cause that the child is abandoned, abused, or
178 neglected, or otherwise dependent. For such a child for whom
179 there is also probable cause to believe he or she has been
180 sexually exploited, the law enforcement officer shall deliver
181 the child to the department. ~~The department may place the child~~
182 ~~in an appropriate short-term safe house as provided for in s.~~
183 ~~409.1678 if a short-term safe house is available.~~



485468

184
185 For cases involving allegations of abandonment, abuse, or
186 neglect, or other dependency cases, within 3 days after such
187 release or within 3 days after delivering the child to an
188 authorized agent of the department, the law enforcement officer
189 who took the child into custody shall make a full written report
190 to the department.

191 (3) If the child is taken into custody by, or is delivered
192 to, an authorized agent of the department, the agent shall
193 review the facts supporting the removal with an attorney
194 representing the department. The purpose of the review is to
195 determine whether there is probable cause for the filing of a
196 shelter petition.

197 (b) If the facts are sufficient and the child has not been
198 returned to the custody of the parent or legal custodian, the
199 department shall file the petition and schedule a hearing, and
200 the attorney representing the department shall request that a
201 shelter hearing be held within 24 hours after the removal of the
202 child. While awaiting the shelter hearing, the authorized agent
203 of the department may place the child in licensed shelter care,
204 ~~or in a short-term safe house if the child is a sexually~~
205 ~~exploited child,~~ or may release the child to a parent or legal
206 custodian or responsible adult relative or the adoptive parent
207 of the child's sibling who shall be given priority consideration
208 over a licensed placement, or a responsible adult approved by
209 the department if this is in the best interests of the child.
210 Placement of a child which is not in a licensed shelter must be
211 preceded by a criminal history records check as required under
212 s. 39.0138. In addition, the department may authorize placement



485468

213 of a housekeeper/homemaker in the home of a child alleged to be
214 dependent until the parent or legal custodian assumes care of
215 the child.

216 Section 6. Subsection (6) of section 796.07, Florida
217 Statutes, is amended to read:

218 796.07 Prohibiting prostitution and related acts.—

219 (6) A person who violates paragraph (2)(f) shall be
220 assessed a civil penalty of \$5,000 if the violation results in
221 any judicial disposition other than acquittal or dismissal. Of
222 the proceeds from each penalty assessed under this subsection,
223 the first \$500 shall be paid to the circuit court administrator
224 for the sole purpose of paying the administrative costs of
225 treatment-based drug court programs provided under s. 397.334.
226 The remainder of the penalty assessed shall be deposited in the
227 Operations and Maintenance Trust Fund of the Department of
228 Children and Family Services for the sole purpose of funding
229 safe houses and safe foster homes ~~short-term safe houses~~ as
230 provided in s. 409.1678.

231 Section 7. Paragraph (b) of subsection (2) of section
232 985.115, Florida Statutes, is amended to read:

233 985.115 Release or delivery from custody.—

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

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

241 Section 8. The Office of Program Policy Analysis and



485468

242 Government Accountability shall conduct a study on commercial
243 sexual exploitation of children in Florida. The study shall
244 assess the extent of commercial sexual exploitation of children,
245 including, but not limited to, its prevalence in various regions
246 of the state. The study shall also identify specialized services
247 needed by sexually exploited children and any gaps in the
248 availability of such services by region, including, but not
249 limited to, residential services and specialized therapies. The
250 study shall analyze the effectiveness of safe houses, safe
251 foster homes, residential treatment centers and hospitals with
252 specialized programs for sexually exploited children, and other
253 residential options for serving sexually exploited children in
254 addressing their safety, therapeutic, health, educational, and
255 emotional needs, including, but not limited to, the nature and
256 appropriateness of subsequent placements, extent of sexual
257 exploitation postplacement, and educational attainment. The
258 study shall also include the number of children involuntarily
259 committed to treatment facilities who are victims of sexual
260 exploitation and the outcomes of those children for the 3 years
261 after completion of inpatient treatment. All state agencies and
262 contractors receiving state funds of any kind shall comply with
263 each request for data and information from the Office of Program
264 Policy Analysis and Government Accountability. Beginning July 1,
265 2015, and by this date each year, the Office of Program Policy
266 Analysis and Government Accountability shall report its findings
267 to the Governor, the President of the Senate, and the Speaker of
268 the House of Representatives.

269
270 ===== T I T L E A M E N D M E N T =====



485468

271 And the title is amended as follows:
272 Delete lines 23 - 48
273 and insert:
274 providing definitions; requiring that safe houses and
275 safe foster homes be certified by the department;
276 providing requirements for certification as a safe
277 houses or safe foster home; requiring the department
278 to inspect safe houses and safe foster homes;
279 requiring specified training for persons providing
280 services in safe houses and safe foster homes;
281 authorizing the department to adopt rules; requiring
282 residential treatment centers or hospitals to provide
283 specialized treatment; providing for service providers
284 to obtain federal or local funding under certain
285 conditions; providing for scope of availability of
286 services; amending s. 39.524, F.S.; providing for
287 review of safe harbor placement of a child in a safe
288 house or safe foster home; revising criteria for
289 placement; authorizing placement in settings other
290 than safe houses and safe foster homes under certain
291 conditions; amending s. 394.495, F.S.; including
292 trauma-informed services for sexually exploited
293 children in the child and adolescent mental health
294 system of care; amending ss. 39.401, 796.07, and
295 985.115, F.S.; conforming cross-references; requiring
296 the Office of Program Policy Analysis and Government
297 Accountability to conduct a study on commercial
298 exploitation of children in Florida and related
299 topics; requiring an annual report to the Governor and



485468

300

the Legislature; providing an effective date.