

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 Appropriations

BILL: CS/SB 1724

INTRODUCER: Appropriations Committee; and Children, Families, and Elder Affairs Committee

SUBJECT: Human Trafficking

DATE: April 14, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Crosier</u>	<u>Hendon</u>	<u>AP</u>	CF SPB 7088 as introduced
	<u>Brown</u>	<u>Kynoch</u>		Fav/CS

I. Summary:

CS/SB 1724 changes statutory requirements for safe houses, establishes standards for residential treatment of sexually exploited children, and authorizes safe foster homes. The bill creates a certification program for safe houses and safe foster homes at the Department of Children and Families (DCF), and requires certification in order for these facilities to accept state funds specifically allocated to care for sexually exploited children.

The bill also makes administrative changes to the requirements for the DCF and the community-based care lead agencies (lead agencies) related to sexually exploited children. The bill requires the DCF to create or adopt initial screening and assessment instruments for use in identifying and serving sexually exploited children and allows a child to be placed in a safe house if the assessment instrument determines that a safe house is available and is the most appropriate setting.

The bill requires the DCF and lead agencies to have response protocols in place regarding sexually exploited children. The bill also requires the DCF, lead agencies, and Department of Juvenile Justice (DJJ) to participate on any local task forces related to this population.

The bill creates the Statewide Council on Human Trafficking and provides for the council's membership, duties, and reporting responsibilities.

The bill requires the Office of Program Policy Analysis and Government Accountability to conduct an ongoing study on commercial sexual exploitation of children in Florida, specifies topics for inclusion in the study, and requires annual reports.

The bill has an indeterminate fiscal impact.

II. Present Situation:

Florida law defines human trafficking as “soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.”¹ Human trafficking involves the exploitation of persons for commercial sex or forced labor.² Trafficking often subjects victims to force, fraud, and coercion.³

There are no definitive statistics on the extent of human trafficking. The U.S. Department of State estimates that as many as 27 million victims are being trafficked worldwide at any given time. They also estimate that there were approximately 40,000 victims being trafficked in the United States in 2012.⁴ Florida is estimated to have the third highest rate of human trafficking in the United States, following New York and California.⁵

Commercial Sex Trafficking of Minors

Human trafficking involving commercial sex is also known as commercial sexual exploitation or commercial sex trafficking. The United States Trafficking Victims Protection Act of 2000 defines sex trafficking as the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.⁶

In cases of commercial sex trafficking of minors, handlers or “pimps” often operate as the primary domestic sex traffickers and target particularly vulnerable youth, such as runaway and homeless youth.⁷ Pimps may engage in a “grooming” process where a child is showered with gifts, treats, and compliments in order to earn his or her trust.⁸ Often the children have low self-esteem and may come from broken families or have past childhood trauma which may include sexual or physical abuse.⁹ This makes the children easier targets because they are emotionally vulnerable and may be seeking someone to love and care for them.

After the pimp earns the child’s trust, the pimp may engage in physical, sexual, and/or emotional abuse of the child.¹⁰ The effect is to psychologically and emotionally break the child so that he or she becomes completely dependent on the pimp.¹¹ Psychologists and clinicians call this phenomenon “traumatic bonding.”¹² This occurs where a person has dysfunctional attachment that occurs in the presence of danger, shame, or exploitation. These situations often include seduction, deception or betrayal, and some form of danger or risk is always present.¹³ While this

¹ Section 787.06(2)(d), F.S.

² Section 787.06(1)(a), F.S.

³ *Id.*

⁴ *Trafficking in Persons Report 2013*, U.S. Department of State, available at: <http://www.state.gov/j/tip/rls/tiprpt/2013/> (last visited March 14, 2014).

⁵ Healthy Families Subcommittee Presentation by Professor Terry Coonan, FSU Human Rights Center, (Jan. 14, 2014).

⁶ Trafficking Victims Protection Act of 2000, 22 USC 7101.

⁷ Sex Trafficking of Children in the United States, The Polaris Project, available at <http://www.polarisproject.org/what-we-do/policy-advocacy/prosecuting-traffickers/895-sex-trafficking-of-minors> (last visited March 14, 2014).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

is a common way that commercial sexual exploitation occurs, some children are commercially sexually exploited by family members or organized networks.¹⁴

The Department of Homeland Security (DHS) reports that each year as many as 100,000 to 300,000 children in the United States are at risk of being trafficked for commercial sex in the United States.¹⁵

Commercial Sex Trafficking of Minors in Florida

The Department of Children and Families (DCF) verified 182 victims of commercial sex trafficking in Fiscal Year 2012-2013. Of these, nine victims were exploited by their caregiver, and 27 victims were removed from their caregivers. The DCF also identified an additional 185 children who may be at risk of becoming victims of commercial sexual exploitation.^{16, 17} According to the DCF, there are likely many more victims in Florida than have been identified.

The Florida Safe Harbor Act of 2012 allows sexually exploited children to be treated as dependent children¹⁸ rather than delinquent children.¹⁹ The act amended Florida law to classify child prostitution as abuse of a child, rather than a criminal act by the child, and allows children who are victims of sexual exploitation to be adjudicated dependent.²⁰

¹⁴ *Id.*

¹⁵ *Human Trafficking 101 for School Administrators and Staff*, Blue Campaign, The Department of Homeland Security, available at:

<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&ved=0CCoQFjAA&url=http%3A%2F%2Fwww.dhs.gov%2Fsites%2Fdefault%2Ffiles%2Fpublications%2Fblue-campaign%2Fblue%2520Campaign%2520-%2520Human%2520Trafficking%2520101%2520for%2520School%2520Administrators%2520and%2520Staff.pdf&ei=4DvMUUp6oO4vrkQeAsYDoBg&usq=AFQjCNGLuEaOhuEVFzRuCTYISWLOrgTQ7w&sig2=AskcWjhjSuILHF6D7LHrcg> (last visited March 14, 2014).

¹⁶ Florida Department of Children and Families *Annual Human Trafficking Report 2012-13 Federal Fiscal Year*.

¹⁷ To determine whether a child is at risk of becoming a commercial sexual exploitation victim, DCF looked at three additional data sets in their IT system for dependent children (FSFN). The three indicators in FSFN indicate that that the child possibly has involvement in sexual exploitation, is possibly involved in prostitution, or were previously verified as a victim of human trafficking.

¹⁸ A child who is found to be dependent is a child who pursuant to ch. 39, F.S., is found by the court:

- (a) To have been abandoned, abused, or neglected by the child's parent or parents or legal custodians;
- (b) To have been surrendered to the department, the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption;
- (c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;
- (d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a parent or parents have signed a consent pursuant to the Florida Rules of Juvenile Procedure;
- (e) To have no parent or legal custodians capable of providing supervision and care;
- (f) To be at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians; or
- (g) To have been sexually exploited and to have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care.

¹⁹ Section 39.001(4)(b)(2), F.S.

²⁰ Section 39.01(67), F.S.; however, child prostitution is not considered sexual abuse of a child if the child is under arrest or being prosecuted in a delinquency or criminal proceed for a violation in ch. 796 (offenses related to prostitution) or forcing a child to solicit for or engage in prostitution, engage in a sexual performance, as defined by ch. 827, or participate in the trade of sex trafficking as provided in s. 796.035.

Law enforcement officers are required to deliver a minor taken into custody to the DCF when there is probable cause to believe he or she has been sexually exploited.²¹ Safe houses and short-term safe houses were created by the Safe Harbor Act, and the DCF is authorized to place sexually exploited children in these facilities.²²

The Department of Juvenile Justice (DJJ) conducted a tri-county pilot project implementing a screening tool for commercial sexual exploitation of children in Fiscal Year 2012-2013. In total, there were 353 individual youth screened. Of the 353 screenings, 42 youth were verified as victims of commercial sexual exploitation. This means that 11.9 percent of the youth who had a history of running away (the prerequisite for a screening), and were screened, were ultimately verified by the DCF as a sexual exploitation victim.²³

The DCF primarily becomes aware of minors who are sexually exploited due to a call to the child abuse hotline or because the child is in the dependency system. As with any allegation of abuse, when allegations of commercial sexual exploitation of a child are reported to DCF's child abuse hotline and the hotline employee believes that the report meets the statutory definition of abuse, abandonment, or neglect, an investigation by a child protective investigator is triggered.²⁴ If the allegation is verified and the child has no known parent, legal custodian, or responsible adult relative who is capable of providing the necessary and appropriate supervision and care, the DCF may petition to have the child adjudicated dependent.²⁵

Community-based care lead agencies (lead agencies) in conjunction with the court, determine placements for children who have been adjudicated dependent. According to the DCF, lead agencies may also provide services to victims of human trafficking who are not adjudicated dependent as a means of preventing future involvement in the child welfare system. The DCF has taken steps to strengthen the infrastructure for serving victims of human trafficking, such as training its child protective investigators and participating in regional task forces.

The Department of Juvenile Justice (DJJ) has also been working to identify and provide services to human trafficking victims. The DJJ secretary chairs the Florida Children and Youth Cabinet's Human Trafficking Workgroup.²⁶ The workgroup focuses on identifying ways in which Florida can end child sex trafficking. The workgroup has representation from the Governor's Office of Adoption and Child Protection, the DCF, the Florida State University Center for the Advancement of Human Rights, and other stakeholders. Workgroup members have begun researching best practices throughout the nation as well as monitoring proposed legislation addressing child sex trafficking.²⁷

Many programs for identifying and providing services for human trafficking victims have emerged through local efforts, which are unique to each community. Human trafficking task

²¹ Section 39.401(2)(b), F.S.

²² Section 409.1678, F.S.

²³ Sexual Exploitation of Youth, Department of Juvenile Justice, (January 23, 2014.)

²⁴ Section 39.201(2)(a), F.S.

²⁵ Section 39.01(15)(g), F.S.

²⁶ Florida Children and Youth Cabinet: *Human Trafficking Workgroup*, available at <http://www.flgov.com/childrens-cabinet-human-trafficking-workgroup/> (last visited Mar. 14, 2014).

²⁷ *Id.*

forces began as a way to raise awareness, coordinate responses, and share information regarding available services. There are 19 regional task forces dedicated to fighting human trafficking developed throughout Florida.²⁸ The task forces consist of community members involved in human trafficking issues in that area of the state. This may include law enforcement, providers, schools, and faith based organizations. The DCF is involved in the leadership in all task forces. The task forces meet at least monthly and operate according to the community's needs.

Services for Victims of Human Trafficking in Florida

Serving victims of human trafficking presents challenges for a variety of reasons.²⁹ Exploited children often do not see themselves as exploited or victims and thus will not self-identify. Instead, they often develop a “trauma bond” with the traffickers and see themselves as a companion to the trafficker.³⁰ These children often run away from their DCF placements, including from safe houses.³¹ In a DJJ pilot program, DJJ found that of 64 percent of children who were confirmed victims of commercial exploitation had a history of over five instances of running away.³² Victims may also try to recruit other children from their placements to go work for the pimp.³³

Services are not consistently available across the state.³⁴ Availability depends on the local response which has emerged to meet the challenge in that area.³⁵ Children's family situations also vary.³⁶ Some children come from the dependency system while others have a families that want to remain involved with the children and help the children.³⁷ There is also no standardized assessment tool for identifying victims,³⁸ and due to inconsistent training, the level of awareness of the signs of victimization and appropriate responses vary.³⁹

The Safe Harbor Act in 2012 provided for “safe houses.” Safe houses are homes for sexually exploited children who have been adjudicated dependent or delinquent and need to reside in a secure⁴⁰ residential facility.⁴¹ Safe houses must provide a living environment that has gender-specific, separate, and distinct living quarters for sexually exploited children and must have staff

²⁸ The task forces are in the following counties: Alachua, Bay, Broward, Collier, Duval, Escambia, Hernando, Lake, Leon, Manatee, Marion, Martin, Miami-Dade, Okaloosa, Orange, Palm Beach, Pinellas, Polk, and St. Johns.

²⁹ Testimony from the panel of providers for victims of human trafficking, House Healthy Families Subcommittee, (Feb. 19, 2014).

³⁰ Testimony from the Detective McBride, House Healthy Families Subcommittee, (Feb. 15, 2014).

³¹ Testimony from the panel of providers for victims of human trafficking, House Healthy Families Subcommittee, (Feb. 19, 2014).

³² Sexual Exploitation of Youth, Department of Juvenile Justice, (Jan. 23, 2014).

³³ Testimony from the panel of providers for victims of human trafficking, House Healthy Families Subcommittee, (Feb. 19, 2014).

³⁴ Testimony from the Detective McBride, House Healthy Families Subcommittee, (Feb. 15, 2014).

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ E-mail correspondence with the Department of Children and Families, (Dec. 23, 2013), (on file with the Senate Committee on Children, Families, and Elder Affairs).

³⁹ Testimony from the Detective McBride, House Healthy Families Subcommittee, (Feb. 15, 2014).

⁴⁰ The term “secure” is defined as a facility which is supervised 24 hours a day by staff members who are awake while on duty.

⁴¹ Section 409.1678 (1)(b), F.S.

members on the job 24 hours a day. Each facility must be appropriately licensed in this state as a family foster home or a residential child-caring agency as defined in s. 409.175, F.S., and must have applied for accreditation no later than one year after being licensed.⁴² A safe house serving children who have been sexually exploited must have available staff or contracted personnel who have the clinical expertise, credentials, and training to provide:

- Security;
- Crisis intervention services;
- General counseling and victim-witness counseling;
- A comprehensive assessment;
- Residential care;
- Transportation;
- Access to behavioral health services;
- Recreational activities;
- Food;
- Clothing;
- Supplies;
- Infant care;
- Funds for miscellaneous expenses associated with caring for these children;
- The facilitation of educational services, including life skills services and planning services for the successful transition of residents back to the community; and
- Arrangements for necessary and appropriate health care and dental care.⁴³

The DCF is required to assess dependent children for placement in a safe house if the child is older than six years of age. The assessment is required to incorporate and address the following:

- Current and historical information from any law enforcement reports;
- Psychological testing or evaluation that has occurred;
- Current and historical information from the guardian ad litem, if one has been assigned;
- Current and historical information from any current therapist, teacher, or other professional who has knowledge of the child and has worked with the child; and
- Any other information concerning the availability and suitability of safe-house placement.

The child may be placed in a safe house if such placement is determined to be appropriate as a result of this assessment and if one is available, but placement is not required.⁴⁴ There are currently two safe houses in Florida, with a total of 11 beds statewide. A third safe house is projected to open in 2014 with seven beds.⁴⁵

The Citrus Health Network developed the Citrus Helping Adolescents Negatively Impacted by Commercial Exploitation (CHANCE) Program in South Florida.⁴⁶ The program uses therapeutic

⁴² According to DCF, there are currently no entities that accredit safe houses and safe houses are not sure what type of accreditation they are required to have. No safe houses have applied for accreditation at this time.

⁴³ Section 409.1671, F.S.

⁴⁴ Section 39.524, F.S.

⁴⁵ E-mail correspondence with the Florida Department of Children and Families, (Dec. 20, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

⁴⁶ Testimony from Human Trafficking Panel, House Healthy Families Subcommittee (Feb. 19, 2014.)

foster care and a community response team for victims of commercial sexual exploitations.⁴⁷ The program places children in a therapeutic foster home in which only one child is placed.⁴⁸ The parents receive specialized training for this population. Foster parents are required to be available 24 hours per day, 7 days per week, to respond to crises or the need for special therapeutic interventions.⁴⁹ The foster homes are also required to have an advanced alarm system to alert the foster parents of intruders and allow the parents to be aware if the child is leaving the home.⁵⁰ The CHANCE program also includes the following intensive clinical and support services:

- Assessment and evaluation of the child and the family;
- Individual therapy at least two and up to five times per week with a therapist trained in trauma focused-cognitive behavioral therapy and motivational interviewing;
- Family therapy available as necessary;
- Assignment of a life coach who is a survivor of commercial sexual exploitation for each child;
- Assignment of a peer mentor to provider peer support and encouragement;
- Clinical staff available 24/7 for crisis management or supportive intervention;
- Certified behavioral analyst services to address the behavioral needs of this population;
- Targeted case management to facilitate linkage to all appropriate support services;
- Regular monitoring by the treatment team to ensure all service and treatment plan goals are consistently pursued; and
- Group therapy with other survivors of commercial sex exploitation.

The University of South Florida is contracted to conduct an evaluation of the CHANCE program. The evaluation will be available in November 2014.⁵¹

Some victims of human trafficking have been placed with parents or relatives, in mental health facilities, in substance abuse facilities, in therapeutic foster homes, in foster care, in DJJ detention centers, or remained in their current placement, after identification as a victim.⁵²

The CHANCE program serves 17 children not placed in safe houses with wrap-around services. These services include assessment and evaluation, treatment and service plan development, 24/7 on-call clinical staff, individualized and family therapy, life coaching, peer mentorship, case management, certified behavioral analyst services, substance abuse treatment, and psychiatric services.⁵³ Victims of human trafficking may be offered other services generally available to children in need through the existing service array, such as substance abuse services, mental health services, and educational services.⁵⁴

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Florida Department of Children and Families *Annual Human Trafficking Report* 2012-13 Federal Fiscal Year.

⁵³ Testimony from Human Trafficking Panel, House Healthy Families Subcommittee (Feb. 19, 2014.)

⁵⁴ *Id.*

Residential Programs in Other States

Limited research has been completed nationwide regarding best practices to serve and treat victims of human trafficking. However, there are some residential programs in other states which serve victims of human trafficking.

Wellspring Living (Wellspring) is a residential facility in Georgia, which serves girls from 12 to 17 years of age who are victims of human trafficking.⁵⁵ This program is licensed as a “maximum watchful oversight” child care facility.⁵⁶ The facility has security features such as locked doors, unbreakable Plexiglas windows, and a fence surrounding the facility. While this program is a locked facility, it has alarmed doors that the children can open. If the alarmed door is pushed there is a delay for the door to open and alarms inform the program staff that somebody has tried to leave the facility. While Wellspring considers itself a locked facility, exit can occur without the involvement of facility staff. At Wellspring, girls receive trauma-informed therapies, life skills classes, education,⁵⁷ group therapies, family therapy, and other needed services.⁵⁸ Following the program, most girls return to their families or to a foster-home or group home setting. The program is working to develop a study of its effectiveness.

In California, Children of the Night (COTN) is a private, non-profit program for children between the ages of 11 and 17 that receives referrals from across the country and only accepts those children whom it believes are willing to leave prostitution and participate in long-term, comprehensive treatment. COTN is a homelike environment with 24 beds.⁵⁹ The children follow a highly structured program that includes attending an on-site school and a college placement program.⁶⁰ After children complete the comprehensive program of academic and life-skills education, caseworkers are available to provide ongoing case management to graduates.⁶¹ COTN exists through the sole support of private contributions from individuals, corporations, and foundations.⁶²

Treatment for Victims of Human Trafficking

In the immediate as well as long-term aftermath of exposure to trauma, children are at risk of developing significant emotional and behavioral difficulties.⁶³ Trauma-focused cognitive behavioral therapy (TF-CBT) is an evidence-based treatment approach shown to help children, adolescents, and their caregivers overcome trauma-related difficulties.⁶⁴ It is designed to reduce negative emotional and behavioral responses following child sexual abuse, domestic violence,

⁵⁵ *Id.*

⁵⁶ *Provider Resource Results, State of Georgia Out-of-Home Care, available at https://www.gascore.com/resourceguide/search_results.cfm.*

⁵⁷ Testimony from Human Trafficking Panel, House Healthy Families Subcommittee (Feb. 19, 2014.)

⁵⁸ *Wellspring Living for Girls, Wellspring Living, available at <https://wellspringliving.org/wellspring-living-for-girls/>*

⁵⁹ Children of the Night, available at <https://www.childrenofthenight.org/index.html> (last visited March 14, 2014.)

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Trauma-Focused Cognitive Behavioral Therapy for Children Affected by Sexual Abuse or Trauma*, The Administration for Children and Families, U.S. Department of Health and Human Services, (August 2012), available at <https://www.childwelfare.gov/pubs/trauma/>

⁶⁴ *Id.*

traumatic loss, and other traumatic events.⁶⁵ The treatment is based on learning and cognitive theories, and addresses distorted beliefs and attributions related to the abuse.⁶⁶ TF-CBT provides a supportive environment in which children are encouraged to talk about their traumatic experience.⁶⁷ TF-CBT combines elements drawn from:

- Cognitive therapy, which aims to change behavior by addressing a person's thoughts or perceptions, particularly those thinking patterns that create distorted or unhelpful views;
- Behavioral therapy, which focuses on modifying habitual responses (e.g., anger, fear) to identified situations or stimuli; and
- Family therapy, which examines patterns of interactions among family members to identify and alleviate problems.⁶⁸

TF-CBT is a short-term treatment typically provided in 12 to 18 sessions of 50 to 90 minutes, depending on treatment needs.⁶⁹ The intervention is usually provided in outpatient mental health facilities, but it has been used in hospital, group home, school, community, residential, and in-home settings.⁷⁰

Recent research findings suggest that TF-CBT is more effective than nondirective or client centered treatment approaches for children who have a history of multiple traumas (e.g., sexual abuse, exposure to domestic violence, physical abuse, as well as other traumas).⁷¹

An individualized, strengths-based approach refers to policies, practice methods, and strategies that identify and draw upon the strengths of children, families, and communities.⁷² Strengths-based practice involves a shift from a deficit approach, which emphasizes problems and pathology, to a positive partnership with the family.⁷³ The approach acknowledges each child and family's unique set of strengths and challenges and engages the family as a partner in developing and implementing the service plan.⁷⁴

III. Effect of Proposed Changes

Section 1 creates s. 409.1754, F.S., related to administrative requirements for serving sexually exploited children. The bill deletes the current assessment process to determine whether a child should be placed in a safe house and requires the DCF to develop or adopt one or more initial screening and assessment instruments to identify, determine the needs of, plan services for, and identify an appropriate residential environment for sexually exploited children. The bill requires that the assessment instruments include the ability to determine whether placement in a safe

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *An Individualized, Strengths-Based Approach in Public Child Welfare Driven Systems of Care*, Administration for Children and Families, US Department of Health and Human Services, available at <https://www.childwelfare.gov/pubs/acloserlook/strengthsbased/strengthsbased1.cfm> (last visited March 14, 2014).

⁷³ *Id.*

⁷⁴ *Id.*

house is appropriate. The bill requires that the initial screening and assessment instruments used to determine appropriate residential placement of a sexually exploited child must consider:

- Risk of the sexually exploited child running away;
- Risk of the sexually exploited child recruiting other children into the commercial sex trade;
- Level of the sexually exploited child's attachment to his or her exploiter;
- Level and type of trauma that the sexually exploited child has endured;
- Nature of the child's interactions with law enforcement;
- Length of time that the child was sexually exploited; and
- Extent of any substance abuse by the sexually exploited child.

The bill specifies that that if a safe house placement is determined to be the most appropriate setting, the child may be placed in a safe house, as long as a placement is available. However, the bill specifies that a child may be placed in another setting if the alternate setting is more appropriate to his or her needs and if the child's behaviors can be managed in a way that does not endanger other children, or if a safe house or safe foster home is not available.

The bill requires the initial screening and assessment instruments to be validated, if possible, and requires the instruments to be used by the DCF, juvenile assessment centers, lead agencies, and providers serving sexually exploited children. The bill requires the DCF to consult state and local agencies, organizations, and individuals involved in the identification and care of sexually exploited children to develop or adopt the initial screening and assessment instruments. The bill requires the DCF to establish rules specifying the initial screening and assessment instruments to be used, the requirements for their use, and the reporting of data collected through the instruments and specifies that entities are not precluded from using additional assessment instruments in the course of serving sexually exploited children.

The bill requires the DCF and lead agencies to assign cases where a child is alleged, suspected, or known to have been sexually exploited to child protective investigators (CPIs) and case managers who have received specialized intensive training in investigating cases involving a sexually exploited child. Similarly, the bill requires the DJJ's juvenile probation staff administering the detention risk assessment instrument to have specialized intensive training in identifying and serving sexually exploited children. The bill specifies that CPIs and case managers must receive this training prior to accepting any case involving sexually exploited children.

The bill requires each lead agency and DCF region to jointly identify the service needs of sexually exploited children and plan for developing sufficient capacity to meet them.

The bill requires each lead agency and DCF circuit to establish local protocols and procedures that are responsive to the varying circumstances that sexually exploited children are in. The bill requires the protocols and procedures to address the full continuum of needs of sexually exploited children to the extent of available funding. The bill requires that the protocols and procedures be used by case managers and CPIs when working with a sexually exploited child.

The bill requires the local circuit administrator or his or her designee, the local circuit director of the DJJ or his or her designee, and the lead agency chief operating officer or his or her designee,

to participate in any task force, committee, council, advisory group, coalition, or other entity active in the circuit for coordinating responses to address human trafficking or sexual exploitation of children. If no such entity exists, the bill specifies that the local circuit administrator must work to initiate one.

Section 2 amends the definition of “safe house” as a “group residential placement certified by the DCF to care for sexually exploited children,” and creates and defines “safe foster home” as a foster home certified by the DCF to care for sexually exploited children.

The bill also amends the definition of a sexually exploited child to include those children who have not been adjudicated dependent, which permits them to be served by safe houses and safe foster homes.

The bill specifies that safe houses and safe foster homes are required to provide a safe, separate, and therapeutic environment tailored to the needs of sexually exploited children who have endured significant trauma. The bill requires a DCF certification process for safe homes and safe foster homes and requires such homes to be certified.

The bill amends the current requirements for safe houses and creates requirements that safe foster homes must meet in order to be certified by the DCF. The bill requires that safe houses and safe foster homes be licensed as residential child-caring agencies or licensed family foster homes, respectively, and that safe houses have staff on-the-job 24 hours a day.

The bill requires that safe houses and safe foster homes must house a single sex, must group children with similar chronological ages or levels of maturity together, and must treat and care for these children in a manner that separates them from children with other needs. The bill specifies that safe houses and safe foster homes may care for other populations, as long as those populations do not interact with the sexually exploited children. The bill requires that safe houses and safe foster homes must use trauma-informed and strength-based approaches to care, to the extent possible and appropriate.

The bill requires that safe houses and safe foster homes provide appropriate security through facility design, hardware, technology, staffing, and siting, including but not limited to using external video monitoring or alarmed doors, or being situated in a remote location.

The bill requires safe houses and safe foster homes to provide services tailored to the needs of sexually exploited children and to determine these needs on a case-by-case basis. The bill specifies that in addition to the services required for traditional foster homes and child caring facilities, safe houses and safe foster homes must also coordinate the following services:

A comprehensive assessment of the service needs of each resident;

- Victim-witness counseling;
- Family counseling;
- Behavioral health services;
- Treatment and intervention for sexual assault;
- Life skills services;
- Mentoring by a survivor of sexual exploitation, if available and appropriate;

- Substance abuse screening, and where necessary, access to treatment;
- Planning services for the successful transition of residents back to the community;
- Activities for sexually exploited children residing in the safe house, scheduled in a manner that provides them with a full schedule; and
- Any additional services determined by the DCF.

The bill requires foster parents of safe foster homes to complete intensive training regarding the needs of sexually exploited children, the effects of trauma and sexual exploitation, and how to address those needs using strength-based and trauma-informed approaches. The bill requires the DCF to specify this training by rule. The bill also allows the DCF to develop or contract for the development of a standard curriculum and to establish additional criteria in rule for the certification of safe houses and safe foster homes. Such additional criteria must address the security, therapeutic, social, health, and educational needs of sexually exploited children.

The bill requires that safe houses and safe foster homes reapply for certification and be inspected annually. The bill allows the DCF to place a moratorium on referrals and revoke the certification of a safe house or safe foster home if the requirements of certification are no longer being met.

The bill requires that residential treatment centers licensed under s. 394.875, F.S., and hospitals licensed under ch. 395, F.S., that provide residential mental health treatment, must provide specialized treatment for sexually exploited children in the custody of the DCF who are placed in those facilities under ss. 39.407(6), 394.4625, or 394.467, F.S. The facilities must ensure that such children are served in single-sex groups and that staff working with such children are adequately trained. Also, for such children, the facilities must:

- Use strength-based and trauma-informed approaches to care, to the extent possible and appropriate;
- Group sexually exploited children by age or maturity level;
- Care for sexually exploited children in a manner that separates such children from children with other needs;
- Have staff on-the-job 24 hours per day, if the facility is a safe house;
- Provide appropriate security; and
- Meet other criteria established by DCF rule.

The bill specifies that in order to accept state funds specifically allocated to provide services to sexually exploited children, the residential facility must be certified as a safe house or safe foster home.

Section 3 amends s. 39.524, F.S., to add a safe foster home as an appropriate placement for a child using the initial screening and assessment instrument provided in s. 409.1754(1), F.S.

Section 4 amends s. 394.495, F.S., regarding comprehensive child and adolescent mental health services, to authorize the DCF to include trauma-informed services for children who have suffered sexual exploitation within the DCF's array of services designed to meet the individualized service and treatment needs of children and adolescents within certain target populations.

Section 5 amends s. 39.401, F.S., regarding judicial proceedings relating to children, to remove from statute the provision that if a law enforcement officer takes a child into custody under probable cause to support a finding of abuse, neglect, abandonment, or related findings, and the child is delivered to an authorized agent of the DCF, the DCF may place the child in an appropriate short-term safe house as provided under s. 409.1678, F.S., if such a short-term safe house is available. The bill also removes from statute the provision that an authorized agent of the DCF, while awaiting a shelter hearing for a child in DCF custody, may place the child in a short-term safe house if the child is a sexually exploited child.

Section 6 amends s. 796.07, F.S., regarding the crime of prostitution. Current law provides that a person who violates the prohibition against soliciting, inducing, enticing, or procuring another person to commit prostitution, lewdness, or assignation, will be assessed a civil penalty of \$5,000 if the violation results in any judicial disposition other than acquittal or dismissal. A portion of the funds collected under the penalty are required to be used by the DCF for the sole purpose of funding safe houses and short-term safe houses. The bill requires the DCF to use the funds for the sole purpose of funding safe houses and safe foster homes.

Section 7 amends s. 985.115, F.S., regarding children in the custody of the Department of Juvenile Justice (DJJ). Current law provides that a person taking a child into custody may attempt to release the child, contingent on a specific appropriation, to a shelter approved by the DJJ, an authorized agent, or a short-term safe house. The bill removes short-term safe houses from that list.

Section 8 creates s. 16.617, F.S., to provide for a Statewide Council on Human Trafficking (Council) within the Department of Legal Affairs for the purpose of enhancing the development and coordination of state and local law enforcement and social services responses to fight commercial sexual exploitation as a form of human trafficking and to support victims. The Council consists of the following members:

- The attorney general, or his or her designee, who will serve as chair;
- The secretary of the DCF, or his or her designee, who will serve as vice chair;
- The state surgeon general or his or her designee;
- The secretary of the Agency for Health Care Administration or his or her designee;
- The executive director of the Department of Law Enforcement or his or her designee;
- The secretary of the DJJ or his or her designee;
- The commissioner of the Department of Education or his or her designee;
- One member of the Senate, appointed by the president of the Senate;
- One member of the House of Representatives, appointed by the Speaker of the House of Representatives;
- An elected sheriff, appointed by the attorney general;
- An elected state attorney, appointed by the attorney general; and
- Two members appointed by the attorney general and two members appointed by the governor, all of whom have professional experience to assist the council in the development of care and treatment options for victims of human trafficking.

Members of the Council will be appointed to four-year terms, and the bill provides for variations on initial term length to allow for staggered terms. A Council member may not receive a commission, fee, or financial benefit in connection with serving on the Council but may be entitled to reimbursement for per diem and travel expenses by the respective state agencies represented. If a member is not affiliated with a state agency, the member will be reimbursed for expenses by the Department of Legal Affairs.

The bill requires the Council's first meeting to be held September 1, 2014. Thereafter, the Council is required to meet at least once each quarter of every calendar year. Meetings may be held via teleconference or other electronic means. A majority of the members of the Council constitutes a quorum. The Department of Legal Affairs is required to provide the Council with necessary staff support.

The Council has the duty to:

- Develop recommendations for comprehensive programs and services for victims of human trafficking, including those related to certification criteria for safe houses and safe foster homes;
- Make recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses;
- Annually hold a statewide policy summit in conjunction with a Florida institution of higher learning;
- Work with the DCF to create and maintain an inventory of human trafficking programs and services in each county; and
- Develop policy recommendations that advance the duties of the Council and that further efforts to combat human trafficking in Florida.

By October 31 of each year, the Council is required to submit a report to the president of the Senate and the speaker of the House of Representatives summarizing the Council's accomplishments during the preceding fiscal year and to make recommendations regarding the development and coordination of state and local law enforcement and social services responses to combat human trafficking and to support victims.

Section 9 requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study on commercial sexual exploitation of children in Florida. The bill requires the study to:

- Assess the extent of sexual exploitation of children in Florida, including the prevalence in various regions of the state;
- Determine service gaps for treating this population;
- Analyze the operation of safe houses in Florida and assess the effectiveness of safe houses, safe foster homes, residential treatment centers and hospitals with specialized programs for sexually exploited children, and other residential options in addressing the safety, therapeutic, health, and emotional needs of sexually exploited children, including the nature and appropriateness of subsequent placements, the extent of sexual exploitation post-placement, and educational attainment; and

- Include the number of children involuntarily committed to treatment facilities who are victims of sexual exploitation and the outcomes of those children for the three years after completion of inpatient treatment.

The bill requires all state agencies and contractors receiving state funds of any kind to comply with requests for data from the OPPAGA. The bill requires that, beginning July 1, 2015, and by that date each year, the OPPAGA must report its findings to the governor, the president of the Senate, and the speaker of the House of Representatives.

Section 10 provides an effective date of July 1, 2014.

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:

Under CS/SB 1724, certain residential treatment centers and hospitals that provide residential mental health treatment services must provide specialized treatment for sexually exploited children in the custody of the Department of Children and Families who are placed in such facilities under certain circumstances. Such residential treatment centers and hospitals could incur new costs to meet the bill's requirements for providing services to such children.

C. Government Sector Impact:

The bill places numerous new requirements in law for the Department of Children and Families and community-based care lead agencies, under contract with the DCF, regarding the assessment, placement, and treatment of sexually exploited children. Some of the bill's requirements could have fiscal impacts to an unknown extent. The overall fiscal impact of the bill is indeterminate.

The bill requires the Department of Juvenile Justice (DJJ) to provide intensive training to probation officers and other staff on identifying and serving sexually exploited children. The DJJ has not provided a fiscal impact statement on those training costs.

The Department of Legal Affairs and other state agencies represented on the Statewide Council on Human Trafficking are likely to experience costs associated with staff support and expenses for Council members which may be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Line 128 states each region of the DCF and each community-based care lead agency shall establish local protocols and procedures for working with sexually exploited children. The bill is not clear as to whether those entities should develop their own separate protocols or whether they should work together to produce one set of protocols per region.

Lines 146, 148, 150, 155, and 162 refer to the “local circuit administrator,” “circuits,” or “circuit administrator.” The bill is not clear as to whether the circuit administrator is a DCF employee or the administrator of the judicial circuit.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.401, 39.524, 394.495, 409.1678, 796.07, and 985.115.

This bill creates the following sections of the Florida Statutes: 16.617 and 409.1754.

The bill creates an undesignated section of Florida law.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations on April 10, 2014:

The CS:

- Removes the bill’s provisions related to secure safe houses and a secure safe house pilot project;
- Provides that certain residential treatment centers and hospitals that provide residential mental health treatment services must provide specialized treatment for sexually exploited children in the custody of the Department of Children and Families who are placed in such facilities under certain circumstances;
- Deletes from statute certain references to short-term safe houses;
- Creates the Statewide Council on Human Trafficking; and

- Requires that the Office of Program Policy Analysis and Government Accountability's study on human trafficking must be an ongoing study with annual reports.

B. Amendments:

None.

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