

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services  
 2 Committee

3 Representative Harrell offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove lines 211-673 and insert:

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

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

14 2. Serve exclusively one sex.

15 3. Group sexually exploited children by age or maturity  
 16 level.

17 4. Care for sexually exploited children in a manner that

Amendment No. 1

18 separates those children from children with other needs. Safe  
19 houses and safe foster homes may care for other populations if  
20 the children who have not experienced sexual exploitation do not  
21 interact with children who have experienced sexual exploitation.

22 5. Have awake staff members on duty 24 hours a day, if a  
23 safe house.

24 6. Provide appropriate security through facility design,  
25 hardware, technology, staffing, and siting, including, but not  
26 limited to, external video monitoring or door exit alarms, a  
27 high staff-to-client ratio, or being situated in a remote  
28 location that is isolated from major transportation centers and  
29 common trafficking areas.

30 7. Meet other criteria established by department rule,  
31 which may include, but are not limited to, personnel  
32 qualifications, staffing ratios, and types of services offered.

33 (d) Safe houses and safe foster homes shall provide  
34 services tailored to the needs of sexually exploited children  
35 and shall conduct a comprehensive assessment of the service  
36 needs of each resident. In addition to the services required to  
37 be provided by residential child caring agencies and family  
38 foster homes, safe houses and safe foster homes must provide,  
39 arrange for, or coordinate, at a minimum, the following  
40 services:

41 1. Victim-witness counseling.

42 2. Family counseling.

43 3. Behavioral health care.

Amendment No. 1

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

Amendment No. 1

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

75 (g) The certification period for safe houses and safe  
76 foster homes shall run concurrently with the terms of their  
77 licenses.

78 (3) Services within a residential treatment center or  
79 hospital.—Residential treatment centers licensed under s.  
80 394.875, and hospitals licensed under ch. 395 which provide  
81 residential mental health treatment, shall provide specialized  
82 treatment for sexually exploited children in the custody of the  
83 department placed in these facilities pursuant to s. 39.407(6),  
84 s. 394.4625, or s. 394.467. For such children, these facilities  
85 shall meet the requirements of (2)(c)1., 3., 4., 5., 6., and 7.  
86 and (d). The facilities shall ensure that children are served  
87 in single-sex groups and that staff working with such children  
88 are adequately trained in the effects of trauma and sexual  
89 exploitation, the needs of sexually exploited children, and how  
90 to address those needs using strength-based and trauma-informed  
91 approaches.

92 (4)(a) This section does not prohibit any provider of  
93 services for sexually exploited children from appropriately  
94 billing Medicaid for services rendered, from contracting with a  
95 local school district for educational services, or from

Amendment No. 1

96 obtaining federal or local funding for services provided, as  
97 long as two or more funding sources do not pay for the same  
98 specific service that has been provided to a child.

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

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

111 Section 3. Section 39.524, Florida Statutes, is amended to  
112 read:

113 39.524 Safe-harbor placement.—

114 (1) Except as provided in s. 39.407 or s. 985.801, a  
115 dependent child 6 years of age or older who has been found to be  
116 a victim of sexual exploitation as defined in s. 39.01(67)(g)  
117 must be assessed for placement in a safe house or safe foster  
118 home as provided in s. 409.1678 using the initial screening and  
119 assessment instruments provided in s. 409.1754(1). ~~The~~  
120 ~~assessment shall be conducted by the department or its agent and~~  
121 ~~shall incorporate and address current and historical information~~

Amendment No. 1

122 ~~from any law enforcement reports; psychological testing or~~  
123 ~~evaluation that has occurred; current and historical information~~  
124 ~~from the guardian ad litem, if one has been assigned; current~~  
125 ~~and historical information from any current therapist, teacher,~~  
126 ~~or other professional who has knowledge of the child and has~~  
127 ~~worked with the child; and any other information concerning the~~  
128 ~~availability and suitability of safe house placement. If such~~  
129 ~~placement is determined to be appropriate for the child as a~~  
130 ~~result of this assessment, the child may be placed in a safe~~  
131 ~~house or safe foster home, if one is available. However, the~~  
132 ~~child may be placed in another setting, if the other setting is~~  
133 ~~more appropriate to the child's needs or if a safe house or safe~~  
134 ~~foster home is unavailable, as long as the child's behaviors are~~  
135 ~~managed so as not to endanger other children served in that~~  
136 ~~setting. As used in this section, the term "available" as it~~  
137 ~~relates to a placement means a placement that is located within~~  
138 ~~the circuit or otherwise reasonably accessible.~~

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

146 (3) (a) By December 1 of each year, the department shall  
147 report to the Legislature on the placement of children in safe

## Amendment No. 1

148 houses and safe foster homes during the year, including the  
149 criteria used to determine the placement of children, the number  
150 of children who were evaluated for placement, the number of  
151 children who were placed based upon the evaluation, and the  
152 number of children who were not placed.

153 (b) The department shall maintain data specifying the  
154 number of children who were referred to a safe house or safe  
155 foster home for whom placement was unavailable and the counties  
156 in which such placement was unavailable. The department shall  
157 include this data in its report under this subsection so that  
158 the Legislature may consider this information in developing the  
159 General Appropriations Act.

160 Section 4. Paragraph (b) of subsection (2) and paragraph  
161 (b) of subsection (3) of section 39.401, Florida Statutes, are  
162 amended to read:

163 39.401 Taking a child alleged to be dependent into  
164 custody; law enforcement officers and authorized agents of the  
165 department.—

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

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

## Amendment No. 1

174 sexually exploited, the law enforcement officer shall deliver  
175 the child to the department. ~~The department may place the child~~  
176 ~~in an appropriate short-term safe house as provided for in s.~~  
177 ~~409.1678 if a short-term safe house is available.~~

178

179 For cases involving allegations of abandonment, abuse, or  
180 neglect, or other dependency cases, within 3 days after such  
181 release or within 3 days after delivering the child to an  
182 authorized agent of the department, the law enforcement officer  
183 who took the child into custody shall make a full written report  
184 to the department.

185 (3) If the child is taken into custody by, or is delivered  
186 to, an authorized agent of the department, the agent shall  
187 review the facts supporting the removal with an attorney  
188 representing the department. The purpose of the review is to  
189 determine whether there is probable cause for the filing of a  
190 shelter petition.

191 (b) If the facts are sufficient and the child has not been  
192 returned to the custody of the parent or legal custodian, the  
193 department shall file the petition and schedule a hearing, and  
194 the attorney representing the department shall request that a  
195 shelter hearing be held within 24 hours after the removal of the  
196 child. While awaiting the shelter hearing, the authorized agent  
197 of the department may place the child in licensed shelter care,  
198 ~~or in a short-term safe house if the child is a sexually~~  
199 ~~exploited child,~~ or may release the child to a parent or legal



## Amendment No. 1

200 custodian or responsible adult relative or the adoptive parent  
201 of the child's sibling who shall be given priority consideration  
202 over a licensed placement, or a responsible adult approved by  
203 the department if this is in the best interests of the child.  
204 Placement of a child which is not in a licensed shelter must be  
205 preceded by a criminal history records check as required under  
206 s. 39.0138. In addition, the department may authorize placement  
207 of a housekeeper/homemaker in the home of a child alleged to be  
208 dependent until the parent or legal custodian assumes care of  
209 the child.

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

212 796.07 Prohibiting prostitution and related acts.—

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

Amendment No. 1

225 Section 6. Paragraph (b) of subsection (2) of section  
226 985.115, Florida Statutes, is amended to read:

227 985.115 Release or delivery from custody.—

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

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

235 Section 7. Paragraph (p) is added to subsection (4) of  
236 section 394.495, Florida Statutes, to read:

237 394.495 Child and adolescent mental health system of care;  
238 programs and services.—

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

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

243 Section 8. The Office of Program Policy Analysis and  
244 Government Accountability shall conduct an annual study on  
245 commercial sexual exploitation of children in Florida. The study  
246 shall assess the extent of commercial sexual exploitation of  
247 children, including, but not limited to, its prevalence in  
248 various regions of the state. The study shall also identify  
249 specialized services needed by sexually exploited children and  
250 any gaps in the availability of such services by region,

Amendment No. 1

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

272  
273  
274  
275 -----  
276 **T I T L E   A M E N D M E N T**

## Amendment No. 1

277 Remove lines 23-61 and insert:  
278 force under certain circumstances; amending s.  
279 409.1678, F.S.; providing definitions; requiring the  
280 department to certify safe houses and safe foster  
281 homes and certain residential facilities; providing  
282 requirements for certification as a safe house or safe  
283 foster home; requiring the department to inspect safe  
284 houses and safe foster homes; requiring training for  
285 persons providing services in safe houses and safe  
286 foster homes; providing rulemaking authority to the  
287 department; requiring residential treatment centers or  
288 hospitals to provide specialized treatment; providing  
289 for service providers to obtain federal or local  
290 funding under certain conditions; providing for scope  
291 of availability of services; amending s. 39.524, F.S.;  
292 providing for review of safe harbor placement of a  
293 child in a safe house or safe foster home; revising  
294 criteria for placement; authorizing placement in  
295 settings other than safe houses and safe foster homes  
296 under certain conditions; amending ss. 39.401, 796.07,  
297 and 985.115, F.S.; conforming references; amending s.  
298 394.495, F.S.; including trauma-informed services for  
299 sexually exploited children in the child and  
300 adolescent mental health system of care; requiring the  
301 Office of Program Policy Analysis and Government  
302 Accountability to conduct studies and submit reports

Amendment No. 1

303 | to the Governor

304