

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 Children, Families, and Elder Affairs

BILL: SB 634

INTRODUCER: Senator Steube

SUBJECT: Trauma-informed Services for Children

DATE: February 19, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Pre-meeting
2.			AHS	
3.			AP	

I. Summary:

SB 634 amends s. 394.495, F.S., relating to the child and adolescent mental health system of care, to prohibit a child who has suffered sexual exploitation from being placed in a generic shelter setting when safe-harbor or trauma-informed housing is not available.

The bill also requires the Department of Children and Families (DCF or department) to convene a team of individuals with expertise in anti-trafficking and sexual violence and experience working with children who have suffered sexual exploitation to determine the safest placement for a child until an appropriate out-of-home placement becomes available. The child's placement must match his or her individual needs, avoid revictimization of the child, and provide safety.

The bill will have a significant fiscal impact on state government and has an effective date of July 1, 2018.

II. Present Situation:

Commercial Sexual Exploitation of Children

Commercial Sexual Exploitation of Children (CSEC) refers to a range of crimes and activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything given or received by any person.¹ Examples of crimes and acts that constitute CSEC include:

- Child sex trafficking/the prostitution of children;
- Child sex tourism involving commercial sexual activity;
- The commercial production of child pornography; and

¹ U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *Commercial Exploitation of Children*, available at: https://www.ojjdp.gov/programs/csec_program.html. (last visited February 14, 2018).

- The online transmission of live video of a child engaged in sexual activity in exchange for anything of value.²

CSEC also includes situations where a child, whether or not at the direction of any other person, engages in sexual activity in exchange for anything of value, which includes non-monetary things such as food, shelter, drugs, or protection from any person. Depending on the specific circumstances, CSEC may also occur in the context of internet-based marriage brokering, early marriage, and children performing in sexual venues.³

Child Sexual Exploitation in Florida

It is difficult to obtain an accurate count of CSE children because these victims are not readily identifiable.⁴ CSE survivors often do not see themselves as victims, and do not have immediately recognizable characteristics, many do not have identification, and they are often physically or psychologically controlled by adult traffickers, as such, they rarely disclose or provide information on exploitation.⁵

The number of reports to the Florida Abuse Hotline (Hotline) alleging human trafficking has increased each year since FY 2010-11.⁶

Number of Reports of Human Trafficking ⁷ to the Florida Abuse Hotline					
FY 2010-2011	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016
480	788	935	978	1,225	1,892

Services for Victims

The department is responsible for the child welfare needs of human trafficking victims.⁸ To work toward ensuring that services needed by CSE victims are available in each community, each DCF region and each community-based care lead agency (CBC) must jointly assess local service capacity to meet the specialized service needs of sexually exploited children and establish a plan to develop the necessary capacity.⁹

² *Id.*

³ *Id.*

⁴ The Florida Legislature Office of Program Policy Analysis & Government Accountability, *Placement Challenges Persist for Child Victims of Commercial Sexual Exploitation; Questions Regarding Effective Interventions and Outcomes Remain*, Report No. 16-04, (Jul. 2016), available at: <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1604rpt.pdf>. (last visited February 14, 2018).

⁵ *Id.*

⁶ Florida Department of Children and Families, *Annual Human Trafficking Report 2016-2017 State Fiscal Year*, (Oct. 2017), available at: <http://www.dcf.state.fl.us/programs/childwelfare/docs/2017LMRs/Human%20Trafficking%20Annual%20Report.pdf>. (last visited February 14, 2018).

⁷ Human trafficking includes both the commercial sexual exploitation of children and labor trafficking.

⁸ Section 409.996, F.S.

⁹ Each region of the department and each community-based care lead agency must establish local protocols and procedures for working with sexually exploited children that are responsive to the individual circumstances of each child. The protocols and procedures shall take into account the varying types and levels of trauma endured; whether the sexual exploitation is actively occurring, occurred in the past, or is inactive but likely to recur; and the differing community resources and degrees

In cases in which a child is alleged, suspected, or known to have been sexually exploited, DCF and community-based care lead agencies conduct multidisciplinary staffings in order to begin the process of providing services.¹⁰ The staffing includes local experts in child protection, child welfare, medical professionals, and law enforcement to assess the needs of the child and determine whether the child needs to be placed and served in a specialized residential program, such as a safe house or a safe foster home.¹¹

For children in the child welfare system, including CSE victims, DCF must develop a case plan with input from all parties to the dependency case that details the problems being addressed as well as the goals, tasks, services, and responsibilities required to ameliorate the concerns of the state.¹² This case plan required by s. 39.6011, F.S. may meet the requirement for a service plan, but must be amended to incorporate the results of the multidisciplinary staffing.¹³

For CSE victims who are not part of the child welfare system, DCF or the sheriff's office providing child protective investigative services must provide a service plan to the victim's family or legal guardian.¹⁴ Compliance with the service plan is voluntary for CSE victims who have not been adjudicated dependent and are not part of the child welfare system.

Placements for Victims

The department is responsible for the child welfare needs of child human trafficking victims, including child CSE victims, and such services could include, in some instances, a placement in a specialized residential program, such as a safe house, a safe foster home, or a residential treatment center (RTC).

Safe Houses and Safe Foster Homes

A safe house is a group residential placement certified by the department to care for sexually exploited children,¹⁵ while a safe foster home is a foster home that has been certified by the department to care for sexually exploited children.¹⁶ Statute outlines a certification process to ensure that these specialized homes provide the environment and services most conducive to a victim's recovery. To be certified, a safe home or safe foster home must:¹⁷

- Use strength-based and trauma-informed approaches to care, to the extent possible and appropriate;
- Serve exclusively one sex;
- Group child victims of commercial sexual exploitation by age or maturity level.

of familial support that are available. Child protective investigators and case managers must use these protocols and procedures when working with a sexually exploited child. Section 409.1754(3)(c), F.S.

¹⁰ Section 409.1754(2), F.S.

¹¹ Sections 39.524(1) and 409.1754(2), F.S.

¹² Sections 39.6011 and 39.6012, F.S.

¹³ Section 409.1754(2)(b), F.S.

¹⁴ Section 409.1754(2)(c), F.S.

¹⁵ Section 409.1678(1)(b), F.S.

¹⁶ Section 409.1678(1)(a), F.S.

¹⁷ Section 409.1678(2), F.S.

- Care for child victims of commercial sexual exploitation in a manner that separates those children from children with other needs. Safe houses and safe foster homes may care for other populations if the children who have not experienced commercial sexual exploitation do not interact with children who have experienced commercial sexual exploitation.
- Have awake staff members on duty 24 hours a day, if a safe house; and
- Provide appropriate security through facility design, hardware, technology, staffing, and siting, including, but not limited to, external video monitoring or door exit alarms, a high staff-to-client ratio, or being situated in a remote location that is isolated from major transportation centers and common trafficking areas.

Services provided must, at a minimum, include:

- Victim-witness counseling;
- Family counseling;
- Behavioral health care;
- Treatment and intervention for sexual assault;
- Education tailored to the child's individual needs, including remedial education if necessary;
- Life skills training;
- Mentoring by a survivor of sexual exploitation, if available and appropriate for the child;
- Substance abuse screening and, when necessary, access to treatment;
 - Planning services for the successful transition of each child back to the community; and
 - Activities structured in a manner that provides child victims of sexual exploitation with a full schedule.

There are currently 86 beds that are active, but not necessarily available for several reasons, including that safe houses normally serve four youth at a time, even though their capacity might be larger. The cost of the 86 beds runs from \$112.40/day to as high as \$508/day.¹⁸

Residential Treatment Centers

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 CSE victims who are in DCF custody and who are placed there.¹⁹ These hospitals and residential treatment centers (RTC) must meet specific statutory requirements to serve child CSE victims. Specifically, they must meet the same requirements as those for safe houses and safe foster homes, with the exception of serving exclusively one sex. CSE victims must, however, be served in single-sex groups.²⁰

III. Effect of Proposed Changes:

Section 1 amends s. 394.495, F.S., relating to the child and adolescent mental health system of care, to prohibit a child who has suffered sexual exploitation from being placed in a generic shelter setting when safe-harbor or trauma-informed housing is not available.

¹⁸ Department of Children and Families, 2018 Agency Legislative Bill Analysis, SB 634, November 29, 2017.

¹⁹ Section 409.1678(3), F.S.

²⁰ *Id.*

The bill also requires the department to convene a team of individuals with expertise in anti-trafficking and sexual violence and experience working with children who have suffered sexual exploitation to determine the safest placement for a child until an appropriate out-of-home placement becomes available. The child's placement must match his or her individual needs, avoid revictimization of the child, and provide safety.

Section 2 provides an effective date of July 1, 2018.

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:

None.

C. Government Sector Impact:

The department reported that according to the Annual Human Trafficking Report (FY 16-17), 258 CSEC victims were served at a cost of \$4,900,609. Of the 258 victims, 141 were evaluated for placement in a safe house or safe foster home. 35 of the 141 were actually placed in a safe house or safe foster home and 106 were not placed in a safe house or safe foster home for a variety of reasons, including the ability to remain safe with a parent or relative with wraparound services, the child's refusal to participate, or the child aging out of foster care.²¹

The department estimates that if a total of 258 victims need to be placed in a safe house or safe foster home, 172 additional beds are needed at an annual projected average cost

²¹ Department of Children and Families, 2018 Agency Legislative Bill Analysis, SB 634, November 29, 2017.

\$27,267,878 to increase placement capacity. There will be additional costs for the specialized assessment teams.²²

VI. Technical Deficiencies:

The amending language in the bill would be more appropriately placed in s. 409.1678, F.S., relating to specialized residential options for children who are victims of commercial sexual exploitation.

There are no current definitions for the terms “generic shelter setting” or “safe-harbor or trauma-informed housing.”

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends s. 394.495 of the Florida Statutes.

IX. Additional Information:

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

None.

B. **Amendments:**

None.

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

²² *Id.*